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Legislation

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Contents

[1] Text with EEA relevance.

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

[1] Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2017/2060

of 6 November 2017

on the conclusion, on behalf of the European Union and its Member States, of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with point (a)(i) of the second subparagraph of Article 218(6) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ([1]),

Whereas:

(1) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of Croatia to, inter alia, the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ([2]) ('the Agreement') is to be agreed by means of a protocol to that Agreement ('the Protocol'). Pursuant to the Agreement, a simplified procedure is to apply to such accessions, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third country concerned.

(2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned in view of the accession of Croatia to the Union. The negotiations with Chile were successfully concluded and the Protocol was signed, on behalf of the European Union and its Member States, on 29 June 2017 in Brussels.

(3) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby approved on behalf of the Union and its Member States ([3]).

([1]) Consent of 14 September 2017 (not yet published in the Official Journal).
([2]) OJ L 352, 30.12.2002, p. 3.
([3]) The Protocol has been published in OJ L 196 of 27.7.2017 together with the decision on signature.

Article 2

The President of the Council shall, on behalf of the Union and its Member States, give the notification provided for in Article 14(1) of the Protocol.

Article 3

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

Done at Brussels, 6 November 2017.

For the Council
The President
T. TAMM

REGULATIONS

COUNCIL REGULATION (EU) 2017/2061

of 13 November 2017

amending Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2017/2073 of 13 November 2017 amending Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ([1]),

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

Whereas:

(1) Council Regulation (EC) No 2580/2001 ([2]) gives effect to Common Position 2001/931/CFSP ([3]).

(2) Decision (CFSP) 2017/2073 deletes one entity from the list referred to in Article 2(3) of Regulation (EC) No 2580/2001.

(3) Regulatory action at the level of the Union is necessary, in particular with a view to ensuring its uniform application by economic operators in all Member States.

(4) Regulation (EC) No 2580/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 2580/2001, paragraph 4 is deleted.

Article 2

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

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

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

([1]) See page 59 of this Official Journal.
([2]) Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ L 344, 28.12.2001, p. 70).
([3]) Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

COUNCIL REGULATION (EU) 2017/2062

of 13 November 2017

amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP ([1]),

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

Whereas:

(1) Council Regulation (EU) 2017/1509 ([2]) gives effect to measures provided for in Decision (CFSP) 2016/849.

(2) On 16 October 2017, the Council decided to further expand the ban on EU investment in and/or with DPRK to all sectors, lower the amount of personal remittances that could be sent to DPRK from EUR 15 000 to EUR 5 000 and to impose an oil export ban to DPRK.

(3) Council Regulation (EU) 2017/1858 ([3]) amended Regulation (EU) 2017/1509 to give effect to the measures provided for in Decision (CFSP) 2016/849.

(4) The Council also invited the Commission to review the list of luxury goods, subject to an import and export ban, in consultation with Member States.

(5) These measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.

(6) Regulation (EU) 2017/1509 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VIII to Regulation (EU) 2017/1509 is amended in accordance with the Annex to this Regulation.

Article 2

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

([1]) OJ L 141, 28.5.2016, p. 79.
([2]) Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007 (OJ L 224, 31.8.2017, p. 1).
([3]) Council Regulation (EU) 2017/1858 of 16 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 265 I, 16.10.2017, p. 1).

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

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

ANNEX

Annex VIII to Regulation (EU) 2017/1509 is replaced as follows:

'*ANNEX VIII*

Luxury goods referred to in Article 10

EXPLANATORY NOTE

The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation.

(1) Horses

	0101 21 00	Pure-bred breeding animals
ex	0101 29 90	Other

(2) Caviar and caviar substitutes

	1604 31 00	Caviar
	1604 32 00	Caviar substitutes

(3) Truffles and preparations thereof

	0709 59 50	Truffles
ex	0710 80 69	Other
ex	0711 59 00	Other
ex	0712 39 00	Other
ex	2001 90 97	Other
	2003 90 10	Truffles
ex	2103 90 90	Other
ex	2104 10 00	Soups and broths and preparations therefor
ex	2104 20 00	Homogenised composite food preparations
ex	2106 00 00	Food preparations not elsewhere specified or included

(4) Wines (including sparkling wines), beers, spirits and spirituous beverages

	2203 00 00	Beer made from malt
	2204 10 11	Champagne
	2204 10 91	Asti spumante
	2204 10 93	Other
	2204 10 94	With a protected geographical indication (PGI)
	2204 10 96	Other varietal wines

	2204 10 98	Other
	2204 21 00	In containers holding 2 litres or less
	2204 29 00	Other
	2205 00 00	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
	2206 00 00	Other fermented beverages (for example, cider, perry, mead, saké); mixtures of fermented beverages and mixtures of fermented beverages with non-alcoholic beverages, not elsewhere specified or included
	2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher
	2208 00 00	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages

(5) Cigars and cigarillos

	2402 10 00	Cigars, cheroots and cigarillos, containing tobacco
	2402 90 00	Other

(6) Perfumes, toilet waters and cosmetics, including beauty and make-up products

	3303	Perfumes and toilet waters
	3304 00 00	Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or suntan preparations; manicure or pedicure preparations
	3305 00 00	Preparations for use on the hair
	3307 00 00	Pre-shave, shaving or aftershave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorisers, whether or not perfumed or having disinfectant properties
	6704 00 00	Wigs, false beards, eyebrows and eyelashes, switches and the like, of human or animal hair or of textile materials; articles of human hair not elsewhere specified or included

(7) Leather, saddlery and travel goods, handbags and similar articles of a value exceeding EUR 50 each

ex	4201 00 00	Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle-cloths, saddlebags, dog coats and the like), of any material
ex	4202 00 00	Trunks, suitcases, vanity cases, executive-cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; travelling-bags, insulated food or beverages bags, toilet bags, rucksacks, handbags, shopping-bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sports bags, bottle-cases, jewellery boxes, powder boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanised fibre or of paperboard, or wholly or mainly covered with such materials or with paper
ex	4205 00 90	Other
ex	9605 00 00	Travel sets for personal toilet, sewing or shoe or clothes cleaning

(8) Coats of a value exceeding EUR 75 each, or other garments, clothing accessories and shoes (regardless of their material) of a value exceeding EUR 20 each

ex	4203 00 00	Articles of apparel and clothing accessories, of leather or of composition leather
ex	4303 00 00	Articles of apparel, clothing accessories and other articles of furskin
ex	6101 00 00	Men's or boys' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6103
ex	6102 00 00	Women's or girls' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6104
ex	6103 00 00	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted
ex	6104 00 00	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted
ex	6105 00 00	Men's or boys' shirts, knitted or crocheted
ex	6106 00 00	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted
ex	6107 00 00	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted
ex	6108 00 00	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted
ex	6109 00 00	T-shirts, singlets and other vests, knitted or crocheted
ex	6110 00 00	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted
ex	6111 00 00	Babies' garments and clothing accessories, knitted or crocheted
ex	6112 11 00	Of cotton
ex	6112 12 00	Of synthetic fibres
ex	6112 19 00	Of other textile materials
	6112 20 00	Ski suits
	6112 31 00	Of synthetic fibres
	6112 39 00	Of other textile materials
	6112 41 00	Of synthetic fibres
	6112 49 00	Of other textile materials
ex	6113 00 10	Of knitted or crocheted fabrics of heading 5906
ex	6113 00 90	Other
ex	6114 00 00	Other garments, knitted or crocheted
ex	6115 00 00	Pantyhose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example, stockings for varicose veins) and footwear without applied soles, knitted or crocheted

ex	6116 00 00	Gloves, mittens and mitts, knitted or crocheted
ex	6117 00 00	Other made-up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories
ex	6201 00 00	Men's or boys' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, other than those of heading 6203
ex	6202 00 00	Women's or girls' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 6204
ex	6203 00 00	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear)
ex	6204 00 00	Women's or girls. suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear)
ex	6205 00 00	Men's or boys' shirts
ex	6206 00 00	Women's or girls' blouses, shirts and shirt-blouses
ex	6207 00 00	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles
ex	6208 00 00	Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles
ex	6209 00 00	Babies' garments and clothing accessories
ex	6210 10 00	Of fabrics of heading 5602 or 5603
ex	6210 20 00	Other garments, of the type described in subheadings 6201 11 to 6201 19
ex	6210 30 00	Other garments, of the type described in subheadings 6202 11 to 6202 19
ex	6210 40 00	Other men's or boys' garments
ex	6210 50 00	Other women's or girls' garments
	6211 11 00	Men's or boys'
	6211 12 00	Women's or girls'
	6211 20 00	Ski suits
ex	6211 32 00	Of cotton
ex	6211 33 00	Of man-made fibres
ex	6211 39 00	Of other textile materials
ex	6211 42 00	Of cotton
ex	6211 43 00	Of man-made fibres
ex	6211 49 00	Of other textile materials
ex	6212 00 00	Brassières, girdles, corsets, braces, suspenders, garters and similar articles and parts thereof, whether or not knitted or crocheted
ex	6213 00 00	Handkerchiefs

ex	6214 00 00	Shawls, scarves, mufflers, mantillas, veils and the like
ex	6215 00 00	Ties, bow ties and cravats
ex	6216 00 00	Gloves, mittens and mitts
ex	6217 00 00	Other made-up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212
ex	6401 00 00	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
ex	6402 20 00	Footwear with upper straps or thongs assembled to the sole by means of plugs
ex	6402 91 00	Covering the ankle
ex	6402 99 00	Other
ex	6403 19 00	Other
ex	6403 20 00	Footwear with outer soles of leather, and uppers which consist of leather straps across the instep and around the big toe
ex	6403 40 00	Other footwear, incorporating a protective metal toecap
ex	6403 51 00	Covering the ankle
ex	6403 59 00	Other
ex	6403 91 00	Covering the ankle
ex	6403 99 00	Other
ex	6404 19 10	Slippers and other indoor footwear
ex	6404 20 00	Footwear with outer soles of leather or composition leather
ex	6405 00 00	Other footwear
ex	6504 00 00	Hats and other headgear, plaited or made by assembling strips of any material, whether or not lined or trimmed
ex	6505 00 10	Of fur felt or of felt of wool and fur, made from the hat bodies, hoods or plateaux of heading 6501 00 00
ex	6505 00 30	Peaked caps
ex	6505 00 90	Other
ex	6506 99 00	Of other materials
ex	6601 91 00	Having a telescopic shaft
ex	6601 99 00	Other
ex	6602 00 00	Walking sticks, seat-sticks, whips, riding-crops and the like
ex	9619 00 81	Napkins and napkin liners for babies

(9) Carpets, rugs and tapestries, hand-made or not

	5701 00 00	Carpets and other textile floor coverings, knotted, whether or not made up
	5702 10 00	'Kelem', 'Schumacks', 'Karamanie' and similar hand-woven rugs
	5702 20 00	Floor coverings of coconut fibres (coir)
	5702 31 80	Other
	5702 32 00	Of man-made textile materials
	5702 39 00	Of other textile materials
	5702 41 90	Other
	5702 42 00	Of man-made textile materials
	5702 50 00	Other, not of pile construction, not made up
	5702 91 00	Of wool or fine animal hair
	5702 92 00	Of man-made textile materials
	5702 99 00	Of other textile materials
	5703 00 00	Carpets and other textile floor coverings, tufted, whether or not made up
	5704 00 00	Carpets and other textile floor coverings, of felt, not tufted or flocked, whether or not made up
	5705 00 00	Other carpets and other textile floor coverings, whether or not made up
	5805 00 00	Hand-woven tapestries of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up

(10) Pearls, precious and semi-precious stones, articles of pearls, jewellery, gold- or silversmith articles

	7101 00 00	Pearls, natural or cultured, whether or not worked or graded but not strung, mounted or set; pearls, natural or cultured, temporarily strung for convenience of transport
	7102 00 00	Diamonds, whether or not worked, but not mounted or set
	7103 00 00	Precious stones (other than diamonds) and semi-precious stones, whether or not worked or graded but not strung, mounted or set; ungraded precious stones (other than diamonds) and semi-precious stones, temporarily strung for convenience of transport
	7104 20 00	Other, unworked or simply sawn or roughly shaped
	7104 90 00	Other
	7105 00 00	Dust and powder of natural or synthetic precious or semi-precious stones
	7106 00 00	Silver (including silver plated with gold or platinum), unwrought or in semi-manufactured forms, or in powder form
	7107 00 00	Base metals clad with silver, not further worked than semi-manufactured
	7108 00 00	Gold (including gold plated with platinum), unwrought or in semi-manufactured forms, or in powder form
	7109 00 00	Base metals or silver, clad with gold, not further worked than semi-manufactured

	7110 11 00	Unwrought or in powder form
	7110 19 00	Other
	7110 21 00	Unwrought or in powder form
	7110 29 00	Other
	7110 31 00	Unwrought or in powder form
	7110 39 00	Other
	7110 41 00	Unwrought or in powder form
	7110 49 00	Other
	7111 00 00	Base metals, silver or gold, clad with platinum, not further worked than semi-manufactured
	7113 00 00	Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal
	7114 00 00	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal
	7115 00 00	Other articles of precious metal or of metal clad with precious metal
	7116 00 00	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)

(11) Coins and banknotes, not being legal tender

ex	4907 00 30	Banknotes
	7118 10 00	Coin (other than gold coin), not being legal tender
ex	7118 90 00	Other

(12) Cutlery of precious metal or plated or clad with precious metal

	7114 00 00	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal
	7115 00 00	Other articles of precious metal or of metal clad with precious metal
ex	8214 00 00	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paperknives); manicure or pedicure sets and instruments (including nail files)
ex	8215 00 00	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware
ex	9307 00 00	Swords, cutlasses, bayonets, lances and similar arms and parts thereof and scabbards and sheaths therefor

(13) Tableware of porcelain, china, stone- or earthenware or fine pottery

	6911 00 00	Tableware, kitchenware, other household articles and toilet articles, of porcelain or china
	6912 00 23	Stoneware

	6912 00 25	Earthenware or fine pottery
	6912 00 83	Stoneware
	6912 00 85	Earthenware or fine pottery
	6914 10 00	Of porcelain or china
	6914 90 00	Other

(14) Items of lead crystal

ex	7009 91 00	Unframed
ex	7009 92 00	Framed
ex	7010 00 00	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass
	7013 22 00	Of lead crystal
	7013 33 00	Of lead crystal
	7013 41 00	Of lead crystal
	7013 91 00	Of lead crystal
ex	7018 10 00	Glass beads, imitation pearls, imitation precious or semi-precious stones and similar glass small-wares
ex	7018 90 00	Other
ex	7020 00 80	Other
ex	9405 10 50	Of glass
ex	9405 20 50	Of glass
ex	9405 50 00	Non-electrical lamps and lighting fittings
ex	9405 91 00	Of glass

(15) Electronic items for domestic use of a value exceeding EUR 50 each

ex	8414 51	Table, floor, wall, window, ceiling or roof fans, with a self-contained electric motor of an output not exceeding 125 W
ex	8414 59 00	Other
ex	8414 60 00	Hoods having a maximum horizontal side not exceeding 120 cm
ex	8415 10 00	Window or wall types, self-contained or 'split-system'
ex	8418 10 00	Combined refrigerator-freezers, fitted with separate external doors
ex	8418 21 00	Compression-type
ex	8418 29 00	Other
ex	8418 30 00	Freezers of the chest type, not exceeding 800 litres capacity

ex	8418 40 00	Freezers of the upright type, not exceeding 900 litres capacity
ex	8419 81 00	For making hot drinks or for cooking or heating food
ex	8422 11 00	Of the household type
ex	8423 10 00	Personal weighing machines, including baby scales; household scales
ex	8443 12 00	Offset printing machinery, sheet fed, office type (using sheets with one side not exceeding 22 cm and the other side not exceeding 36 cm in the unfolded state)
ex	8443 31 00	Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data-processing machine or to a network
ex	8443 32 00	Other, capable of connecting to an automatic data-processing machine or to a network
ex	8443 39 00	Other
ex	8450 11 00	Fully-automatic machines
ex	8450 12 00	Other machines, with built-in centrifugal drier
ex	8450 19 00	Other
ex	8451 21 00	Each of a dry linen capacity not exceeding 10 kg
ex	8452 10 00	Sewing machines of the household type
ex	8470 10 00	Electronic calculators capable of operation without an external source of electric power and pocket-size data-recording, reproducing and displaying machines with calculating functions
ex	8470 21 00	Incorporating a printing device
ex	8470 29 00	Other
ex	8470 30 00	Other calculating machines
ex	8471 00 00	Automatic data-processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included
ex	8472 90 40	Word-processing machines
ex	8472 90 90	Other
ex	8479 60 00	Evaporative air coolers
ex	8508 11 00	Of a power not exceeding 1 500 W and having a dust bag or other receptacle capacity not exceeding 20 l
ex	8508 19 00	Other
ex	8508 60 00	Other vacuum cleaners
ex	8509 80 00	Other appliances
ex	8516 31 00	Hairdryers
ex	8516 50 00	Microwave ovens
ex	8516 60 10	Cookers (incorporating at least an oven and a hob)

ex	8516 71 00	Coffee or tea makers
ex	8516 72 00	Toasters
ex	8516 79 00	Other
ex	8517 11 00	Line telephone sets with cordless handsets
ex	8517 12 00	Telephones for cellular networks or for other wireless networks
ex	8517 18 00	Other
ex	8517 61 00	Base stations
ex	8517 62 00	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus
ex	8517 69 00	Other
ex	8526 91 00	Radio navigational aid apparatus
ex	8529 10 31	For reception via satellite
ex	8529 10 39	Other
ex	8529 10 65	Inside aerials for radio or television broadcast receivers, including built-in types
ex	8529 10 69	Other
ex	8531 10 00	Burglar or fire alarms and similar apparatus
ex	8543 70 10	Electrical machines with translation or dictionary functions
ex	8543 70 30	Aerial amplifiers
ex	8543 70 50	Sunbeds, sunlamps and similar suntanning equipment
ex	8543 70 90	Other
	9504 50 00	Video game consoles and machines, other than those of subheading 9504 30
	9504 90 80	Other

(16) Electrical/electronic or optical apparatus for recording and reproducing sound and images, of a value exceeding EUR 50 each

ex	8519 00 00	Sound recording or sound reproducing apparatus
ex	8521 00 00	Video recording or reproducing apparatus, whether or not incorporating a video tuner
ex	8525 80 30	Digital cameras
ex	8525 80 91	Only able to record sound and images taken by the television camera
ex	8525 80 99	Other
ex	8527 00 00	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock

ex	8528 71 00	Not designed to incorporate a video display or screen
ex	8528 72 00	Other, colour
ex	9006 00 00	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than discharge lamps of heading 8539
ex	9007 00 00	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus

(17) Vehicles for the transport of persons on earth, air or sea of a value exceeding EUR 10 000 each, teleferics, chairlifts, ski-draglines, traction mechanisms for funiculars, motorbikes of a value exceeding EUR 1 000 each, as well as their accessories and spare parts

ex	4011 10 00	Of a kind used on motor cars (including station wagons and racing cars)
ex	4011 20 00	Of a kind used on buses or lorries
ex	4011 30 00	Of a kind used on aircraft
ex	4011 40 00	Of a kind used on motorcycles
ex	4011 90 00	Other
ex	7009 10 00	Rear-view mirrors for vehicles
ex	8407 00 00	Spark-ignition reciprocating or rotary internal combustion piston engines
ex	8408 00 00	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)
ex	8409 00 00	Parts suitable for use solely or principally with the engines of heading 8407 or 8408
ex	8411 00 00	Turbojets, turbopropellers and other gas turbines
	8428 60 00	Teleferics, chairlifts, ski-draglines, traction mechanisms for funiculars
ex	8431 39 00	Parts and acccessories of teleferics, chairlifts, ski-draglines, traction mechanisms for funiculars
ex	8483 00 00	Transmission shafts (including cam shafts and crank shafts) and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gear boxes and other speed changers, including torque converters; flywheels and pulleys, including pulley blocks; clutches and shaft couplings (including universal joints)
ex	8511 00 00	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines
ex	8512 20 00	Other lighting or visual signalling equipment
ex	8512 30 10	Burglar alarms of a kind used for motor vehicles
ex	8512 30 90	Other
ex	8512 40 00	Windscreen wipers, defrosters and demisters
ex	8544 30 00	Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships

ex	8603 00 00	Self-propelled railway or tramway coaches, vans and trucks, other than those of heading 8604
ex	8605 00 00	Railway or tramway passenger coaches, not self-propelled; luggage vans, post office coaches and other special purpose railway or tramway coaches, not self-propelled (excluding those of heading 8604)
ex	8607 00 00	Parts of railway or tramway locomotives or rolling stock
ex	8702 00 00	Motor vehicles for the transport of ten or more persons, including the driver
ex	8703 00 00	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars, including snowmobiles
ex	8706 00 00	Chassis fitted with engines, for the motor vehicles of headings 8701 to 8705
ex	8707 00 00	Bodies (including cabs), for the motor vehicles of headings 8701 to 8705
ex	8708 00 00	Parts and accessories of the motor vehicles of headings 8701 to 8705
ex	8711 00 00	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars
ex	8712 00 00	Bicycles and other cycles (including delivery tricycles), not motorised
ex	8714 00 00	Parts and accessories of vehicles of headings 8711 to 8713
ex	8716 10 00	Trailers and semi-trailers of the caravan type, for housing or camping
ex	8716 40 00	Other trailers and semi-trailers
ex	8716 90 00	Parts
ex	8801 00 00	Balloons and dirigibles; gliders, hang gliders and other non-powered aircraft
ex	8802 11 00	Of an unladen weight not exceeding 2 000 kg
ex	8802 12 00	Of an unladen weight exceeding 2 000 kg
	8802 20 00	Aeroplanes and other aircraft, of an unladen weight not exceeding 2 000 kg
ex	8802 30 00	Aeroplanes and other aircraft, of an unladen weight exceeding 2 000 kg but not exceeding 15 000 kg
ex	8802 40 00	Aeroplanes and other aircraft, of an unladen weight exceeding 15 000 kg
ex	8803 10 00	Propellers and rotors and parts thereof
ex	8803 20 00	Undercarriages and parts thereof
ex	8803 30 00	Other parts of aeroplanes or helicopters
ex	8803 90 10	Of kites
ex	8803 90 90	Other

ex	8805 10 00	Aircraft launching gear and parts thereof; deck-arrestor or similar gear and parts thereof
ex	8901 10 00	Cruise ships, excursion boats and similar vessels principally designed for the transport of persons; ferry-boats of all kinds
ex	8901 90 00	Other vessels for the transport of goods and other vessels for the transport of both persons and goods
ex	8903 00 00	Yachts and other vessels for pleasure or sports; rowing boats and canoes

(18) Clocks and watches and their parts

	9101 00 00	Wristwatches, pocket-watches and other watches, including stopwatches, with case of precious metal or of metal clad with precious metal
	9102 00 00	Wristwatches, pocket-watches and other watches, including stopwatches, other than those of heading 9101
	9103 00 00	Clocks with watch movements, excluding clocks of heading 9104
	9104 00 00	Instrument panel clocks and clocks of a similar type for vehicles, aircraft, spacecraft or vessels
	9105 00 00	Other clocks
	9108 00 00	Watch movements, complete and assembled
	9109 00 00	Clock movements, complete and assembled
	9110 00 00	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements
	9111 00 00	Watch cases and parts thereof
	9112 00 00	Clock cases and cases of a similar type for other goods of this chapter, and parts thereof
	9113 00 00	Watch straps, watch bands and watch bracelets, and parts thereof
	9114 00 00	Other clock or watch parts

(19) Musical instruments

	9201 00 00	Pianos, including automatic pianos; harpsichords and other keyboard stringed instruments
	9202 00 00	Other string musical instruments (for example, guitars, violins, harps)
	9205 00 00	Wind musical instruments (for example, keyboard pipe organs, accordions, clarinets, trumpets, bagpipes), other than fairground organs and mechanical street organs
	9206 00 00	Percussion musical instruments (for example, drums, xylophones, cymbals, castanets, maracas)
	9207 00 00	Musical instruments, the sound of which is produced, or must be amplified, electrically (for example, organs, guitars, accordions)

(20) Works of art, collectors' pieces and antiques

	9700	Works of art, collectors' pieces and antiques

(21) Articles and equipment for sports, including skiing, golf, diving and water sports

ex	4015 19 00	Other
ex	4015 90 00	Other
ex	6210 40 00	Other men's or boys' garments
ex	6210 50 00	Other women's or girls' garments
	6211 11 00	Men's or boys'
	6211 12 00	Women's or girls'
	6211 20 00	Ski suits
ex	6216 00 00	Gloves, mittens and mitts
	6402 12 00	Ski-boots, cross-country ski footwear and snowboard boots
ex	6402 19 00	Other
	6403 12 00	Ski-boots, cross-country ski footwear and snowboard boots
	6403 19 00	Other
	6404 11 00	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like
	6404 19 90	Other
ex	9004 90 00	Other
ex	9020 00 00	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters
	9506 11 00	Skis
	9506 12 00	Ski-fastenings (ski-bindings)
	9506 19 00	Other
	9506 21 00	Sailboards
	9506 29 00	Other
	9506 31 00	Clubs, complete
	9506 32 00	Golf balls
	9506 39 00	Other
	9506 40 00	Articles and equipment for table tennis
	9506 51 00	Lawn-tennis rackets, whether or not strung
	9506 59 00	Other
	9506 61 00	Lawn-tennis balls
	9506 69 10	Cricket and polo balls

	9506 69 90	Other
	9506 70	Ice skates and roller skates, including skating boots with skates attached
	9506 91	Articles and equipment for general physical exercise, gymnastics or athletics
	9506 99 10	Cricket and polo equipment, other than balls
	9506 99 90	Other
	9507 00 00	Fishing rods, fish-hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy 'birds' (other than those of heading 9208 or 9705) and similar hunting or shooting requisites

(22) Articles and equipment for billiard, automatic bowling, casino games and games operated by coins or banknotes

	9504 20 00	Articles and accessories for billiards of all kinds
	9504 30 00	Other games, operated by coins, banknotes, bank cards, tokens or by any other means of payment, other than automatic bowling alley equipment
	9504 40 00	Playing cards
	9504 50 00	Video game consoles and machines, other than those of subheading 9504 30
	9504 90 80	Other'

COUNCIL REGULATION (EU) 2017/2063

of 13 November 2017

concerning restrictive measures in view of the situation in Venezuela

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela ([1]),

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

Whereas:

(1) In view of the continuing deterioration of democracy, the rule of law and human rights in Venezuela, the Union has repeatedly expressed concern and called on all Venezuelan political actors and institutions to work in a constructive manner towards a solution to the crisis in the country while fully respecting the rule of law and human rights, democratic institutions and the separation of powers.

(2) On 13 November 2017, the Council adopted Decision (CFSP) 2017/2074, providing for, inter alia, a ban on the export of arms and equipment which might be used for internal repression, a ban on the export of surveillance equipment and the freezing of funds and economic resources of certain persons, entities and bodies responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition and persons, entities and bodies whose actions, policies or activities otherwise undermine democracy or the rule of law in Venezuela, as well as persons, entities and bodies associated with them.

(3) Certain measures provided for in Decision (CFSP) 2017/2074 fall within the scope of the Treaty and therefore, with a view, in particular, to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.

(4) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, in particular the right to an effective remedy and a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.

(5) The power to amend the lists in Annexes IV and V to this Regulation should be exercised by the Council in order to ensure consistency with the process for amending and reviewing Annexes I and II to Decision (CFSP) 2017/2074.

(6) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources are to be frozen in accordance with this Regulation should be made public. Any processing of personal data should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council ([2]) and Directive 95/46/EC of the European Parliament and of the Council ([3]).

(7) Member States and the Commission should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation.

(8) Member States should determine the penalties applicable to infringements of this Regulation. The penalties should be effective, proportionate and dissuasive.

([1]) See page 60 of this Official Journal.

([2]) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

([3]) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(9) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions apply:

(a) 'claim' means any claim, whether asserted by legal proceedings or not, made before, on or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

(b) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose, 'contract' includes a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

(c) 'competent authorities' refers to the competent authorities of the Member States as identified on the websites listed in Annex III;

(d) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

(e) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(f) 'freezing of funds' means preventing any move, transfer, alteration or use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character or destination or other change that would enable the funds to be used, including portfolio management;

(g) 'funds' means financial assets and benefits of every kind, including, but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale; and

(vii) documents showing evidence of an interest in funds or financial resources;

(h) 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills, or consulting services, including verbal forms of assistance;

(i) 'brokering services' means:

(i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or financial and technical services from a third country to any other third country, or

(ii) the selling or buying of goods and technology or financial and technical services that are located in a third country for their transfer to another third country;

(j) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. It shall be prohibited:

(a) to provide, directly or indirectly, technical assistance, brokering services and other services related to the goods and technology listed in the EU Common List of Military Equipment ('the Common Military List') and to the provision, manufacture, maintenance and use of goods and technology listed in the Common Military List to any natural or legal person, entity or body in, or for use in, Venezuela;

(b) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in, Venezuela.

2. The prohibition in paragraph 1 shall not apply to the execution of contracts concluded before 13 November 2017 or to ancillary contracts necessary for the execution of such contracts, provided that they comply with Council Common Position 2008/944/CFSP [1], in particular with the criteria set out in Article 2 thereof and that the natural or legal persons, entities or bodies seeking to perform the contract have notified the contract to the competent authority of the Member State in which they are established within 5 working days of the entry into force of this Regulation.

Article 3

It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any natural or legal person, entity or body in, or for use in, Venezuela;

(b) to provide technical assistance and brokering and other services related to the equipment referred to in point (a), directly or indirectly to any natural or legal person, entity or body in, or for use in, Venezuela;

(c) to provide financing or financial assistance, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, related to the equipment referred to in point (a), directly or indirectly to any natural or legal person, entity or body in, or for use in, Venezuela.

[1] Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

Article 4

1. By way of derogation from Articles 2 and 3, the competent authorities of Member States as listed in Annex III may authorise, under such conditions as they deem appropriate:

(a) the provision of financing and financial assistance and technical assistance related to:

(i) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations (UN) and the Union or its Member States or of regional and sub-regional organisations;

(ii) material intended for crisis-management operations of the UN and the Union or of regional and sub-regional organisations;

(b) the sale, supply, transfer or export of equipment which might be used for internal repression and associated financing and financial and technical assistance, intended solely for humanitarian or protective use or for institution-building programmes of the UN or the Union, or for crisis-management operations of the UN and the Union or of regional and subregional organisations;

(c) the sale, supply, transfer or export of demining equipment and materiel for use in demining operations and associated financing and financial and technical assistance.

2. Authorisations referred to in paragraph 1 may be granted only prior to the activity for which they are requested.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Venezuela by UN personnel, personnel of the Union or its Member States, representatives of the media, and humanitarian and development workers and associated personnel for their personal use only.

Article 6

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment, technology or software identified in Annex II, whether or not originating in the Union, to any person, entity or body in Venezuela or for use in Venezuela, unless the competent authority of the relevant Member State, as identified on the websites listed in Annex III, has given prior authorisation.

2. The competent authorities of the Member States, as identified on the websites listed in Annex III, shall not grant any authorisation under paragraph 1 if they have reasonable grounds to determine that the equipment, technology or software in question would be used for internal repression by Venezuela's government, public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction.

3. Annex II shall include equipment, technology or software intended primarily for use in the monitoring or interception of internet or telephone communications.

4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article, within four weeks of the authorisation.

Article 7

1. Unless the competent authority of the relevant Member State, as identified on the websites listed in Annex III, has given prior authorisation in accordance with Article 6(2), it shall be prohibited:

(a) to provide, directly or indirectly, technical assistance or brokering services related to the equipment, technology and software identified in Annex II, or related to the installation, provision, manufacture, maintenance and use of the equipment and technology identified in Annex II or to the provision, installation, operation or updating of any software identified in Annex II, to any person, entity or body in Venezuela or for use in Venezuela;

(b) to provide, directly or indirectly, financing or financial assistance related to the equipment, technology and software identified in Annex II to any person, entity or body in Venezuela or for use in Venezuela;

(c) to provide any telecommunication or internet monitoring or interception services of any kind to, or for the direct or indirect benefit of, Venezuela's government, public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction.

2. For the purposes of point (c) of paragraph 1, 'telecommunication or internet monitoring or interception services' means those services that provide, in particular using equipment, technology or software as identified in Annex II, access to and delivery of a subject's incoming and outgoing telecommunications and call- associated data for the purpose of its extraction, decoding, recording, processing, analysis or storing, or any other related activity.

Article 8

1. All funds and economic resources belonging to or owned, held or controlled by any natural or legal person, entity or body listed in Annexes IV and V shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annexes IV and V.

3. Annex IV shall include:

(a) natural or legal persons, entities and bodies responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition in Venezuela;

(b) natural or legal persons, entities and bodies whose actions, policies or activities otherwise undermine democracy or the rule of law in Venezuela.

4. Annex V shall include natural or legal persons, entities and bodies associated with the persons and entities referred to in paragraph 3.

5. Annexes IV and V shall include the grounds for the listing of the persons, entities and bodies concerned.

6. Annexes IV and V shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 9

1. By way of derogation from Article 8, the competent authorities of the Member States as identified on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:

(a) necessary to satisfy the basic needs of natural and legal persons listed in Annex IV or V, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;

(b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

(d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the competent authorities of the other Member States and to the Commission at least two weeks prior to authorisation; or

(e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 10

1. By way of derogation from Article 8, the competent authorities in the Member States as identified on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources if the following conditions are met:

(a) the funds or economic resources are subject to an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 8 was included in Annex IV or V, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to, on or after that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex IV or V; and

(d) recognising the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 11

1. By way of derogation from Article 8 and provided that a payment by a natural or legal person, entity or body listed in Annex IV or V is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex IV or V, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

(a) the funds or economic resources are to be used for a payment by a natural or legal person, entity or body listed in Annex IV or V;

(b) the payment is not in breach of Article 8(2)

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within four weeks of the authorisation.

3. Article 8(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

4. Provided that any such interest, other earnings and payments are frozen in accordance with Article 8, Article 8(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts;

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 8 was included in Annex IV or V; or

(c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.

Article 12

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 8, to the competent authority of the Member State where they are resident or located, and shall transmit such information, directly or through the Member State, to the Commission; and

(b) cooperate with the competent authority in any verification of the information referred to in point (a).

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 13

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 14

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures laid down in this Regulation.

Article 15

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

(a) designated natural or legal persons, entities or bodies listed in Annexes IV and V;

(b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 16

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information concerning:

(a) funds frozen under Article 8 and authorisations granted under Articles 9 to 11;

(b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 17

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 8, it shall amend Annex IV or V accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

4. The list set out in Annexes IV and V shall be reviewed at regular intervals and at least every 12 months.

5. The Commission shall be empowered to amend Annex III on the basis of information supplied by Member States.

Article 18

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions 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.

2. Member States shall notify the Commission of the rules referred to in paragraph 1 without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 19

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex III. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex III.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex III.

Article 20

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Union who is a national of a Member State;

(d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 21

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, 13 November 2017

For the Council

The President

F. MOGHERINI

ANNEX I

List of equipment which might be used for internal repression as referred to in Article 3

1. Firearms, ammunition and related accessories therefor, as follows:

1.1. Firearms not controlled by ML 1 and ML 2 of the Common Military List;

1.2. Ammunition specially designed for the firearms listed in item 1.1 and specially designed components therefor;

1.3. Weapon-sights not controlled by the Common Military List.

2. Bombs and grenades not controlled by the Common Military List.

3. Vehicles as follows:

3.1. Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;

3.2. Vehicles specially designed or modified to be electrified to repel borders;

3.3. Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;

3.4. Vehicles specially designed for the transport or transfer of prisoners and/or detainees;

3.5. Vehicles specially designed to deploy mobile barriers;

3.6. Components for the vehicles specified in items 3.1 to 3.5 specially designed for the purposes of riot control.

Note 1 This item does not control vehicles specially designed for the purposes of firefighting.

Note 2 For the purposes of item 3.5, the term 'vehicles' includes trailers.

4. Explosive substances and related equipment as follows:

4.1. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g. car air-bag inflaters, electric-surge arresters of fire sprinkler actuators);

4.2. Linear cutting explosive charges not controlled by the Common Military List;

4.3. Other explosives not controlled by the Common Military List and related substances as follows:

(a) amatol;

(b) nitrocellulose (containing more than 12,5 % nitrogen);

(c) nitroglycol;

(d) pentaerythritol tetranitrate (PETN);

(e) picryl chloride;

(f) 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the Common Military List as follows:

5.1. Body armour providing ballistic and/or stabbing protection;

5.2. Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, antiriot shields and ballistic shields.

Note: This item does not control:

— equipment specially designed for sports activities;

— equipment specially designed for safety of work requirements.

6. Simulators, other than those controlled by ML 14 of the Common Military List, for training in the use of firearms, and specially designed software therefor.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.

ANNEX II

Equipment, technology and software referred to in Articles 6 and 7

General note

Notwithstanding the contents of this Annex, it shall not apply to:

(a) equipment, technology or software which are specified in Annex I to Council Regulation (EC) 428/2009 [1] or the Common Military List; or

(b) software which is designed for installation by the user without further substantial support by the supplier and which is generally available to the public by being sold from stock at retail selling points, without restriction, by means of:

(i) over the counter transactions;

(ii) mail order transactions;

(iii) electronic transactions; or

(iv) telephone order transactions; or

(c) software which is in the public domain.

The categories A, B, C, D and E refer to the categories referred to in Regulation (EC) No 428/2009.

The equipment, technology and software referred to in Articles 6 and 7 is:

A. List of equipment

— Deep Packet Inspection equipment

— Network Interception equipment including Interception Management Equipment (IMS) and Data Retention Link Intelligence equipment

— Radio Frequency monitoring equipment

— Network and Satellite jamming equipment

— Remote Infection equipment

— Speaker recognition/processing equipment

— IMSI [2], MSISDN [3], IMEI [4], TMSI [5] interception and monitoring equipment

— Tactical SMS [6] /GSM [7] /GPS [8] /GPRS [9] /UMTS [10] /CDMA [11] /PSTN [12] interception and monitoring equipment

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[1] Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

[2] 'IMSI' stands for International Mobile Subscriber Identity. It is a unique identification code for each mobile telephony device, integrated in the SIM card, which allows for identification of such SIM via GSM and UMTS networks.

[3] 'MSISDN' stands for Mobile Subscriber Integrated Services Digital Network Number. It is a number uniquely identifying a subscription in a GSM or a UMTS mobile network. Simply put, it is the telephone number to the SIM card in a mobile phone and therefore it identifies a mobile subscriber as well as IMSI, but to route calls through him.

[4] 'IMEI' stands for International Mobile Equipment Identity. It is a number, usually unique to identify GSM, WCDMA and IDEN mobile phones as well as some satellite phones. It is usually found printed inside the battery compartment of the phone. interception (wiretapping) can be specified by its IMEI number as well as IMSI and MSISDN.

[5] 'TMSI' stands for Temporary Mobile Subscriber Identity. It is the identity that is most commonly sent between the mobile and the network.

[6] 'SMS' stands for Short Message System.

[7] 'GSM' stands for Global System for Mobile Communications.

[8] 'GPS' stands for Global Positioning System.

[9] 'GPRS' stands for General Package Radio Service.

[10] 'UMTS' stands for Universal Mobile Telecommunication System.

[11] 'CDMA' stands for Code Division Multiple Access.

[12] 'PSTN' stands for Public Switch Telephone Networks.

— DHCP ([1]) /SMTP ([2]), GTP ([3]) information interception and monitoring equipment

— Pattern Recognition and Pattern Profiling equipment

— Remote Forensics equipment

— Semantic Processing Engine equipment

— WEP and WPA code breaking equipment

— Interception equipment for VoIP proprietary and standard protocol

B. Not used

C. Not used

D. 'Software' for the 'development', 'production' or 'use' of the equipment specified in A above.

E. 'Technology' for the 'development', 'production' or 'use' of the equipment specified in A above.

Equipment, technology and software falling within these categories is within the scope of this Annex only to the extent that it falls within the general description 'internet, telephone and satellite communications interception and monitoring systems'.

For the purpose of this Annex, 'monitoring' means acquisition, extraction, decoding, recording, processing, analysis and archiving call content or network data.

([1]) 'DHCP' stands for Dynamic Host Configuration Protocol.
([2]) 'SMTP' stands for Simple Mail Transfer Protocol.
([3]) 'GTP' stands for GPRS Tunnelling Protocol.

ANNEX III

Websites for information on the competent authorities and address for notifications to the Commission

BELGIUM

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

http://www.mfa.bg/en/pages/135/index.html

CZECH REPUBLIC

www.financnianalytickyurad.cz/mezinarodni-sankce.html

DENMARK

http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/

GERMANY

http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

http://www.dfa.ie/home/index.aspx?id=28519

GREECE

http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html

SPAIN

http://www.exteriores.gob.
es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/fr/autorites-sanctions/

CROATIA

http://www.mvep.hr/sankcije

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt/sanctions

LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Boards/Sanctions-Monitoring-Board-.aspx

NETHERLANDS

https://www.rijksoverheid.nl/onderwerpen/internationale-sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

https://www.gov.uk/sanctions-embargoes-and-restrictions

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 07/99
B-1049 Brussels, Belgium
Email: relex-sanctions@ec.europa.eu

ANNEX IV

List of natural and legal persons, entities and bodies referred to in Article 8(3)

ANNEX V

List of natural and legal persons, entities and bodies referred to in Article 8(4)

COUNCIL IMPLEMENTING REGULATION (EU) 2017/2064

of 13 November 2017

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and amending Implementing Regulation (EU) 2017/1420

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism [1], and in particular Article 2(3) thereof,

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

Whereas:

(1) On 4 August 2017, the Council adopted Implementing Regulation (EU) 2017/1420 [2], implementing Article 2(3) of Regulation (EC) No 2580/2001 and establishing an updated list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies ('the list').

(2) The Council has determined that there are no longer grounds for keeping one entity on the list.

(3) The list should therefore be updated accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The list referred to in Article 2(3) of Regulation (EC) No 2580/2001 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

[1] OJ L 344, 28.12.2001, p. 70.
[2] Council Implementing Regulation (EU) 2017/1420 of 4 August 2017 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2017/150 (OJ L 204, 5.8.2017, p. 3).

ANNEX

The following entity is deleted from the list referred to in Article 2(3) of Regulation (EC) No 2580/2001:

II. GROUPS AND ENTITIES

‘18. “Fuerzas armadas revolucionarias de Colombia” — “FARC” (“Revolutionary Armed Forces of Colombia”).’.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2065

of 13 November 2017

confirming the conditions of approval of the active substance 8-hydroxyquinoline, as set out in Implementing Regulation (EU) No 540/2011 and modifying Implementing Regulation (EU) 2015/408 as regards the inclusion of the active substance 8-hydroxyquinoline in the list of candidates for substitution

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular Articles 13(2)(c), 78(2) and 80(7) thereof,

Whereas:

(1) The active substance 8-hydroxyquinoline was approved in accordance with Regulation (EC) No 1107/2009 by Commission Implementing Regulation (EU) No 993/2011 ([2]) and is listed in Part B of the Annex to Commission Implementing Regulation (EU) No 540/2011 ([3]). In accordance with row 18 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, only uses as fungicide and bactericide in greenhouses may be authorised.

(2) On 31 January 2014, Probelte S.A.U, at whose request 8-hydroxyquinoline had been approved, submitted an application in accordance with Article 7 of Regulation (EC) No 1107/2009 for an amendment to the conditions of approval of the active substance 8-hydroxyquinoline in order to remove the restriction to greenhouse applications and to allow uses of plant protection products containing 8-hydroxyquinoline in fields. The dossier containing information related to the requested extension of uses was submitted to Spain, which had been designated rapporteur Member State by Commission Regulation (EC) No 1490/2002 ([4]).

(3) Spain assessed the information submitted by the applicant and prepared an addendum to the draft assessment report. It submitted that addendum to the Commission, with a copy to the European Food Safety Authority ('the Authority'), on 25 March 2015.

(4) The Authority circulated the addendum to the applicant and the other Member States and made it available to the public, granting a period of 60 days for the submission of written comments.

(5) Taking into account the addendum to the draft assessment report, the Authority adopted its conclusion on 8-hydroxyquinoline on 29 April 2016 ([5]), as regards unrestricted outdoor uses thereof.

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Commission Implementing Regulation (EU) No 993/2011 of 6 October 2011 approving the active substance 8-hydroxyquinoline, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 263, 7.10.2011, p. 1).

([3]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

([4]) Commission Regulation (EC) No 1490/2002 of 14 August 2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and amending Regulation (EC) No 451/2000 (OJ L 224, 21.8.2002, p. 23).

([5]) Conclusion on the peer review of the pesticide risk assessment of the active substance 8-hydroxyquinoline. *EFSA Journal* 2016;14(6):4493. Available online: www.efsa.europa.eu/efsajournal.htm

(6) In parallel, Spain submitted a proposal for a harmonised classification and labelling of 8-hydroxyquinoline to the European Chemicals Agency (ECHA) pursuant to Article 37 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([1]). The Committee for Risk Assessment of ECHA issued an opinion ([2]) on that proposal concluding that this active substance should be classified as toxic for reproduction Category 1B.

(7) The Authority identified in its conclusion that some toxic effects were observed on endocrine organs. Therefore 8-hydroxyquinoline should also be regarded as having endocrine-disrupting properties. The Authority communicated its conclusion to the applicant, the Member States and the Commission and made it available to the public.

(8) Taking into account the addendum to the draft assessment report by the rapporteur Member State, the opinion of the Risk Assessment Committee of ECHA and the conclusion of the Authority, the Commission presented an addenddum to the review report and a draft Regulation to the Standing Committee on Plants, Animals, Food and Feed on 6 October 2017.

(9) The applicant was given the possibility to submit comments on the addendum to the review report for 8-hydroxyquinoline. The applicant submitted its comments, which have been carefully examined. However, despite the arguments put forward by the applicant, the concerns referred to in recitals 6 and 7 could not be eliminated.

(10) Consequently, it has not been demonstrated that it may be expected that plant protection products containing 8-hydroxyquinoline satisfy in general the requirements laid down in Article 4 of Regulation (EC) No 1107/2009 unless the restrictions currently provided for that active substance are kept.

(11) The evaluation of the request of the applicant to amend the condition of approval cannot be considered as a review of the approval of 8-hydroxyquinoline. Therefore the conditions of approval of the active substance 8-hydroxyquinoline, as set out in row 18 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, should remain unchanged, and be confirmed.

(12) Pursuant to Article 80(7) of Regulation (EC) No 1107/2009 Commission Implementing Regulation (EU) 2015/408 ([3]) provides for the list of substances included in Annex I to Council Directive 91/414/EEC ([4]) or approved under Regulation (EC) No 1107/2009 pursuant to the transitional provisions of Article 80(1) of Regulation (EC) No 1107/2009, which satisfy the criteria set out in point 4 of Annex II to Regulation (EC) No 1107/2009 ('the list of candidates for substitution'). As 8-hydroxyquinoline, approved pursuant to paragraphs (1) and (2) of Article 80 of Regulation (EC) No 1107/2009, also satisfies the criteria set out in sixth and seventh indent of point 4 of Annex II to Regulation (EC) No 1107/2009, it is appropriate to include that active substance in that list. Implementing Regulation (EU) 2015/408 should therefore be amended accordingly.

(13) Member States should be provided with a reasonable period to adapt to the provisions of this Regulation as some applications for authorisation of plant protection products containing 8-hydroxyquinoline may be close to finalisation without any possibility to conduct the comparative assessment within the deadline provided by Article 37 of the Regulation (EC) No 1107/2009. The obligation to conduct comparative assessment for plant protection products containing candidates for substitution is provided for in Article 50(4) of Regulation (EC) No 1107/2009.

(14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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([1]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

([2]) Opinion proposing harmonised classification and labelling at EU level of Quinolin-8-ol; 8-hydroxyquinoline. ECHA 2015. Available online: www.echa.europa.eu.

([3]) Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution (OJ L 67, 12.3.2015, p. 18).

([4]) Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Confirmation of the conditions of approval

The conditions of approval of the active substance 8-hydroxyquinoline, as set out in Row 18 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, are confirmed.

Article 2

Amendment to the Annex to Implementing Regulation (EU) 2015/408

The name '8-hydroxyquinoline' is inserted between the entry '1-methylcyclopropene' and the entry 'aclonifen'.

Article 3

Deferred application of Article 2

Implementing Regulation (EU) 2015/408 as modified by Article 2 shall apply for the purposes of Article 50(1) of Regulation (EC) No 1107/2009 only to applications for the authorisation of plant protection products containing 8-hydroxyquinoline submitted after 4 April 2018.

Article 4

Entry into force

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

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

Done at Brussels, 13 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2066

of 13 November 2017

concerning the approval of mustard seeds powder as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular Article 23(5) in conjunction with Article 13(2) thereof,

Whereas:

(1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 6 June 2016 an application from the Institut Technique de l'Agriculture Biologique (ITAB) (France) for the approval of mustard seeds powder as a basic substance. That application was accompanied by the information required by the second subparagraph of Article 23(3) of Regulation (EC) 1107/2009.

(2) The Commission asked the European Food Safety Authority (hereinafter 'the Authority') for scientific assistance. The Authority presented to the Commission a Technical Report on the mustard seeds powder on 20 January 2017 ([2]). The Commission presented the draft review report ([3]) and a draft of this Regulation to the Standing Committee on Plants, Animals, Food and Feed on 20 July 2017 and finalised them for the meeting of that Committee on 6 October 2017.

(3) The documentation provided by the applicant shows that mustard seeds powder fulfils the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ([4]). Moreover, it is not predominantly used for plant protection purposes but nevertheless is useful in plant protection in a product consisting of the substance and water. Consequently, it is to be considered as a basic substance.

(4) It has appeared from the examinations made that mustard seeds powder may be expected to satisfy, in general, the requirements laid down in Article 23 of Regulation (EC) No 1107/2009, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve mustard seeds powder as a basic substance.

(5) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions.

(6) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 ([5]) should be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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([1]) OJ L 309, 24.11.2009, p. 1.

([2]) EFSA, 2017. Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for mustard seeds powder from Sinapis alba (Brassica alba), Brassica juncea and Brassica nigra for use in plant protection as fungicide. EFSA supporting publication 2017:EN-1169. 35 pp. doi:10.2903/sp.efsa.2017.

([3]) http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN.

([4]) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

([5]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Approval of a basic substance

The substance mustard seeds powder is approved as a basic substance as laid down in Annex I.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force

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

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

Done at Brussels, 13 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity [1]	Date of approval	Specific provisions
Mustard seeds powder	Not applicable	Food grade	4 December 2017	Mustard seeds powder shall be used in accordance with the specific conditions included in the conclusions of the review report on mustard seeds powder (SANTE/11309/2017) and in particular Appendices I and II thereof.

[1] Further details on identity, specification and manner of use of basic substance are provided in the review report.

ANNEX II

In Part C of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	Common Name, Identification Numbers	IUPAC Name	Purity [1]	Date of approval	Specific provisions
'18	Mustard seeds powder	Not applicable	Food grade	4 December 2017	Mustard seeds powder shall be used in accordance with the specific conditions included in the conclusions of the review report on mustard seeds powder (SANTE/11309/2017) and in particular Appendices I and II thereof.'

[1] Further details on identity, specification and manner of use of basic substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2067

of 13 November 2017

concerning the non-approval of paprika extract (capsanthin, capsorubin E 160 c) as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular Article 23(5) in conjunction with Article 13(2) thereof,

Whereas:

(1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 19 June 2015 an application from Group Peyraud Nature for the approval of *Capsicum* spp. spice as a basic substance. That application was accompanied by the information required under the second subparagraph of Article 23(3) of Regulation (EC) No 1107/2009.

(2) The Commission asked the European Food Safety Authority ('the Authority') for scientific assistance. The Authority provided the Commission with a Technical Report on the substance concerned on 10 October 2016 ([2]). The Commission presented the review report ([3]) and the draft of this Regulation on the non-approval of paprika extract (capsanthin, capsorubin E 160 c) to the Standing Committee on Plants, Animals, Food and Feed on 24 January 2017 and finalised them for the meeting of that Committee on 6 October 2017.

(3) During the consultation organised by the Authority, the applicant agreed to modify the basic substance name to paprika extract (capsanthin, capsorubin E 160 c).

(4) The documentation provided by the applicant shows that paprika extract (capsanthin, capsorubin E 160 c) fulfils the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ([4]) and is not predominantly used for plant protection pruposes.

(5) Specific concerns were identified, in the Technical Report of the Authority, regarding exposure to its component capsaicin and the non-availability of exposure estimates for paprika extract (capsanthin, capsorubin E 160 c), specifically through pesticide use and, as a result, the assessment of the risk to operators, workers, bystanders and non-target organisms could not be finalised.

(6) The Commission invited the applicant to submit its comments on the draft review report. The applicant submitted its comments, which have been carefully examined.

(7) However, despite the arguments put forward by the applicant, the concerns related to the substance cannot be eliminated.

(8) Consequently, as laid down in the Commission review report, it has not been established that the requirements laid down in Article 23 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to approve paprika extract (capsanthin, capsorubin E 160 c) as a basic substance.

(9) This Regulation does not prejudice the submission of a further application for the approval of paprika extract (capsanthin, capsorubin E 160 c) as a basic substance in accordance with Article 23(3) of Regulation (EC) No 1107/2009.

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for paprika extract, capsanthin, capsorubin E 160 c (admissibility accepted when named *Capsicum* spp. spice) for use in plant protection as repellent various invertebrates, mammals and birds. *EFSA supporting publication* 2016:EN-1096. 54 pp.

([3]) http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN

([4]) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The substance paprika extract (capsanthin, capsorubin E 160 c) is not approved as a basic substance.

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 Brussels, 13 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2068

of 13 November 2017

concerning the non-approval of potassium sorbate as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular Article 23(5) in conjunction with Article 13(2) thereof,

Whereas:

(1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 9 October 2015 an application from Decco Iberica Post Cosecha S.A.U for the approval of potassium sorbate as a basic substance. On 14 July 2016 the Commission received an updated application. That application was accompanied by the information required under the second subparagraph of Article 23(3) of Regulation (EC) No 1107/2009.

(2) The Commission asked the European Food Safety Authority ('the Authority') for scientific assistance. The Authority provided the Commission with a Technical Report on potassium sorbate on 12 May 2017 ([2]). The Commission presented the review report ([3]) and the draft of this Regulation on the non-approval of potassium sorbate to the Standing Committee on Plants, Animals, Food and Feed on 20 July 2017 and finalised them for the meeting of that Committee on 6 October 2017.

(3) The documentation provided by the applicant shows that potassium sorbate fulfils the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ([4]).

(4) Specific concerns however were identified, in the Technical Report of the Authority, regarding exposure to potassium sorbate specifically through residues of pesticide use. The Authority concluded that the information on residues was very limited and, as a result, it could not conduct a reliable consumer risk assessment. An exceedance of the temporary Acceptable Daily Intake of potassium sorbate due to the additional consumer exposure to residues from pesticide use of potassium sorbate cannot be excluded.

(5) The Commission invited the applicant to submit its comments on the Technical Report of the Authority and on the draft review report. The applicant submitted no comments.

(6) Consequently, as laid down in the Commission review report, it has not been established that the requirements laid down in Article 23 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to approve potassium sorbate as basic substance.

(7) This Regulation does not prejudice the submission of a further application for the approval of potassium sorbate as a basic substance in accordance with Article 23(3) of Regulation (EC) No 1107/2009.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) EFSA (European Food Safety Authority), 2017. Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for potassium sorbate for use in plant protection as fungicide on citrus, stone and pome fruits. EFSA supporting publication 2017:EN-1232. 53 pp. doi:10.2903/sp.efsa.2017.EN-1232.
([3]) http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN
([4]) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The substance potassium sorbate is not approved as basic substance.

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 Brussels, 13 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2069

of 13 November 2017

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances flonicamid (IKI-220), metalaxyl, penoxsulam and proquinazid

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular the first paragraph of Article 17 thereof,

Whereas:

(1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ([2]) sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.

(2) Applications for the renewal of the approval of the active substances included in this Regulation were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ([3]). However, the approval of those substances may expire for reasons beyond the control of the applicant before a decision has been taken on the renewal of their approval. It is therefore necessary to extend their approval periods in accordance with Article 17 of Regulation (EC) No 1107/2009.

(3) In view of the time and resources necessary for completing the assessment of applications for the renewal of approvals of the large number of active substances the approvals of which are expiring between 2019 and 2021, Commission Implementing Decision C(2016)6104 ([4]) established a work programme grouping together similar active substances and setting priorities on the basis of safety concerns for human and animal health or the environment as provided for in Article 18 of Regulation (EC) No 1107/2009.

(4) As the active substances included in this Regulation do not fall in the prioritised categories of Implementing Decision C(2016)6104, the approval period should be extended by either two or three years, taking into account the current date of expiry, the fact that in accordance with Article 6(3) of Implementing Regulation (EU) No 844/2012 the supplementary dossier for an active substance is to be submitted no later than 30 months before expiry of the approval, the need to ensure a balanced distribution of responsibilities and work among Member States acting as rapporteurs and co-rapporteurs and the available resources necessary for assessment and decision-making. It is therefore appropriate to extend the approval period for active substance proquinazid by two years, and to extend the approval periods of the active substances flonicamid (IKI-220), metalaxyl and penoxsulam by three years.

(5) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where no supplementary dossier in accordance with Implementing Regulation (EU) No 844/2012 is submitted no later than 30 months before the respective expiry date laid down in the Annex to this Regulation, the Commission will set the expiry date at the same date as before this Regulation or at the earliest date thereafter.

(6) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) OJ L 153, 11.6.2011, p. 1.
([3]) Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).
([4]) Commission Implementing Decision of 28 September 2016 on the establishment of a work programme for the assessment of applications for the renewal of approvals of active substances expiring in 2019, 2020 and 2021 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council (OJ C 357, 29.9.2016, p. 9).

providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission will adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.

(7) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation

Article 2

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

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

Done at Brussels, 13 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) in the sixth column, expiration of approval, of row 301, Penoxsulam, the date is replaced by '31 July 2023';

(2) in the sixth column, expiration of approval, of row 302, Proquinazid, the date is replaced by '31 July 2022';

(3) in the sixth column, expiration of approval, of row 304, Metalaxyl, the date is replaced by '30 June 2023';

(4) in the sixth column, expiration of approval, of row 305, Flonicamid (IKI-220), the date is replaced by '31 August 2023'.

DECISIONS

COUNCIL DECISION (EU) 2017/2070

of 6 November 2017

appointing an alternate member, proposed by the Republic of Finland, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Finnish Government,

Whereas:

(1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ([1]), (EU) 2015/190 ([2]) and (EU) 2015/994 ([3]) appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.

(2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Wille VALVE,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Mr Tony WIKSTRÖM, *Ledamot i Ålands lagting*.

Article 2

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

Done at Brussels, 6 November 2017.

For the Council
The President
T. TAMM

([1]) Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).
([2]) Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).
([3]) Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

COUNCIL DECISION (CFSP) 2017/2071

of 13 November 2017

appointing the European Union Special Representative for the South Caucasus and the crisis in Georgia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 33 and 31(2) thereof,

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

Whereas:

(1) On 8 July 2014, the Council adopted Decision 2014/438/CFSP [1] appointing Mr Herbert SALBER as the European Union Special Representative (EUSR) for the South Caucasus and the crisis in Georgia.

(2) On 17 February 2017, the Council adopted Decision (CFSP) 2017/299 [2] extending the mandate of the EUSR for the South Caucasus and the crisis in Georgia until 30 June 2018.

(3) Following the appointment of Mr Herbert SALBER to another position, Mr Toivo KLAAR should be appointed as the EUSR for the South Caucasus and the crisis in Georgia from 13 November 2017.

(4) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

1. The mandate of Mr Herbert SALBER as the European Union Special Representative (EUSR) for the South Caucasus and the crisis in Georgia is hereby terminated on 15 August 2017.

2. Mr Toivo KLAAR is hereby appointed as the EUSR for the South Caucasus and the crisis in Georgia from 13 November 2017 until 30 June 2018. He shall exercise his mandate in accordance with Decision (CFSP) 2017/299.

3. The Council may decide that the mandate of the EUSR be terminated earlier, based on an assessment by the Political and Security Committee and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy.

Article 2

Expenditure related to the administrative continuity between the EUSRs mandates during the period from 15 August 2017 to 12 November 2017 shall be covered by the financial reference amount laid down in Article 5(1) of Decision (CFSP) 2017/299.

Article 3

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

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[1] Council Decision 2014/438/CFSP of 8 July 2014 amending and extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia (OJ L 200, 9.7.2014, p. 11).

[2] Council Decision (CFSP) 2017/299 of 17 February 2017 extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia (OJ L 43, 21.2.2017, p. 214).

Article 1(1) and Article 2 shall apply as of 15 August 2017.

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

COUNCIL DECISION (CFSP) 2017/2072

of 13 November 2017

updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and amending Decision (CFSP) 2017/1426

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP ([1]).

(2) On 4 August 2017, the Council adopted Decision (CFSP) 2017/1426 ([2]), updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP ('the list').

(3) The Council has determined that there are no longer grounds for keeping one entity on the list.

(4) The list should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision (CFSP) 2017/1426 is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

([1]) Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

([2]) Council Decision (CFSP) 2017/1426 of 4 August 2017 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2017/154 (OJ L 204, 5.8.2017, p. 95).

ANNEX

The following entity is deleted from the list set out in the Annex to Decision (CFSP) 2017/1426:

II. GROUPS AND ENTITIES

'18. "Fuerzas armadas revolucionarias de Colombia" — "FARC" ("Revolutionary Armed Forces of Colombia").'.

COUNCIL DECISION (CFSP) 2017/2073

of 13 November 2017

amending Common Position 2001/931/CFSP on the application of specific measures to combat terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

(1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP ([1]).

(2) The Council has determined that there are no longer grounds for keeping one entity on the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP. The restrictive measures applying to that entity were suspended by Council Decision (CFSP) 2016/1711 ([2]).

(3) Common Position 2001/931/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Common Position 2001/931/CFSP, the second paragraph is deleted.

Article 2

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

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

([1]) Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

([2]) Council Decision (CFSP) 2016/1711 of 27 September 2016 amending Common Position 2001/931/CFSP on the application of specific measures to combat terrorism (OJ L 259I, 27.9.2016, p. 3).

COUNCIL DECISION (CFSP) 2017/2074

of 13 November 2017

concerning restrictive measures in view of the situation in Venezuela

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

(1) The Union remains deeply concerned at the continuing deterioration of democracy, the rule of law and human rights in Venezuela.

(2) On 15 May 2017, the Council adopted conclusions calling on all Venezuelan political actors and institutions to work in a constructive manner towards a solution to the crisis in the country while fully respecting the rule of law and human rights, democratic institutions and the separation of powers. It also stated that the release of jailed political opponents and respect for constitutional rights are crucial steps in building trust and helping the country to regain political stability.

(3) The Union has repeatedly expressed its full support for the efforts in Venezuela to facilitate an urgent, constructive and effective dialogue between the Government and the parliamentary majority in order to create the conditions for peaceful solutions to the multidimensional challenges the country faces.

(4) The Union has strongly encouraged the facilitation of external cooperation to address the most urgent needs of the population and has fully committed to helping Venezuela find peaceful and democratic solutions, including through support for regional and international efforts to that end.

(5) On 26 July 2017, the Union expressed concern at the numerous reports of human rights violations and excessive use of force, and called on the Venezuelan authorities to respect the Constitution of Venezuela ('the Constitution') and the rule of law and to ensure that fundamental rights and freedoms, including the right to peaceful demonstration, are guaranteed.

(6) On 2 August 2017, the Union expressed its deep regret at the decision of the Venezuelan authorities to continue with the election of a Constituent Assembly, a decision that durably worsened the crisis in Venezuela and risked undermining other legitimate institutions foreseen by the Constitution, such as the National Assembly. While calling on all parties to refrain from violence and on the authorities to ensure full respect for all human rights, and while expressing readiness to assist on all issues which could alleviate the everyday situation of the Venezuelan people, the Union also indicated its readiness to gradually step up its response in case democratic principles were further undermined and the Constitution was not respected.

(7) In this context and in line with the Declaration by the Union of 2 August 2017, targeted restrictive measures should be imposed against certain natural and legal persons responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition and persons, entities and bodies whose actions, policies or activities undermine democracy or the rule of law in Venezuela, as well as persons, entities and bodies associated with them.

(8) Furthermore, in view of the risk of further violence, excessive use of force and violations or abuses of human rights, it is appropriate to impose restrictive measures in the form of an arms embargo as well as specific measures to place restrictions on equipment that might be used for internal repression and to prevent the misuse of communication equipment.

(9) The restrictive measures should be gradual, targeted, flexible and reversible, without affecting the general population and should aim at fostering a credible and meaningful process that can lead to a peaceful negotiated solution.

(10) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

CHAPTER I

EXPORT RESTRICTIONS

Article 1

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to Venezuela by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.

2. It shall be prohibited:

(a) to provide technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned directly or indirectly to any natural or legal person, entity or body in, or for use in, Venezuela;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of arms and related materiel or for the provision of related technical assistance, brokering services and other services directly or indirectly to any person, entity or body in, or for use in, Venezuela.

Article 2

The prohibition in Article 1 shall not apply to the execution of contracts concluded before 13 November 2017 or to ancillary contracts necessary for the execution of such contracts, provided that they comply with Council Common Position 2008/944/CFSP [1], in particular with the criteria set out in Article 2 thereof, and that the natural or legal persons, entities or bodies seeking to perform the contract have notified the contract to the competent authority of the Member State in which they are established within 5 working days of the entry into force of this Decision.

Article 3

1. The sale, supply, transfer or export of equipment which might be used for internal repression to Venezuela by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.

2. It shall be prohibited:

(a) to provide technical assistance, brokering services and other services related to equipment which might be used for internal repression and to the provision, manufacture, maintenance and use of such equipment directly or indirectly to any natural or legal person, entity or body in, or for use in, Venezuela;

(b) to provide financing or financial assistance related to equipment which might be used for internal repression, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such equipment or for the provision of related technical assistance, brokering services and other services directly or indirectly to any person, entity or body in, or for use in, Venezuela.

3. The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.

[1] Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

Article 4

1. Articles 1 and 3 shall not apply to:

(a) the sale, supply, transfer or export of non-lethal military equipment, or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations (UN) and the Union and its Member States or of regional and subregional organisations, or of materiel intended for crisis-management operations of the UN and the Union or of regional and subregional organisations;

(b) the sale, supply, transfer or export of demining equipment and materiel for use in demining operations;

(c) the maintenance of non-lethal equipment which might be used by the navy and coastguard of Venezuela intended solely for border protection, regional stability and the interception of narcotics;

(d) the provision of financing and financial assistance related to the equipment or materiel referred to in points (a), (b) and (c);

(e) the provision of technical assistance related to the equipment or materiel referred to in points (a), (b) and (c),

on condition that such exports have been approved in advance by the relevant competent authority.

2. Articles 1 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Venezuela by UN personnel, personnel of the Union or its Member States, representatives of the media, and humanitarian and development workers and associated personnel for their personal use only.

Article 5

1. The sale, supply, transfer or export of equipment, technology or software intended primarily for use in the monitoring or interception by, or on behalf of, the Venezuelan regime of the internet and of telephone communications on mobile or fixed networks in Venezuela, including the provision of any telecommunication or internet monitoring or interception services of any kind, as well as the provision of financial and technical assistance to install, operate or update such equipment, technology or software, by nationals of Member States or from the territories of Member States shall be prohibited.

2. By derogation from paragraph 1, Member States may authorise the sale, supply, transfer or export of the equipment, technology or software, including the provision of any telecommunication or internet monitoring or interception services of any kind, as well as the related provision of financial and technical assistance, referred to in paragraph 1 if they have reasonable grounds to determine that the equipment, technology or software would not be used for internal repression by Venezuela's government, public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph, within four weeks of the authorisation.

3. The Union shall take the necessary measures in order to determine the relevant elements to be covered by this Article.

CHAPTER II

RESTRICTIONS ON ADMISSION

Article 6

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

(a) natural persons responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition in Venezuela; or

(b) natural persons whose actions, policies or activities otherwise undermine democracy or the rule of law in Venezuela;

as listed in Annex I.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

(a) as a host country to an international intergovernmental organisation;

(b) as a host country to an international conference convened by, or under the auspices of, the UN;

(c) under a multilateral agreement conferring privileges and immunities; or

(d) under the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as also applying in cases where a Member State is host country of the Organization for Security and Co-operation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.

6. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings and meetings promoted by the Union, or hosted by a Member State holding the chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Venezuela.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raise an objection in writing within two working days of receiving notification of the proposed exemption. In the event that one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. Where, pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex I, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

CHAPTER III

FREEZING OF FUNDS AND ECONOMIC RESOURCES

Article 7

1. All funds and economic resources belonging to or owned, held or controlled by:

(a) natural or legal persons, entities or bodies responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition in Venezuela;

(b) natural or legal persons, entities or bodies whose actions, policies or activities otherwise undermine democracy or the rule of law in Venezuela,

as listed in Annex I, shall be frozen.

2. All funds and economic resources belonging to or owned, held or controlled by natural or legal persons, entities and bodies associated with the persons entities or bodies referred to in paragraph 1, as listed in Annex II, shall be frozen.

3. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I or II.

4. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in Annex I or II and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;

(b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;

(d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or

(e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. By way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources if the following conditions are met:

(a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 or 2 was listed in Annex I or II, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I or II; and

(d) recognising the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

6. Paragraphs 1 and 2 shall not prevent a natural or legal person, entity or body listed in Annex I or II from making a payment due under a contract or agreement that was concluded by, or an obligation that arose for, a natural or legal person, an entity or body listed in Annex I or II prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not in breach of paragraph 3.

7. Paragraph 3 shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts;

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1, 2 and 3; or

(c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned,

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1 or 2.

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Article 8

1. The Council, acting by unanimity upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall establish and amend the lists in Annexes I and II.

2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 9

1. Annexes I and II shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Articles 6(1) and 7(1), and Article 7(2), respectively.

2. Annexes I and II shall also contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include: names, including aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 10

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures laid down in this Decision.

Article 11

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

(a) designated natural or legal persons, entities or bodies listed in Annex I or II;

(b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

Article 12

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 13

This Decision shall apply until 14 November 2018.

This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 14

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

Done at Brussels, 13 November 2017.

For the Council
The President
F. MOGHERINI

ANNEX I

List of natural and legal persons, entities and bodies referred to in Articles 6(1) and 7(1)

ANNEX II

List of natural and legal persons, entities and bodies referred to in Article 7(2)

COMMISSION DELEGATED DECISION (EU) 2017/2075

of 4 September 2017

replacing Annex VII to Directive 2012/34/EU of the European Parliament and of the Council establishing a single European railway area

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area ([1]), and in particular Article 43(2) thereof,

Whereas:

(1) The procedures for capacity allocation should be made transparent, while taking into account the efficiency of the allocation process as well as the operational concerns of all stakeholders concerned with the use and the maintenance of rail infrastructure.

(2) Applicants for the allocation of infrastructure capacity should be able to submit requests for the incorporation of capacity into the annual working timetable between the deadline for requests to the draft timetable and before the change of the working timetable.

(3) Once the train paths are allocated, the contractual rights of the applicant would include a right to reject or approve a request for rescheduling made by the infrastructure manager

(4) Temporary capacity restrictions are necessary to keep the infrastructure and its equipment in good condition and to allow infrastructure development in accordance with market needs.

(5) Applicants should receive early information on upcoming capacity restrictions allowing them to adapt their operations and transport needs in accordance with restrictions in infrastructure capacity. If information on upcoming capacity restrictions is already published at the beginning of the period for submitting requests for the incorporation of capacity into the annual timetable, there should be less need to reschedule already allocated trains paths.

(6) Infrastructure managers should not only take into account their own costs when choosing between different alternatives of capacity restrictions, but also the commercial and operational constraints of the applicants concerned and the risks of transport being shifted to less environmentally friendly modes of transport.

(7) Infrastructure managers should establish, publish and apply transparent criteria as regards the diversion of trains and the allocation of a restricted capacity to different types of traffic. They might do so jointly or individually for their capacity restrictions.

(8) Infrastructure managers should adapt their network statements and timetabling procedures to ensure timely compliance with the new rules on capacity restrictions as introduced by this Decision.

(9) As regards train operations crossing more than one network, the infrastructure managers concerned should coordinate to minimise impact of capacity restrictions on the traffic and to synchronise works on a given route or avoid restricting capacity on a diversionary route.

(10) For reasons of legal clarity and taking into account the number of amendments that need to be made in Annex VII to Directive 2012/34/EU, that Annex should be replaced in its entirety. Moreover, in order to simplify the regulatory framework, a Delegated Decision is the appropriate legal instrument as it imposes clear and detailed rules which do not require transposition by Member States ensuring rapid uniform implementation throughout the Union.

([1]) OJ L 343, 14.12.2012, p. 32.

(11) As a result of the timing of the change of the working timetable in accordance with point (2) of the Annex to this Decision and the lead times for coordination, consultation and publication of capacity restrictions set out in points (8) to (11) of the Annex to this Decision, infrastructure managers will only be able to comply for the first time with the requirements of points (8) to (11) for the change of the working timetable taking effect in December 2019 as regards the second round of publication and December 2020 as regards the first round of publication, with the requirements of point (12) for the change of the working timetable to take effect in December 2018 and with the requirements of points (14) to (17) for the change of the working timetable to take effect in December 2018.

(12) Directive 2012/34/EU should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex VII to Directive 2012/34/EU is replaced by the text in the Annex to this Decision.

Article 2

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

Done at Brussels, 4 September 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'*ANNEX VII*

SCHEDULE FOR THE ALLOCATION PROCESS

(referred to in Article 43)

(1) The working timetable shall be established once per calendar year.

(2) The change of working timetable shall take place at midnight on the second Saturday in December. Where an adjustment is carried out after the winter, in particular to take account, where appropriate, of changes in regional passenger traffic timetables, it shall take place at midnight on the second Saturday in June and at such other intervals between these dates as are required. Infrastructure managers may agree on different dates and in this case they shall inform the Commission if international traffic may be affected.

(3) The deadline for receipt of requests for capacity to be incorporated into the working timetable shall be no more than 12 months in advance of the change of the working timetable. Requests received after the deadline shall also be considered by the infrastructure manager.

(4) No later than 11 months before the change of the working timetable, the infrastructure managers shall ensure that provisional international train paths have been established in cooperation with other relevant infrastructure managers. Infrastructure managers shall ensure that as far as possible these are adhered to during the subsequent processes.

(5) The infrastructure manager shall prepare and publish a draft working timetable at the latest four months after the deadline referred to in point (3).

(6) The infrastructure manager shall decide on the requests it receives after the deadline referred to in point (3) in accordance with a process published in the network statement.

The infrastructure manager may reschedule an allocated train path if it is necessary to ensure the best possible matching of all path requests and if it is approved by the applicant to which the path had been allocated. The infrastructure manager shall update the draft working timetable no later than one month before the change of the working timetable in order to include all train paths allocated after the deadline referred to in point (3).

(7) In the case of trains crossing from one network to another which arrive with a presumed delay of not more than 10 hours and, from 14 December 2019, 18 hours, the infrastructure manager of the other network shall not consider the train path cancelled or request application for another train path, including if it decides to allocate a different train path, unless the applicant informs the infrastructure manager that the train will not cross to the other network. The infrastructure manager shall communicate to the applicant the updated or new train path without delay, including, if different, the link between that train path number and the train path number of the cancelled train path.

(8) As regards temporary restrictions of the capacity of railway lines, for reasons such as infrastructure works, including associated speed restrictions, axle load, train length, traction, or structure gauge ('capacity restrictions'), of a duration of more than seven consecutive days and for which more than 30 % of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport, the infrastructure managers concerned shall publish all capacity restrictions and the preliminary results of a consultation with the applicants for a first time at least 24 months, to the extent they are known, and, in an updated form, for a second time at least 12 months before the change of the working timetable concerned.

(9) The infrastructure managers concerned shall also create a mechanism whereby they jointly discuss those capacity restrictions, if the impact of the capacity restrictions is not limited to one network, with interested applicants, the associations of infrastructure managers referred to in Article 40(1) and the main operators of service facilities concerned when they are published for the first time, unless the infrastructure managers and the applicants agree that such a mechanism is not needed. The joint discussions shall help prepare timetables, including the provision of diversionary routes.

(10) When publishing capacity restrictions in accordance with point (8) for a first time, the infrastructure manager shall launch a consultation with the applicants and the main operators of services facilities concerned on the capacity restrictions. Where a coordination in accordance with point (11) is required between the first and second publication of capacity restrictions, infrastructure managers shall consult with applicants and the main operators of service facilities concerned a second time between the end of that coordination and the second publication of the capacity restriction.

(11) Before publishing capacity restrictions in accordance with point (8), if the impact of the capacity restrictions is not limited to one network, the infrastructure managers concerned, including infrastructure managers that might be impacted by the rerouting of trains, shall coordinate between themselves capacity restrictions that could involve a cancellation, re-routing of a train path or a replacement by other modes.

The coordination before the second publication shall be completed:

(a) no later than 18 months before the change of the working timetable if more than 50 % of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport for a duration of more than 30 consecutive days

(b) no later than 13 months and 15 days before the change of the working timetable period if more than 30 % of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport for a duration of more than seven consecutive days

(c) no later than 13 months and 15 days before the change of the working timetable period if more than 50 % of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes of transport for a duration of seven consecutive days or less.

The infrastructure managers shall, if necessary, invite the applicants active on the lines concerned and the main operators of service facilities concerned to get involved in that coordination.

(12) As regards capacity restrictions of a duration of seven consecutive days or less that need not be published in accordance with point (8) and for which more than 10 % of the estimated traffic volume on a railway line per day is cancelled, re-routed or replaced by other modes, that occur during the following timetable period and that the infrastructure manager becomes aware of no later than 6 months and 15 days before the change of the working timetable, the infrastructure manager shall consult the applicants concerned on the envisaged capacity restrictions and communicate the updated capacity restrictions at least four months before the change of the working timetable. The infrastructure manager shall provide details on the offered train paths for passenger trains no later than four months and for freight trains no later than one month before the beginning of the capacity restriction, unless the infrastructure manager and the concerned applicants agree on a shorter lead time.

(13) Infrastructure managers may decide to apply more stringent thresholds for capacity restrictions based on lower percentages of estimated traffic volumes or shorter durations than indicated in this Annex or to apply criteria in addition to the ones mentioned in this Annex, pursuant to a consultation with applicants and facility operators. They shall publish the thresholds and criteria for clustering capacity restrictions in their network statements under point 3 of Annex IV.

(14) The infrastructure manager may decide not to apply the periods laid down in points (8) to (12), if the capacity restriction is necessary to re-establish safe train operations, the timing of the restrictions is beyond the control of the infrastructure manager, the application of those periods would be cost ineffective or unnecessarily damaging in respect of asset life or condition, or if all concerned applicants agree. In those cases and in case of any other capacity restrictions that are not subject to consultation in accordance with other provisions of this Annex, the infrastructure manager shall consult the applicants and the main operators of service facilities concerned forthwith.

(15) The information to be provided by the infrastructure manager when acting in accordance with points (8), (12) or (14) shall include:

(a) the planned day,

(b) time of day, and, as soon as it can be set, the hour of the beginning and of the end of the capacity restriction,

(c) the section of line affected by the restriction, and

(d) where applicable, the capacity of diversionary lines.

The infrastructure manager shall publish that information, or a link where it can be found, in its network statement as referred to in point (3) of Annex IV. The infrastructure manager shall keep this information updated.

(16) As regards the capacity restrictions of a duration of at least 30 consecutive days and affecting more than 50 % of the estimated traffic volume on a railway line, the infrastructure manager shall provide the applicants upon their request during the first round of consultation with a comparison of the conditions to be encountered under at least two alternatives of capacity restrictions. The infrastructure manager shall design those alternatives on the basis of the input provided by the applicants at the time of their requests and jointly with them.

The comparison shall, for each alternative, include at least:

(a) the duration of the capacity restriction,

(b) the expected indicative infrastructure charges due,

(c) the capacity available on diversionary lines,

(d) the available alternative routes, and

(e) the indicative travel times.

Before making a choice between the alternatives of capacity restrictions, the infrastructure manager shall consult the interested applicants and take into account the impacts of the different alternatives on those applicants and on the users of the services.

(17) As regards the capacity restrictions of a duration of more than 30 consecutive days and affecting more than 50 % of the estimated traffic volume on a railway line, the infrastructure manager shall establish criteria for which trains of each type of service should be re-routed, taking into account the applicant's commercial and operational constraints, unless those operational constraints result from managerial or organisational decisions of the applicant, and without prejudice to the aim of reducing costs of the infrastructure manager in accordance with Article 30(1). The infrastructure manager shall publish in the network statement those criteria together with a preliminary allocation of the remaining capacity to the different types of train services when it acts in accordance with point (8). After the end of the consultation and without prejudice to the obligations of the infrastructure manager as referred to in point (3) of Annex IV, the infrastructure manager, based on the feed-back it received from the applicants, shall provide the railway undertakings concerned with an indicative break-down by type of service of the remaining capacity.'

COMMISSION DECISION (EU) 2017/2076

of 7 November 2017

amending Decision 2009/607/EC as regards the period of validity of the ecological criteria for the award of the EU Ecolabel to hard coverings

(notified under document C(2017) 7247)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ([1]), and in particular Article 8(2) and (3)(c) thereof, After consulting the European Union Ecolabelling Board,

Whereas:

(1) The validity of the current ecological criteria for the award of the EU Ecolabel for hard coverings, and of the related assessment and verification requirements, set out in Commission Decision 2009/607/EC ([2]) expires on 30 November 2017. An assessment has been carried out confirming the relevance and appropriateness of the current ecological criteria, as well as of the related assessment and verification requirements, established by Decision 2009/607/EC. It is therefore appropriate to prolong the period of validity of those criteria and assessment and verification requirements.

(2) Decision 2009/607/EC should therefore be amended accordingly.

(3) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 2009/607/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "hard coverings" and the related assessment and verification requirements shall be valid until 30 June 2021.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 November 2017.

For the Commission

Karmenu VELLA

Member of the Commission

([1]) OJ L 27, 30.1.2010, p. 1.

([2]) Commission Decision 2009/607/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label to hard coverings (OJ L 208, 12.8.2009, p. 21).

COMMISSION IMPLEMENTING DECISION (EU) 2017/2077

of 10 November 2017

amending Decision 2005/50/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community

(notified under document C(2017) 7374)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ([1]), and in particular Article 4(6) thereof,

Whereas:

(1) Commision Decision 2005/50/EC ([2]), as amended by Commission Implementing Decision 2011/485/EU ([3]), harmonises the technical conditions for the availability and efficient use of the 24 GHz range radio spectrum band for automotive short-range radar equipment. These radars help to prevent car collisions.

(2) Decision 2005/50/EC imposed upon Member States statistical reporting obligations, including the requirement to collect, on a yearly basis, data on the number of vehicles equipped with short-range radar using the 24 GHz range radio spectrum band.

(3) While the obligation to keep the use of the 24 GHz by short-range radars under scrutiny should remain, it now appears disproportionate to require each national authority to provide statistical data systematically on a yearly basis as envisaged in Decision 2005/50/EC. National administrative resources would be better used if Member States provided these statistical reports only upon request by the Commission. The Commission could request these statistical reports in the possible but unlikely event that interference or a sharp surge in the number of vehicles equipped with 24 GHz radars is reported.

(4) Since the adoption of Decision 2005/50/EC, there have been no reports of harmful interference by those services which are protected by the Decision. The number of vehicles equipped with short-range radar using the 24 GHz range radio spectrum band has remained generally low and in any case at a level which is well below the threshold of 7 % of the total number of vehicles in circulation in each Member State. This threshold is considered as being the critical proportion below which it is presumed that no harmful interference would be caused to other users of the 24 GHz band.

(5) Decision 2005/50/EC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/50/EC is amended as follows:

In the Annex to the Decision, the words 'The following data shall be collected on a yearly basis:' are replaced by:

'The following data shall be collected upon request by the Commission:'

([1]) OJ L 108, 24.4.2002, p. 1.

([2]) Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community (OJ L 21, 25.1.2005, p. 15).

([3]) Commission Implementing Decision 2011/485/EU of 29 July 2011 amending Decision 2005/50/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community (OJ L 198, 30.7.2011, p. 71).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 November 2017.

For the Commission
Mariya GABRIEL
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/2078

of 10 November 2017

authorising an extension of use of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document C(2017) 7391)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ([1]), and in particular Article 7 thereof,

Whereas:

(1) Commission Implementing Decision 2011/762/EU ([2]) authorised, in accordance with Regulation (EC) No 258/97, the placing on the market of yeast beta-glucans as a novel food ingredient to be used in certain foods and foodstuffs, including beverages, as well as in food supplements and in food for special medical purposes, and total diet replacement for weight control.

(2) On 25 April 2016, the company Leiber GmbH made a request to the competent authority of Ireland for extension of uses and use levels of yeast beta-glucans as a novel food ingredient. In particular, they asked to extend the use of yeast beta-glucans to additional food categories and to increase maximum use levels of yeast beta-glucans per day for food categories already authorised by Implementing Decision 2011/762/EU.

(3) On 7 November 2016, the competent authority of Ireland issued its initial assessment report. In that report, it came to the conclusion that the extension of uses and proposed maximum use levels of yeast beta-glucans meets the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.

(4) On 15 November 2016, the Commission forwarded the initial assessment report to the other Member States.

(5) Reasoned objections were raised by other Member States within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97. The applicant consequently modified the request concerning the food categories and use levels proposed. That change and additional explanations by the applicant alleviated the concerns to the satisfaction of the Member States and the Commission.

(6) Directive 2002/46/EC of the European Parliament and of the Council ([3]) lays down requirements for food supplements. Regulation (EC) No 1925/2006 of the European Parliament and of the Council ([4]) lays down requirements on the addition of vitamins and minerals and certain other substances to foods. Regulation (EU) No 609/2013 of the European Parliament and of the Council ([5]) lays down general compositional and information requirements on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control. Those acts may apply to the yeast beta-glucans. Therefore yeast beta-glucans should be authorised without prejudice to the requirements of that and of any other legislation applying in parallel to Regulation (EC) No 258/97.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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([1]) OJ L 43, 14.2.1997, p. 1.

([2]) Commission Implementing Decision 2011/762/EU of 24 November 2011 authorising the placing on the market of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 313, 26.11.2011, p. 41).

([3]) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

([4]) Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods (OJ L 404, 30.12.2006, p. 26).

([5]) Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC, and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 12.6.2013, p. 35).

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to the provisions of Directive 2002/46/EC, Regulation (EC) No 1925/2006 and Regulation (EU) No 609/2013, yeast (*Saccharomyces cerevisiae*) beta-glucans as specified in Annex I to this Decision may be placed on the Union market as a novel food ingredient for the uses defined and at the maximum levels established in Annex II to this Decision.

Article 2

The designation of yeast (*Saccharomyces cerevisiae*) beta-glucans authorised by this Decision on the labelling of the foodstuffs shall be 'yeast (*Saccharomyces cerevisiae*) beta-glucans'.

Article 3

This Decision is addressed to Leiber GmbH, Hafenstraße 24, 49565 Bramsche, Germany.

Done at Brussels, 10 November 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

SPECIFICATIONS OF YEAST (*SACCHAROMYCES CEREVISIAE*) BETA-GLUCANS

Description

Beta-glucans are complex, high molecular mass (100–200 kDa) polysaccharides, found in the cell wall of many yeasts and cereals. The chemical name for 'yeast beta-glucans' is (1-3), (1-6)-β-D-glucans.

Beta-glucans consist of a backbone of β-1-3-linked glucose residues that are branched by β-1-6-linkages, to which chitin and mannoproteins are linked by β-1-4-bonds.

This novel food is a highly purified (1,3)-(1,6)-β-D-glucan isolated from yeast *Saccharomyces cerevisiae*, insoluble in water, but dispersible in many liquid matrices.

Specifications of yeast (*Saccharomyces cerevisiae*) beta-glucans

Parameter	Specifications values
Solubility	*Insoluble in water but dispersible in many liquid matrices*
Chemical data	
(1,3)-(1,6)-β-D-Glucan	> 80 %
Ash	< 2 %
Moisture	< 6 %
Protein	< 4 %
Total fat	< 3 %
Microbiological data	
Total plate count	< 1 000 CFU/g
Enterobacteriaceae	< 100 CFU/g
Total coliforms	< 10 CFU/g
Yeast	< 25 CFU/g
Mould	< 25 CFU/g
Salmonella ssp.	Absent in 25 g
Escherichia coli	Absent in 1 g
Bacillus cereus	< 100 CFU/g
Staphylococcus aureus	Absent in 1 g
Heavy metals	
Lead	< 0,2 mg/g
Arsenic	< 0,2 mg/g
Mercury	< 0,1 mg/g
Cadmium	< 0,1 mg/g

ANNEX II

AUTHORISED USES OF YEAST (*SACCHAROMYCES CEREVISIAE*) BETA-GLUCANS

Food category	Maximum level of yeast beta-glucans
Food supplements as defined in Directive 2002/46/EC, excluding food supplements for infants and young children	1,275 g/day for children older than 12 years and general adult population 0,675 g/day for children younger than 12 years
Total diet replacement for weight control as defined in Regulation (EU) No 609/2013	1,275 g/day
Food for special medical purposes as defined in Regulation (EU) No 609/2013, excluding food for special medical purposes intended for infants and young children	1,275 g/day
Beverages based on fruit and/or vegetable juices including concentrate and dehydrated juices	1,3 g/kg
Fruit-flavoured drinks	0,8 g/kg
Cocoa beverages preparation powder	38,3 g/kg (powder)
Cereal bars	6 g/kg
Breakfast cereals	15,3 g/kg
Wholegrain and high fibre instant hot breakfast cereals	1,5 g/kg
Cookie-type biscuits	2,2 g/kg
Cracker-type biscuits	6,7 g/kg
Milk based beverages	3,8 g/kg
Fermented milk products	3,8 g/kg
Milk product analogues	3,8 g/kg
Other beverages	0,8 g/kg (ready to drink)
Dried milk/milk powder	25,5 g/kg
Soup and soup mixes	0,9 g/kg (ready to eat) 1,8 g/kg (condensed) 6,3 g/kg (powder)
Chocolate and confectionary	4 g/kg
Protein bars and powder	19,1 g/kg
Jam, marmalade and other fruit spreads	11,3 g/kg

COMMISSION IMPLEMENTING DECISION (EU) 2017/2079

of 10 November 2017

authorising the placing on the market of taxifolin-rich extract as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document C(2017) 7418)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ([1]), and in particular Article 7 thereof,

Whereas:

(1) On 23 August 2010, the company Ametis JSC made a request to the competent authority of the United Kingdom to place taxifolin-rich extract from the wood of Dahurian Larch (*Larix gmelinii* (Rupr.) Rupr) on the Union market as a novel food ingredient within the meaning of point (e) of Article 1(2) of Regulation (EC) No 258/97. The application requests for taxifolin-rich extract to be used in food supplements for the general population, excluding infants, young children, children and adolescents younger than fourteen years.

(2) On 2 September 2011, the competent authority of the United Kingdom issued its initial assessment report. In that report it came to the conclusion that taxifolin-rich extract meets the criteria for novel food ingredient set out in Article 3(1) of Regulation (EC) No 258/97.

(3) On 20 September 2011, the Commission forwarded the initial assessment report to the other Member States.

(4) Reasoned objections were raised by other Member States within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97.

(5) On 5 December 2012, the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for taxifolin-rich extract as novel food ingredient in accordance with Regulation (EC) No 258/97.

(6) On 14 February 2017, EFSA in its 'Scientific Opinion on the safety of taxifolin-rich extract as a novel food pursuant to Regulation (EC) No 258/97' ([2]) concluded that taxifolin-rich extract is safe for the proposed uses and use levels.

(7) That opinion gives sufficient grounds to establish that taxifolin-rich extract in the proposed uses and use levels complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

(8) Directive 2002/46/EC of the European Parliament and of the Council ([3]) lays down requirements on food supplements. The use of taxifolin-rich extract should be authorised without prejudice to that Directive.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

([1]) OJ L 43, 14.2.1997, p. 1.
([2]) EFSA Journal 2017;15(2):4682.
([3]) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Directive 2002/46/EC, taxifolin-rich extract as specified in Annex I to this Decision may be placed on the Union market as a novel food ingredient to be used in food supplements for the general population, excluding infants, young children, children and adolescents younger than 14 years at the maximum levels established in Annex II to this Decision.

Article 2

The designation of taxifolin-rich extract authorised by this Decision for the labelling of the foodstuffs shall be 'taxifolin-rich extract'.

Article 3

This Decision is addressed to Ametis JSC, 68, Naberezhnaya St., Blagoveshchensk, Amur District, Russia 675000.

Done at Brussels, 10 November 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

SPECIFICATIONS OF TAXIFOLIN-RICH EXTRACT

Definition:

Chemical name	[(2R,3R)-2-(3,4 dihydroxyphenyl)-3,5,7-trihydroxy-2,3-dihydrochromen-4-one, also called (+) trans (2R,3R)- dihydroquercetin]
Chemical formula	$C_{15}H_{12}O_7$
Molecular mass	304,25 Da
CAS No.	480-18-2

Description: Taxifolin-rich extract from the wood of Dahurian Larch (*Larix gmelinii* (Rupr.) Rupr) is a white to pale-yellow powder that crystallizes from hot aqueous solutions.

Specifications:

Specification Parameter		Limits
Physical parameter	Moisture	≤ 10 %
Compound analysis	Taxifolin (m/m)	≥ 90,0 % of the dry weight
Heavy Metals, Pesticide	Lead	≤ 0,5 mg/kg
	Arsenic	≤ 0,02 mg/kg
	Cadmium	≤ 0,5 mg/kg
	Mercury	≤ 0,1 mg/kg
	Dichlorodiphenyltrichloroethane (DDT)	≤ 0,05 mg/kg
Residual solvents	Ethanol	< 5 000 mg/kg
Microbial Parameters	Total Plate Count (TPC)	≤ 10^4 CFU ([1])/g
	Enterobacteria	≤ 100/g
	Yeast and Mould	≤ 100 CFU/g
	Escherichia coli	Negative/1 g
	Salmonella spp.	Negative/10 g
	Staphylococcus aureus	Negative/1 g
	Pseudomonas spp.	Negative/1 g

([1]) CFU: Colony forming unit.

Usual range of components of the Taxifolin-rich extract (as per dry substance)

Extract component	Content, usual observed range (%)
Taxifolin	90 – 93
Aromadendrin	2,5 – 3,5

Extract component	Content, usual observed range (%)
Eriodictyol	0,1 – 0,3
Quercetin	0,3 – 0,5
Naringenin	0,2 – 0,3
Kaempferol	0,01 – 0,1
Pinocembrin	0,05 – 0,12
Unidentified flavonoids	1 – 3
Water ([1])	1,5

([1]) Taxifolin in its hydrated form and during the drying process is a crystal. This results on the inclusion of water of crystallisation in a quantity of 1,5 %.

ANNEX II

AUTHORISED USES OF TAXIFOLIN-RICH EXTRACT

Food category	Maximum levels
Food supplements as defined in Directive 2002/46/EC, excluding food supplements for infants, young children, children and adolescents younger than 14 years	100 mg/day

DECISION (EU) 2017/2080 OF THE EUROPEAN CENTRAL BANK

of 22 September 2017

amending Decision ECB/2010/9 on access to and use of certain TARGET2 data (ECB/2017/29)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first and fourth indents of Article 3.1, and Article 22 thereof,

Whereas:

(1) Guideline ECB/2012/27 ([1]) establishes a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2).

(2) TARGET2 functions on the basis of a single technical platform called the Single Shared Platform, operated by the Deutsche Bundesbank, the Banque de France and the Banca d'Italia. It is legally structured as a multiplicity of real-time gross settlement systems, each of which is a TARGET2 component operated by a Eurosystem central bank (CB). Guideline ECB/2012/27 harmonises the rules for the TARGET2 components to the greatest extent possible.

(3) The Governing Council of the European Central Bank (ECB) adopted Decision ECB/2010/9 ([2]).

(4) TARGET2 transaction-level data are necessary in order to perform analyses pertaining to macroprudential oversight, financial stability, financial integration, market operations, monetary policy functions and the Single Supervisory Mechanism. The data are also necessary to share the aggregated results of these analyses. The scope of Decision ECB/2010/9 therefore needs to be extended to allow access to the data for these purposes.

(5) The Market Infrastructure Board (MIB) is responsible for operational activities in the field of Eurosystem market infrastructures. The MIB is also in charge of new market infrastructure-related initiatives and projects, including both TARGET2 and TARGET2-Securities functional and operational management, as mandated by the Governing Council. The Market Infrastructure and Payments Committee (MIPC) is responsible for coordinating the oversight of payment systems including coordination of the oversight of TARGET2. Concerning TARGET2-Securities (T2S) and TARGET2, the MIPC also contributes to tasks assigned to Level 1 of the governance in compliance with Guideline ECB/2012/27. The MIB and the MIPC take over the tasks conferred on the Payments and Settlement Systems Committee under Decision ECB/2010/9,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Decision ECB/2010/9 is amended as follows:

(1) Article 1 is replaced by the following:

'*Article 1*

1. CBs shall access transaction-level data extracted from TARGET2 from all participants of all TARGET2 components for the purposes of ensuring the efficient functioning of TARGET2 and its oversight. CBs may also access the data in order to carry out the analyses necessary for macroprudential oversight, financial stability, financial integration, market operations, monetary policy functions and the Single Supervisory Mechanism, in accordance with the separation principle.

([1]) Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).
([2]) Decision ECB/2010/9 of 29 July 2010 on access to and use of certain TARGET2 data (OJ L 211, 12.8.2010, p. 45).

2. Access to the data referred to in paragraph 1 and their use for quantitative analyses and numerical simulations shall be limited to the following:

(a) for ensuring efficient functioning and oversight of TARGET2, one staff member and up to three alternates separately for both the operation and oversight of TARGET2. The staff members and their alternates shall be staff members dealing with the operation of TARGET2 and with market infrastructure oversight;

(b) for all other analyses, a group of up to 15 staff members conducting research, coordinated by the European System of Central Banks' heads of research.

3. CBs may appoint the staff members and their alternates. The appointment of staff members from operations, including heads of research, who are permitted to access TARGET2 data in accordance with paragraph 2, shall be subject to approval by the Market Infrastructure Board (MIB). The appointment of staff members from oversight, who are permitted to access TARGET2 data in accordance with paragraph 2, shall be subject to approval by the Market Infrastructure and Payments Committee (MIPC). The same procedures shall apply for their replacement.

4. The MIB shall establish specific rules for guaranteeing the confidentiality of transaction-level data. CBs shall ensure compliance with these rules by their staff members designated in accordance with paragraphs 2 and 3. Without prejudice to the application of any other rule on professional conduct or confidentiality by CBs, in the event of non-compliance with the specific rules established by the MIB, CBs shall prevent any of their designated staff members having access to and use of data referred to in paragraph 1. The MIB shall monitor compliance with the provisions of this paragraph.

5. The Governing Council may also decide to grant access to other users on the basis of precise and predefined rules. In such cases, the MIB shall monitor their use of the data and, in particular, their compliance with the rules of confidentiality, both as established by the MIB and as set out in Article 38 of Annex II to Guideline ECB/2012/27 (*).

(*) Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).';

(2) Article 2(1) is replaced by the following:

'1. The TARGET2 Simulator shall be established for the performance of the quantitative analyses and numerical simulations referred to in Article 1(1).';

(3) Article 3 is replaced by the following:

'*Article 3*

1. The MIB shall establish a medium-term operational work programme and the MIPC shall establish an oversight work programme to be performed by the staff members designated in accordance with Article 1(2) and (3), using transaction-level data.

2. The MIB may decide to publish information derived from the use of transaction-level data, provided that it is not possible to identify participants or participants' customers.

3. The MIB shall act by simple majority. Its decisions shall be subject to review by the Governing Council.

4. The MIB shall regularly inform the Governing Council of all matters related to the application of this Decision.';

(4) Article 4 is replaced by the following:

'*Article 4*

Without prejudice to Article 38(3) of Annex II to Guideline ECB/2012/27, the MIB shall coordinate the disclosure and publication by CBs of payment information regarding a participant or a participant's customers provided for in that Article.'.

Article 2

Entry into force

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

Done at Frankfurt am Main, 22 September 2017.

The President of the ECB
Mario DRAGHI

DECISION (EU) 2017/2081 OF THE EUROPEAN CENTRAL BANK

of 10 October 2017

amending Decision ECB/2007/7 concerning the terms and conditions of TARGET2-ECB (ECB/2017/30)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 3.1 and Articles 17, 18 and 22 thereof,

Whereas:

(1) On 22 September 2017, the Governing Council amended Guideline ECB/2012/27 ([1]), in order to: (a) reflect in the TARGET2 legal framework the decision of the Governing Council of 9 June 2016 harmonising the remuneration of the guarantee funds of financial market infrastructures held with the Eurosystem, (b) reflect that, upon completion of the TARGET2-Securities (T2S) migration plan in September 2017, the integrated model used in settlement procedures for ancillary systems will no longer be offered, (c) introduce a new ancillary system settlement procedure supporting the emergence of a pan-European solution for instant payments (settlement procedure 6 real-time), and (d) clarify certain aspects of Guideline ECB/2012/27.

(2) To reflect the amendments made to Guideline ECB/2012/27 as regards the terms and conditions of TARGET2-ECB, where necessary, and to clarify a few other points in the terms and conditions, Decision ECB/2007/7 ([2]) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

1. The following Article 3a is added:

'*Article 3a*

Remuneration of Guarantee Funds

1. "Guarantee Funds" means funds provided by an ancillary system's participants, to be used in the event of the failure, for whatever reason, of one or more participants to meet their payment obligations in the ancillary system.

2. Guarantee Funds shall be remunerated at the deposit facility rate.'.

2. Annexes I and II to Decision ECB/2007/7 are amended in accordance with the Annex to this Decision.

Article 2

Entry into force

This Decision shall enter into force on 20 October 2017.

([1]) Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).
([2]) Decision ECB/2007/7 of 24 July 2007 concerning the terms and conditions of TARGET2-ECB (OJ L 237, 8.9.2007, p. 71).

It shall apply from 13 November 2017.

Done at Frankfurt am Main, 10 October 2017.

For the Executive Board of the ECB
The President of the ECB
Mario DRAGHI

ANNEX

Annexes I and II to Decision ECB/2007/7 are amended as follows:

1. Annex I is amended as follows:

(a) in Article 1, the definition of 'ancillary system' is replaced by the following:

'"ancillary system" means a system managed by an entity established in the European Economic Area (EEA) that is subject to supervision and/or oversight by a competent authority and complies with the oversight requirements for the location of infrastructures offering services in euro, as amended from time to time and published on the ECB's website (*), in which payments and/or financial instruments are exchanged and/or cleared or recorded with (a) the monetary obligations settled in TARGET2 and/or (b) funds held in TARGET2, in accordance with Guideline ECB/2012/27 (**) and a bilateral arrangement between the ancillary system and the relevant Eurosystem CB;

(*) The Eurosystem's current policy for the location of infrastructure is set out in the following statements, which are available on the ECB's website at www.ecb.europa.eu: (a) the policy statement on euro payment and settlement systems located outside the euro area of 3 November 1998; (b) the Eurosystem's policy line with regard to consolidation in central counterparty clearing of 27 September 2001; (c) the Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions of 19 July 2007; (d) the Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of "legally and operationally located in the euro area" of 20 November 2008; (e) the Eurosystem oversight policy framework of July 2011, subject to the judgment of 4 March 2015 *United Kingdom* v *European Central Bank*, T-496/11, ECLI:EU:T:2015:496.

(**) Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).';

(b) Article 28 is amended as follows:

(i) paragraph 6 is replaced by the following:

'6. If a PM account holder is suspended from TARGET2-ECB on grounds other than those specified in paragraph (1)(a), all of its incoming payments and outgoing payment orders shall be stored and only entered into the entry disposition after they have been explicitly accepted by the suspended PM account holder's CB.';

(ii) the following paragraph 7 is added:

'7. If a PM account holder is suspended from TARGET2-ECB on the grounds specified in paragraph (1)(a), any outgoing payment orders from that PM account holder shall only be processed on the instructions of its representatives, including those appointed by a competent authority or a court, such as the PM account holder's insolvency administrator, or pursuant to an enforceable decision of a competent authority or a court providing instructions as to how the payments are to be processed. All incoming payments shall be processed in accordance with paragraph 6.';

(c) Article 32 is amended as follows:

(i) paragraph 2 is replaced by the following:

'2. By derogation from paragraph 1, the participant agrees that the ECB may disclose payment, technical or organisational information regarding the participant, participants from the same group or the participant's customers obtained in the course of the operation of TARGET2-ECB to: (a) other CBs or third parties that are involved in the operation of TARGET2-ECB, to the extent that this is necessary for the efficient functioning of TARGET2 or the monitoring of the participant's or its group's exposure; (b) other CBs in order to carry out the analyses necessary for market operations, monetary policy functions, financial stability or financial integration; or (c) supervisory and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law. The ECB shall not be liable for the financial and commercial consequences of such disclosure.';

(ii) paragraph 3 is replaced by the following:

'3. By derogation from paragraph 1 and provided that this does not make it possible, whether directly or indirectly, to identify the participant or the participant's customers, the ECB may use, disclose or publish payment information regarding the participant or the participant's customers for statistical, historical, scientific or other purposes in the exercise of its public functions or of functions of other public entities to which the information is disclosed.';

(d) in Appendix I, paragraph 8(8)(c) is replaced by the following:

'(c) from the PM account to the technical account managed by the ancillary system using settlement procedure 6 real-time; and';

(e) Appendix IV is amended as follows:

(i) paragraph 6(a) is replaced by the following:

'(a) If it deems it necessary to do so, the ECB shall initiate the contingency processing of payment orders using the Contingency Module of the SSP or other means. In such cases, only a minimum service level shall be provided to participants. The ECB shall inform its participants of the start of contingency processing by means of any available means of communication.';

(ii) paragraph 8(b) is replaced by the following:

'(b) In the event of a failure of the ECB, some or all of its technical functions in relation to TARGET2-ECB may be performed by other Eurosystem CBs or the SSP.';

(f) in Appendix V, the table in paragraph 3 is replaced by the following:

'Time	Description
6.45-7.00	Business window to prepare daytime operations (*)
7.00-18.00	Daytime processing
17.00	Cut-off time for customer payments (i.e. payments where the originator and/or the beneficiary of a payment is not a direct or indirect participant as identified in the system by the use of an MT 103 or MT 103 + message)
18.00	Cut-off time for interbank payments (i.e. payments other than customer payments)
18.00-18.45 (**)	End-of-day processing
18.15 (**)	General cut-off time for the use of standing facilities
(Shortly after) 18.30 (***)	Data for the update of accounting systems are available to CBs
18.45-19.30 (***)	Start-of-day processing (new business day)
19.00 (***)-19.30 (**)	Provision of liquidity on the PM account
19.30 (***)	"Start-of-procedure" message and settlement of the standing orders to transfer liquidity from the PM accounts to the sub-accounts/technical account (ancillary system-related settlement)
19.30 (***)-22.00	Execution of additional liquidity transfers via the ICM for settlement procedure 6 real-time; execution of additional liquidity transfers via the ICM before the ancillary system sends the "start-of-cycle" messages for settlement procedure 6 interfaced; settlement period of night-time ancillary system operations (only for ancillary system settlement procedure 6 real-time and settlement procedure 6 interfaced)
22.00-1.00	Technical maintenance period
1.00-7.00	Settlement procedure of night-time ancillary system operations (only for ancillary system settlement procedure 6 real-time and settlement procedure 6 interfaced)

(*) "Daytime operations" means daytime processing and end-of-day processing.
(**) Ends 15 minutes later on the last day of the Eurosystem reserve maintenance period.
(***) Starts 15 minutes later on the last day of the Eurosystem reserve maintenance period.';

(g) Appendix VI is replaced by the following:

'*Appendix VI*

FEE SCHEDULE AND INVOICING

Fees for direct participants

1. The monthly fee for the processing of payment orders in TARGET2-ECB for direct participants, depending on which option the direct participant has chosen, shall be either:

   (a) EUR 150 per PM account plus a flat fee per transaction (debit entry) of EUR 0,80; or

   (b) EUR 1 875 per PM account plus a fee per transaction (debit entry) determined as follows, based on the volume of transactions (number of processed items) per month:

Band	From	To	Price (EUR)
1	1	10 000	0,60
2	10 001	25 000	0,50
3	25 001	50 000	0,40
4	50 001	100 000	0,20
5	Above 100 000	—	0,125

   Liquidity transfers between a participant's PM account and its sub-accounts shall not be subject to a charge.

   PM to DCA liquidity transfer orders sent from a participant's PM account and DCA to PM liquidity transfer orders received on a participant's PM account shall be charged according to pricing options (a) or (b) as chosen for that PM account.

2. There shall be an additional monthly fee for direct participants who do not wish the BIC of their account to be published in the TARGET2 directory of EUR 30 per account.

3. The monthly fee for direct participants subscribing to the TARGET2 value-added services for T2S shall be EUR 50 for those participants that have opted for option (a) in paragraph 1, and EUR 625 for those participants that have opted for option (b) in paragraph 1.

Fees for Main PM account holders

4. In addition to the fees set out in paragraphs 1 to 3 of this Appendix, a monthly fee of EUR 250 for each linked DCA shall be charged to Main PM account holders.

5. The Main PM account holders shall be charged the following fees for T2S services connected with the linked DCA(s). These items shall be billed separately.

Tariff items	Price (eurocent)	Explanation
Settlement services		
DCA to DCA liquidity transfer orders	9	per transfer
Intra-balance movement (i.e. blocking, unblocking, reservation of liquidity etc.)	6	per transaction
Information services		
A2A reports	0,4	Per business item in any A2A report generated
A2A queries	0,7	Per queried business item in any A2A query generated

Tariff items	Price (eurocent)	Explanation
U2A queries	10	Per executed search function
Messages bundled into a file	0,4	Per message in a file
Transmissions	1,2	Per transmission

Invoicing

6. In the case of direct participants, the following invoicing rules apply. The direct participant shall receive the relevant invoices for the previous month specifying the fees to be paid, no later than on the ninth business day of the following month. Payment shall be made at the latest on the 14th working day of that month to the account specified by the ECB and shall be debited from that participant's PM account.

Fee schedule and invoicing for ancillary systems

7. An ancillary system using the ASI or the Participant Interface, irrespective of the number of any accounts it may hold with the ASCB and/or the SCB, shall be subject to a fee schedule consisting of the following elements:

   (a) A fixed monthly fee of EUR 1 000 to be charged to each ancillary system (Fixed Fee I).

   (b) A second monthly fixed fee of between EUR 417 and EUR 8 334, in proportion to the underlying gross value of the ancillary system's euro cash settlement transactions (Fixed Fee II).

Band	From (EUR million/day)	To (EUR million/day)	Annual fee (EUR)	Monthly fee (EUR)
1	0	below 1 000	5 000	417
2	1 000	below 2 500	10 000	833
3	2 500	below 5 000	20 000	1 667
4	5 000	below 10 000	30 000	2 500
5	10 000	below 50 000	40 000	3 333
6	50 000	below 500 000	50 000	4 167
7	500 000 and above	—	100 000	8 334

   The gross value of the ancillary system's euro cash settlement transactions shall be calculated by the ASCB once a year on the basis of such gross value during the previous year and the calculated gross value shall be applied for calculating the fee from 1 January of each calendar year. The gross value shall exclude transactions settled on DCAs.

   (c) A transaction fee calculated on the same basis as the schedule established for PM account holders, in line with paragraph 1. The ancillary system may choose one of the two options: either to pay a flat EUR 0,80 fee per payment instruction (Option A) or to pay a fee calculated on a degressive basis (Option B), subject to the following modifications:

      (i) for Option B, the limits of the bands relating to volume of payment instructions are divided by two; and

      (ii) a monthly fixed fee of EUR 150 (under Option A) or EUR 1 875 (under Option B) shall be charged in addition to Fixed Fee I and Fixed Fee II.

   (d) In addition to the fees set out in points (a) to (c), an ancillary system using the ASI or the Participant Interface shall also be subject to the following fees:

      (i) If the ancillary system makes use of the TARGET2 value-added services for T2S, the monthly fee for the use of the value added services shall be EUR 50 for those systems that have chosen option A and EUR 625 for those systems that have chosen option B. This fee shall be charged for each account held by the ancillary system that uses the services;

(ii) If the ancillary system holds a Main PM account linked to one or more DCAs, the monthly fee shall be EUR 250 for each linked DCA; and

(iii) The ancillary system as Main PM account holder shall be charged the following fees for T2S services connected with the linked DCA(s). These items shall be billed separately:

Tariff items	Price (eurocent)	Explanation
Settlement services		
DCA to DCA liquidity transfer orders	9	per transfer
Intra-balance movement (i.e. blocking, unblocking, reservation of liquidity etc.)	6	per transaction
Information services		
A2A reports	0,4	Per business item in any A2A report generated
A2A queries	0,7	Per queried business item in any A2A query generated
U2A queries	10	Per executed search function
U2A queries downloaded	0,7	Per queried business item in any U2A query generated and downloaded
Messages bundled into a file	0,4	Per message in a file
Transmissions	1,2	Per transmission

8. Any fee payable in relation to a payment instruction submitted or payment received by an ancillary system, via either the Participant Interface or the ASI, shall be exclusively charged to this ancillary system. The Governing Council may establish more detailed rules for the determination of billable transactions settled via the ASI.

9. Each ancillary system shall receive an invoice from its ASCB for the previous month based on the fees referred to in subparagraph 1, no later than the ninth business day of the following month. Payments shall be made no later than the 14th business day of this month to the account specified by the ASCB or shall be debited from an account specified by the ancillary system.

10. For the purposes of paragraphs 7 to 9, each ancillary system that has been designated under Directive 98/26/EC shall be treated separately, even if two or more of them are operated by the same legal entity. The same rule shall apply to the ancillary systems that have not been designated under Directive 98/26/EC, in which case the ancillary systems shall be identified by reference to the following criteria: (a) a formal arrangement, based on a contractual or legislative instrument, e.g. an agreement among the participants and the system operator; (b) with multiple membership; (c) with common rules and standardised arrangements; and (d) for the clearing, netting and/or settlement of payments and/or securities between the participants.';

2. Annex II is amended as follows:

(a) Article 24 is amended as follows:

(i) paragraph 6 is replaced by the following:

'6. If a DCA holder is suspended from TARGET2-ECB on grounds other than those specified in paragraph (1)(a), all its incoming and outgoing payment orders shall only be presented for settlement after they have been explicitly accepted by the suspended DCA holder's CB.';

(ii) the following paragraph 7 is added:

'7. If a DCA holder is suspended from TARGET2-ECB on the grounds specified in paragraph (1)(a), any outgoing payment orders from that DCA holder shall only be processed on the instructions of its representatives, including those appointed by a competent authority or a court, such as the DCA holder's insolvency administrator, or pursuant to an enforceable decision of a competent authority or a court providing instructions as to how the payments are to be processed. All incoming payments shall be processed in accordance with paragraph (6).';

(b) Article 27 is amended as follows:

(i) paragraph 2 is replaced by the following:

'2. By derogation from paragraph 1, the DCA holder agrees that the ECB may disclose payment order, technical or organisational information regarding the DCA holder, other DCAs held by DCA holders of the same group, or the DCA holder's customers obtained in the course of the operation of TARGET2-ECB to: (a) other CBs or third parties that are involved in the operation of TARGET2-ECB, to the extent that this is necessary for the efficient functioning of TARGET2, or the monitoring of the DCA holder's or its group's exposure; (b) other CBs in order to carry out the analyses necessary for market operations, monetary policy functions, financial stability or financial integration; or (c) supervisory and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law. The ECB shall not be liable for the financial and commercial consequences of such disclosure.';

(ii) paragraph 3 is replaced by the following:

'3. By derogation from paragraph 1 and provided that this does not make it possible, whether directly or indirectly, to identify the DCA holder or the DCA holder's customers, the ECB may use, disclose or publish payment information regarding the DCA holder or the DCA holder's customers for statistical, historical, scientific or other purposes in the exercise of its public functions or of functions of other public entities to which the information is disclosed.'.

GUIDELINES

GUIDELINE (EU) 2017/2082 OF THE EUROPEAN CENTRAL BANK

of 22 September 2017

amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2017/28)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 3.1 and Articles 17, 18 and 22 thereof,

Whereas:

(1) On 9 June 2016 the Governing Council approved the harmonisation of the remuneration of the guarantee funds of financial market infrastructures held with the Eurosystem.

(2) Upon completion of the TARGET2-Securities (T2S) migration plan in September 2017, the integrated model used in the relevant settlement procedures for ancillary systems will no longer be offered.

(3) In order to support the emergence of a pan-European solution for instant payments, TARGET2 is enhanced with a new ancillary system settlement procedure (settlement procedure 6 real-time).

(4) It is necessary to clarify certain aspects of Guideline ECB/2012/27 [1].

(5) Therefore Guideline ECB/2012/27 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline ECB/2012/27 is amended as follows:

(1) Article 2 is amended as follows:

(a) point (31) is replaced by the following:

'(31) "ancillary system" means a system managed by an entity established in the EEA that is subject to supervision and/or oversight by a competent authority and complies with the oversight requirements for the location of infrastructures offering services in euro, as amended from time to time and published on the ECB's website (*), in which payments and/or financial instruments are exchanged and/or cleared or

[1] Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).

recorded with (a) the monetary obligations settled in TARGET2 and/or (b) funds held in TARGET2, in accordance with this Guideline and a bilateral arrangement between the ancillary system and the relevant Eurosystem CB;

(*) The Eurosystem's current policy for the location of infrastructure is set out in the following statements, which are available on the ECB's website at www.ecb.europa.eu: (a) the policy statement on euro payment and settlement systems located outside the euro area of 3 November 1998; (b) the Eurosystem's policy line with regard to consolidation in central counterparty clearing of 27 September 2001; (c) the Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions of 19 July 2007; (d) the Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of "legally and operationally located in the euro area" of 20 November 2008; (e) the Eurosystem oversight policy framework of July 2011, subject to the judgment of 4 March 2015 *United Kingdom* v *European Central Bank,* T-496/11, ECLI:EU:T:2015:496.';

(b) the following point (74) is added:

'(74) "Guarantee Funds" means funds provided by an ancillary system's participants, to be used in the event of the failure, for whatever reason, of one or more participants to meet their payment obligations in the ancillary system.';

(2) Article 11 is amended as follows:

(a) the title is replaced by the following:

'Remuneration of Guarantee Funds';

(b) paragraph 1 is deleted;

(c) paragraph 2 is replaced by the following:

'2. Guarantee Funds shall be remunerated at the deposit facility rate.';

(3) Article 17 is amended as follows:

(a) the following paragraph 3a is inserted:

'3a. A Eurosystem CB that has suspended the participation of a participant in its TARGET2 component system pursuant to paragraph 1(a) shall only process payments from that participant on the instructions of its representatives, including those appointed by a competent authority or a court, such as the participant's insolvency administrator, or pursuant to an enforceable decision of a competent authority or a court providing instructions as to how the payments are to be processed.';

(b) paragraph 4 is replaced by the following:

'4. The Eurosystem CB's obligations set out in paragraphs 1 to 3a shall also apply in the event of suspension or termination of the use of the ASI by ancillary systems.';

(4) Annexes II, IIa and V are amended in accordance with Annex I to this Guideline;

(5) Annex IV is replaced by Annex II to this Guideline.

Article 2

Taking effect and implementation

This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.

The national central banks of the Member States whose currency is the euro shall take the necessary measures to comply with this Guideline and apply them from 13 November 2017. They shall notify the ECB of the texts and means relating to those measures by 20 October 2017 at the latest.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 22 September 2017.

For the Governing Council of the ECB
The President of the ECB
Mario DRAGHI

ANNEX I

Annexes II, IIa and V to Guideline ECB/2012/27 are amended as follows:

1. Annex II is amended as follows:

(a) in Article 1, the definition of 'ancillary system' is replaced by the following:

'"ancillary system" means a system managed by an entity established in the European Economic Area (EEA) that is subject to supervision and/or oversight by a competent authority and complies with the oversight requirements for the location of infrastructures offering services in euro, as amended from time to time and published on the ECB's website (*), in which payments and/or financial instruments are exchanged and/or cleared or recorded with (a) the monetary obligations settled in TARGET2 and/or (b) funds held in TARGET2, in accordance with Guideline ECB/2012/27 (**) and a bilateral arrangement between the ancillary system and the relevant Eurosystem CB;

(*) The Eurosystem's current policy for the location of infrastructure is set out in the following statements, which are available on the ECB's website at www.ecb.europa.eu: (a) the policy statement on euro payment and settlement systems located outside the euro area of 3 November 1998; (b) the Eurosystem's policy line with regard to consolidation in central counterparty clearing of 27 September 2001; (c) the Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions of 19 July 2007; (d) the Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of "legally and operationally located in the euro area" of 20 November 2008; (e) the Eurosystem oversight policy framework of July 2011, subject to the judgment of 4 March 2015 *United Kingdom* v *European Central Bank*, T-496/11, ECLI:EU:T:2015:496.

(**) Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).';

(b) Article 34 is amended as follows:

(i) paragraph 6 is replaced by the following:

'6. If a PM account holder is suspended from TARGET2-[insert CB/country reference] on grounds other than those specified in paragraph 1(a), all of its incoming payments and outgoing payment orders shall be stored and only entered into the entry disposition after they have been explicitly accepted by the suspended PM account holder's CB.';

(ii) the following paragraph 7 is added:

'7. If a PM account holder is suspended from TARGET2-[insert CB/country reference] on the grounds specified in paragraph 1(a), any outgoing payment orders from that PM account holder shall only be processed on the instructions of its representatives, including those appointed by a competent authority or a court, such as the PM account holder's insolvency administrator, or pursuant to an enforceable decision of a competent authority or a court providing instructions as to how the payments are to be processed. All incoming payments shall be processed in accordance with paragraph 6.';

(c) Article 38 is amended as follows:

(i) paragraph 2 is replaced by the following:

'2. By derogation from paragraph 1, the participant agrees that the [insert name of CB] may disclose payment, technical or organisational information regarding the participant, participants from the same group or the participant's customers obtained in the course of the operation of TARGET2-[insert CB/country reference] to (a) other CBs or third parties that are involved in the operation of TARGET2-[insert CB/country reference], to the extent that this is necessary for the efficient functioning of TARGET2 or the monitoring of the participant's or its group's exposure; (b) other CBs in order to carry out the analyses necessary for market operations, monetary policy functions, financial stability or financial integration; or (c) supervisory and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law. The [insert name of CB] shall not be liable for the financial and commercial consequences of such disclosure.';

(ii) paragraph 3 is replaced by the following:

'3. By derogation from paragraph 1 and provided that this does not make it possible, whether directly or indirectly, to identify the participant or the participant's customers, the [insert name of CB] may use, disclose or publish payment information regarding the participant or the participant's customers for statistical, historical, scientific or other purposes in the exercise of its public functions or of functions of other public entities to which the information is disclosed.';

(d) in Appendix I, paragraph 8(8)(c) is replaced by the following:

'(c) from the PM account to the technical account managed by the ancillary system using settlement procedure 6 real-time; and';

(e) Appendix IV is amended as follows:

(i) paragraph 6(a) is replaced by the following:

'(a) If it deems it necessary to do so, the [insert name of CB] shall initiate the contingency processing of payment orders using the Contingency Module of the SSP or other means. In such cases, only a minimum service level shall be provided to participants. The [insert name of CB] shall inform its participants of the start of contingency processing by means of any available means of communication.';

(ii) paragraph 8(b) is replaced by the following:

'(b) In the event of a failure of the [insert name of CB], some or all of its technical functions in relation to TARGET2-[insert CB/country reference] may be performed by other Eurosystem CBs or the SSP.';

(f) in Appendix V, the table in paragraph 3 is replaced by the following:

'Time	Description
6.45-7.00	Business window to prepare daytime operations (*)
7.00-18.00	Daytime processing
17.00	Cut-off time for customer payments, i.e. payments where the originator and/or the beneficiary of a payment is not a direct or indirect participant as identified in the system by the use of an MT 103 or MT 103+ message
18.00	Cut-off time for interbank payments, i.e. payments other than customer payments
18.00-18.45 (**)	End-of-day processing
18.15 (**)	General cut-off time for the use of standing facilities
(Shortly after) 18.30 (***)	Data for the update of accounting systems are available to CBs
18.45-19.30 (***)	Start-of-day processing (new business day)
19.00 (***)-19.30 (**)	Provision of liquidity on the PM account
19.30 (***)	"Start-of-procedure" message and settlement of the standing orders to transfer liquidity from the PM accounts to the subaccounts/technical account (ancillary system-related settlement)

Time	Description
19.30 (***)-22.00	Execution of additional liquidity transfers via the ICM for settlement procedure 6 real time; execution of additional liquidity transfers via the ICM before the ancillary system sends the "start of cycle" messages for settlement procedure 6 interfaced; settlement period of night-time ancillary system operations (only for ancillary system settlement procedure 6 real-time and settlement procedure 6 interfaced)
22.00-1.00	Technical maintenance period
1.00-7.00	Settlement procedure of night-time ancillary system operations (only for ancillary system settlement procedure 6 real-time and settlement procedure 6 interfaced)

(*) "Daytime operations" means daytime processing and end-of-day processing.
(**) Ends 15 minutes later on the last day of the Eurosystem reserve maintenance period.
(***) Starts 15 minutes later on the last day of the Eurosystem reserve maintenance period.'

(g) In Appendix VI, paragraph 14 is replaced by the following:

'14. In the case of direct participants, the following invoicing rules apply. The direct participant (the AL group or CAI group manager in the event that the AL or CAI modes are used) shall receive the relevant invoices for the previous month specifying the fees to be paid, no later than on the ninth business day of the following month. Payment shall be made at the latest on the 14th working day of that month to the account specified by the [insert name of CB] and shall be debited from that participant's PM account.'

2. Annex IIa is amended as follows:

(a) Article 24 is amended as follows:

(i) paragraph 6 is replaced by the following:

'6. If a DCA holder is suspended from TARGET2-[insert CB/country reference] on grounds other than those specified in paragraph 1(a), all of its incoming and outgoing payment orders shall only be presented for settlement after they have been explicitly accepted by the suspended DCA holder's CB.';

(ii) the following paragraph 7 is added:

'7. If a DCA holder is suspended from TARGET2-[insert CB/country reference] on the grounds specified in paragraph 1(a), any outgoing payment orders from that DCA holder shall only be processed on the instructions of its representatives, including those appointed by a competent authority or a court, such as the DCA holder's insolvency administrator, or pursuant to an enforceable decision of a competent authority or a court providing instructions as to how the payments are to be processed. All incoming payments shall be processed in accordance with paragraph 6.';

(b) Article 27 is amended as follows:

(i) paragraph 2 is replaced by the following:

'2. By derogation from paragraph 1, the DCA holder agrees that the [insert name of CB] may disclose payment order, technical or organisational information regarding the DCA holder, other DCAs held by DCA holders of the same group, or the DCA holder's customers obtained in the course of the operation of TARGET2-[insert CB/country reference] to (a) other CBs or third parties that are involved in the operation of TARGET2-[insert CB/country reference], to the extent that this is necessary for the efficient functioning of TARGET2, or the monitoring of the DCA holder's or its group's exposure; (b) other CBs in order to carry out the analyses necessary for market operations, monetary policy functions, financial stability or financial integration; or (c) supervisory and oversight authorities of Member States and the Union, including CBs, to the extent that this is necessary for the performance of their public tasks, and provided in all such cases that the disclosure is not in conflict with the applicable law. The [insert name of CB] shall not be liable for the financial and commercial consequences of such disclosure.';

(ii) paragraph 3 is replaced by the following:

'3. By derogation from paragraph 1 and provided that this does not make it possible, whether directly or indirectly, to identify the DCA holder or the DCA holder's customers, the [insert name of CB] may use, disclose or publish payment information regarding the DCA holder or the DCA holder's customers for statistical, historical, scientific or other purposes in the exercise of its public functions or of functions of other public entities to which the information is disclosed.'

3. Annex V is amended as follows:

(i) In Appendix IA, paragraph 8(8)(c) is replaced by the following:

'(c) from the PM account to the technical account managed by an ancillary system using settlement procedure 6 real-time.'

(ii) In Appendix IIA, paragraph 4 is replaced by the following:

'4. In the case of direct participants, the following invoicing rules apply. The direct participant shall receive the invoice for the previous month specifying the fees to be paid, no later than on the ninth business day of the following month. Payment shall be made at the latest on the 14th working day of that month to the account specified by the [insert name of CB] and shall be debited from that participant's PM account.'

ANNEX II

Annex IV to Guideline ECB/2012/27 is replaced by the following:

'*ANNEX IV*

SETTLEMENT PROCEDURES FOR ANCILLARY SYSTEMS

1. **Definitions**

For the purposes of this Annex and further to the definitions in Article 2:

(1) "credit instruction" means a payment instruction submitted by an ancillary system and addressed to the ASCB to debit one of the accounts kept and/or managed by the ancillary system in the PM, and to credit a settlement bank's PM account or subaccount by the amount specified therein,

(2) "debit instruction" means a payment instruction addressed to the SCB and submitted by an ancillary system to debit a settlement bank's PM account or subaccount by the amount specified therein, on the basis of a debit mandate, and to credit either one of the ancillary system's accounts in the PM or another settlement bank's PM account or subaccount,

(3) "payment instruction" or "ancillary system payment instruction" means a credit instruction or a debit instruction,

(4) "ancillary system central bank (ASCB)" means the Eurosystem CB with which the relevant ancillary system has a bilateral arrangement for the settlement of ancillary system payment instructions in the PM,

(5) "settlement central bank (SCB)" means a Eurosystem CB holding a settlement bank's PM account,

(6) "settlement bank" means a participant whose PM account or subaccount is used to settle ancillary system payment instructions,

(7) "Information and Control Module (ICM)" means the SSP module that allows PM account holders to obtain online information and gives them the possibility to submit liquidity transfer orders, manage liquidity and initiate payment orders in contingency situations,

(8) "ICM broadcast message" means information made simultaneously available to all or a selected group of PM account holders via the ICM,

(9) "debit mandate" means an authorisation by a settlement bank in the form provided by the Eurosystem CBs in the static data forms addressed to both its ancillary system and its SCB, entitling the ancillary system to submit debit instructions, and instructing the SCB to debit the settlement bank's PM account or subaccount as a result of debit instructions,

(10) "short" means owing money during the settlement of ancillary system payment instructions,

(11) "long" means being owed money during the settlement of ancillary system payment instructions,

(12) "cross-system settlement" means the real-time settlement of debit instructions under which payments are executed from a settlement bank of one ancillary system using settlement procedure 6 to a settlement bank of another ancillary system using settlement procedure 6,

(13) "Static Data (Management) Module" means the SSP module in which static data are collected and recorded,

(14) "technical account" means a specific account held in the PM by an ancillary system or held by the ASCB on an ancillary system's behalf in its TARGET2 component system for use by the ancillary system.

2. **Role of SCBs**

Each Eurosystem CB shall act as the SCB in relation to any settlement bank for which it holds a PM account.

3. **Management of relationship between CBs, ancillary systems and settlement banks**

(1) The ASCBs shall ensure that the ancillary systems with which they have bilateral arrangements provide a list of settlement banks containing the settlement banks' PM account details, which the ASCB shall store in the Static Data (Management) Module of the SSP. Any ancillary system may access the list of its respective settlement banks via the ICM.

(2) The ASCBs shall ensure that the ancillary systems with which they have bilateral arrangements inform them without delay of any changes with regard to the list of settlement banks. The ASCBs shall inform the relevant SCB regarding any such changes via an ICM broadcast message.

(3) The ASCBs shall ensure that the ancillary systems with which they have bilateral arrangements collect the debit mandates and other relevant documents from their settlement banks and submit them to the ASCB. Such documents shall be provided in English and/or the ASCB's relevant national language(s). If the ASCB's national language(s) is/are not identical to the SCB's national language(s), the necessary documents shall be provided in English only or both in English and in the ASCB's relevant national language(s). In the case of ancillary systems that settle via TARGET2-ECB, the documents shall be provided in English.

(4) If a settlement bank is a participant in the relevant ASCB's TARGET2 component system, the ASCB shall verify the validity of the debit mandate given by the settlement bank and make any necessary entries in the Static Data (Management) Module. If a settlement bank is not a participant in the relevant ASCB's TARGET2 component system, the ASCB shall forward the debit mandate (or an electronic copy thereof, if so agreed between the ASCB and SCB) to the relevant SCBs for verification of its validity. The SCBs shall perform such verification and shall inform the relevant ASCB of the outcome of verification within five business days after receipt of such request. After verification, the ASCB shall update the list of settlement banks in the ICM.

(5) The verification undertaken by the ASCB shall be without prejudice to the ancillary system's responsibility to restrict payment instructions to the list of settlement banks referred to in subparagraph 1.

(6) Unless they are one and the same, the ASCBs and SCBs shall exchange information regarding any significant event during the settlement process.

(7) The ASCBs shall ensure that the ancillary systems with which they have bilateral arrangements provide the name and the BIC of the ancillary system with which they intend to execute cross-system settlement and the date from which cross-system settlement with a particular ancillary system should begin or stop. This information shall be recorded in the Static Data (Management) Module.

4. **Initiation of payment instructions via the ASI**

(1) All payment instructions submitted by an ancillary system via the ASI shall be in the form of XML messages.

(2) All payment instructions submitted by an ancillary system via the ASI shall be considered as "highly urgent" and shall be settled in accordance with Annex II.

(3) A payment instruction shall be deemed accepted if:

(a) the payment instruction complies with the rules established by the TARGET2 network service provider;

(b) the payment instruction complies with the formatting rules and conditions of the ASCB's TARGET2 component system;

(c) the settlement bank is on the list of settlement banks referred to in paragraph 3(1);

(d) in the case of a cross-system settlement, the relevant ancillary system is on the list of ancillary systems with which cross-system settlement may be executed;

(e) in the event that a settlement bank's participation in TARGET2 has been suspended, the explicit consent of the SCB of the suspended settlement bank has been obtained.

5. **Entry of payment instructions into the system and their irrevocability**

(1) Credit instructions shall be deemed to be entered in the relevant TARGET2 component system at the moment that they are accepted by the ASCB and shall be irrevocable from that moment. Debit instructions shall be deemed to be entered in the relevant TARGET2 component system at the moment that they are accepted by the SCB and shall be irrevocable from that moment.

(2) The application of subparagraph 1 shall not have any effect on any rules of ancillary systems which stipulate a moment of entry into the ancillary system and/or irrevocability of transfer orders submitted to such ancillary system at a point in time earlier than the moment of entry of the respective payment instruction in the relevant TARGET2 component system.

6. **Settlement procedures**

(1) If an ancillary system requests the use of a settlement procedure, the ASCB concerned shall offer one or more of the settlement procedures specified below.

(a) settlement procedure 2 (real-time settlement),

(b) settlement procedure 3 (bilateral settlement),

(c) settlement procedure 4 (standard multilateral settlement),

(d) settlement procedure 5 (simultaneous multilateral settlement),

(e) settlement procedure 6 (dedicated liquidity, real-time and cross-system settlement).

(2) Settlement procedure 1 (liquidity transfer) is no longer offered.

(3) The SCBs shall support the settlement of ancillary system payment instructions in accordance with the choice of settlement procedures referred to in subparagraph 1 by, inter alia, settling payment instructions on the settlement banks' PM accounts or subaccounts.

(4) Further details relating to the settlement procedures referred to in subparagraph 1 are contained in paragraphs 10 to 14.

7. **No obligation to open PM account**

Ancillary systems shall not be obliged to become direct participants in a TARGET2 component system or to maintain a PM account while using the ASI.

8. **Accounts to support settlement procedures**

(1) In addition to PM accounts, the following types of accounts may be opened in the PM and used by ASCBs, ancillary systems and settlement banks for the settlement procedures referred to in paragraph 6(1):

(a) technical accounts;

(b) guarantee fund accounts;

(c) subaccounts.

(2) When an ASCB offers settlement procedure 4, 5 or 6 for interfaced models, it shall open a technical account in its TARGET2 component system for the ancillary systems concerned. Such accounts may be offered by the ASCB as an option for settlement procedures 2 and 3. Separate technical accounts shall be opened in respect of settlement procedures 4 and 5. For settlement procedure 3, 4, 5 or 6 for interfaced models, the balance on technical accounts shall be zero or positive at the end of the relevant ancillary system's settlement process and the end-of-day balance shall be zero. Technical accounts are identified by either the BIC of the ancillary system or the relevant ASCB's BIC.

(3) When offering settlement procedure 6 real-time an ASCB shall open technical accounts in its TARGET2 component system. Technical accounts for settlement procedure 6 real-time may only have a zero or positive balance during the day and may maintain a positive balance overnight. Any overnight balance on the account shall be subject to the same remuneration rules that apply to Guarantee Funds under Article 11 of this Guideline.

(4) When offering settlement procedure 4 or 5, an ASCB may open a guarantee fund account in its TARGET2 component system for ancillary systems. The balances of these accounts shall be used to settle the ancillary system's payment instructions in the event that there is no available liquidity on the settlement bank's PM account. Guarantee fund account holders may be ASCBs, ancillary systems or guarantors. Guarantee fund accounts are identified by the relevant account holder's BIC.

(5) When settlement procedure 6 is offered by an ASCB for interfaced models, SCBs shall open one or more subaccounts in their TARGET2 component systems for settlement banks, to be used for dedicating liquidity and, if relevant, cross-system settlement. Subaccounts shall be identified by the BIC of the PM account to which they relate, in combination with an account number that is specific to the relevant subaccount. The account number is composed of the country code plus up to 32 characters (depending on the relevant national bank account structure).

(6) The accounts referred to in subparagraph 1(a) to (c) shall not be published in the TARGET2 directory. If so requested by the PM account holder, the relevant statements of accounts (MT 940 and MT 950) for all such accounts may be provided to the account holder at the end of every business day.

(7) The detailed rules on the opening of the account types mentioned in this paragraph and on their application while supporting the settlement procedures may be further specified in bilateral arrangements between the ancillary systems and ASCBs.

9. **Settlement procedure 1 — Liquidity transfer**

This procedure is no longer offered.

10. **Settlement procedure 2 — Real-time settlement**

(1) When offering settlement procedure 2, the ASCBs and SCBs shall support the settlement of the cash leg of ancillary system transactions by settling payment instructions submitted by the ancillary system on an individualised basis, rather than in batches. If a payment instruction to debit a short settlement bank's PM account is queued in line with Annex II, the SCB concerned shall inform the settlement bank via an ICM broadcast message.

(2) Settlement procedure 2 may also be offered to the ancillary system for the settlement of multilateral balances and in such cases the ASCB shall open a technical account for such ancillary system. Furthermore, the ASCB shall not offer the ancillary system the service of properly managing the sequence of incoming and outgoing payments as may be required for such multilateral settlement. The ancillary system itself shall assume responsibility for the necessary sequencing.

(3) The ASCB may offer the settlement of payment instructions within certain time limits to be defined by the ancillary system, as referred to in paragraph 15(2) and (3).

(4) The settlement banks and ancillary systems shall have access to information via the ICM. The ancillary systems shall be notified on completion or failure of the settlement by a message on the ICM. If they so request, settlement banks accessing TARGET2 via the TARGET2 network service provider shall be notified of successful settlement via a SWIFT MT 900 or MT 910 message. PM account holders using internet-based access shall be informed by a message on the ICM.

11. **Settlement procedure 3 — Bilateral settlement**

(1) When offering settlement procedure 3, the ASCBs and SCBs shall support settlement of the cash leg of ancillary system transactions by settling payment instructions which the ancillary system submits in batch mode. If a payment instruction to debit a short settlement bank's PM account is queued in line with Annex II, the SCB concerned shall inform the settlement bank via an ICM broadcast message.

(2) Settlement procedure 3 may also be offered to the ancillary system for the settlement of multilateral balances. Paragraph 10(2) shall apply *mutatis mutandis*, subject to the modifications that:

(a) payment instructions: (i) to debit the short settlement banks' PM accounts and credit the ancillary system's technical account; and (ii) to debit the ancillary system's technical account and credit the long settlement banks' PM accounts are submitted in separate files; and

(b) the long settlement banks' PM accounts shall be credited only after all short settlement banks' PM accounts are debited.

(3) If multilateral settlement fails (for example, because not all collections from short settlement banks' accounts are successful), the ancillary system shall submit payment instructions in order to reverse already settled debit transactions.

(4) The ASCBs may offer:

(a) the settlement of payment instructions within certain time limits defined by the ancillary system, as referred to in paragraph 15(3); and/or

(b) the "information period" functionality, as referred to in paragraph 15(1).

(5) The settlement banks and ancillary systems shall have access to information via the ICM. The ancillary systems shall be notified on completion or failure of the settlement based on the selected option — single or global notification. If they so request, settlement banks shall be notified of successful settlement via a SWIFT MT 900 or MT 910 message. PM account holders using internet-based access shall be informed by a message on the ICM.

12. **Settlement procedure 4 — Standard multilateral settlement**

(1) When offering settlement procedure 4, the ASCBs and SCBs shall support the settlement of multilateral cash balances of ancillary system transactions by settling payment instructions submitted by the ancillary system in batch mode. The ASCBs shall open a specific technical account for such an ancillary system.

(2) The ASCBs and SCBs shall ensure the required sequencing of payment instructions. They shall only book credits if all debits have been collected successfully. Payment instructions: (a) to debit short settlement banks' accounts and credit the ancillary system's technical account; and (b) to credit long settlement banks' accounts and debit the ancillary system's technical account are submitted in a single file.

(3) Payment instructions to debit the short settlement banks' PM account and to credit the ancillary system's technical account will be settled first; only upon settlement of all such payment instructions (including possible funding of the technical account by a guarantee fund mechanism) will the PM accounts of the long settlement banks be credited.

(4) If a payment instruction to debit a short settlement bank's PM account is queued in line with Annex II, the SCBs shall inform such settlement bank via an ICM broadcast message.

(5) If a short settlement bank has insufficient funds on its PM account, a guarantee fund mechanism shall be activated by the ASCB if that is provided for in the bilateral arrangement between the ASCB and the ancillary system.

(6) If no guarantee fund mechanism is provided for and the entire settlement fails, then the ASCBs and SCBs shall be deemed to have been instructed to return all payment instructions in the file and shall reverse payment instructions which have already been settled.

(7) The ASCBs shall inform settlement banks of a settlement failure via an ICM broadcast message.

(8) The ASCBs may offer:

(a) the settlement of payment instructions within certain time limits defined by the ancillary system, as referred to in paragraph 15(3);

(b) the "information period" functionality, as referred to in paragraph 15(1);

(c) a guarantee fund mechanism, as referred to in paragraph 15(4).

(9) The settlement banks and ancillary systems shall have access to information via the ICM. Ancillary systems shall be notified on completion or failure of the settlement. If they so request, settlement banks shall be notified of successful settlement via a SWIFT MT 900 or MT 910 message. PM account holders using internet-based access shall be informed by a message on the ICM.

13. **Settlement procedure 5 — Simultaneous multilateral settlement**

(1) When offering settlement procedure 5, the ASCBs and SCBs shall support the settlement of multilateral cash balances of ancillary system transactions by settling payment instructions submitted by the ancillary system. In order to settle relevant payment instructions Algorithm 4 shall be used (see Appendix I to Annex II). Unlike settlement procedure 4, settlement procedure 5 operates on an "all-or-nothing" basis. In this procedure the debiting of short settlement banks' PM accounts and the crediting of long settlement banks' PM accounts shall be done simultaneously (rather than sequentially, as in settlement procedure 4). Paragraph 12 shall apply *mutatis mutandis* subject to the following modification. If one or more of the payment instructions cannot be settled, all payment instructions shall be queued, and Algorithm 4, as described in paragraph 16(1), shall be repeated in order to settle the ancillary system's payment instructions in the queue.

(2) The ASCBs may offer:

(a) the settlement of payment instructions within certain time limits defined by the ancillary system, as referred to in paragraph 15(3);

(b) the "information period" functionality, as referred to in paragraph 15(1);

(c) a guarantee fund mechanism, as referred to in paragraph 15(4).

(3) The settlement banks and ancillary systems shall have access to information via the ICM. The ancillary systems shall be notified on completion or failure of the settlement. If they so request, settlement banks shall be notified of successful settlement via a SWIFT MT 900 or MT 910 message. PM account holders using internet-based access shall be informed by a message on the ICM.

(4) If a payment instruction to debit a short settlement bank's PM account is queued in line with Annex II, the SCB concerned shall inform the settlement banks via an ICM broadcast message.

14. **Settlement procedure 6 — dedicated liquidity, real-time and cross-system settlement**

(1) Settlement procedure 6 can be used for both the interfaced and the real-time model, as described in sub-paragraphs 4 to 12 and 13 to 16 below respectively. In the case of the real-time model, the relevant ancillary system has to use a technical account to collect the necessary liquidity set aside by its settlement banks for funding their positions. In the case of the interfaced model, the settlement bank has to open at least one subaccount relating to a specific ancillary system.

(2) If they so request, the settlement banks shall be notified via a SWIFT MT 900 or MT 910 message and PM account holders using internet-based access shall be informed by a message on the ICM of the crediting and debiting of their PM accounts and, if applicable, of their subaccounts.

(3) When offering cross-system settlement under settlement procedure 6, the ASCBs and SCBs shall support cross-system settlement payments, if they are initiated by the relevant ancillary systems. For settlement procedure 6 interfaced, an ancillary system can only initiate cross-system settlement during its processing cycle, and settlement procedure 6 has to be running in the ancillary system receiving the payment instruction. For settlement procedure 6 real-time, an ancillary system can initiate cross-system settlement at any time during the TARGET2 daytime processing and settlement of night-time ancillary system operations. The possibility to execute cross-system settlement between two individual ancillary systems shall be recorded in the Static Data (Management) Module.

(A) ***Interfaced model***

(4) When offering settlement procedure 6 interfaced, the ASCBs and SCBs shall support the settlement of bilateral and/or multilateral cash balances of ancillary system transactions by:

(a) enabling a settlement bank to pre-fund its prospective settlement obligation through liquidity transfers from its PM account into its subaccount ("dedicated liquidity") prior to the ancillary system processing; and

(b) settling the ancillary system's payment instructions subsequent to the completion of the ancillary system processing: in relation to short settlement banks by debiting their subaccounts (within the limits of the funds provided on such accounts) and crediting the ancillary system's technical account and in relation to long settlement banks by crediting their subaccounts and debiting the ancillary system's technical account.

(5) When offering settlement procedure 6 interfaced:

(a) the SCBs shall open at least one subaccount in relation to a single ancillary system for each settlement bank; and

(b) the ASCB shall open a technical account for the ancillary system for: (i) crediting funds collected from the subaccounts of the short settlement banks; and (ii) debiting funds when making credits to the dedicated subaccounts of the long settlement banks.

(6) Settlement procedure 6 interfaced shall be offered at any time during the TARGET2 daytime processing and settlement of night-time ancillary system operations. The new business day shall start immediately on fulfilment of the minimum reserve requirements; any debit or credit made on the relevant accounts thereafter shall be for value of the new business day.

(7) Under settlement procedure 6 interfaced, the ASCBs and SCBs shall offer the following types of liquidity transfer service into and from the subaccount:

(a) standing orders which settlement banks may submit or modify at any time during a business day via the ICM (when it is available). Standing orders submitted after the sending of the "start-of-procedure" message on a given business day shall be valid only for the next business day. If there are several standing orders to credit different subaccounts and/or the technical account of the ancillary system, they shall be settled in the order of their amount, starting with the highest. During night-time ancillary system operations, if there are standing orders for which there are insufficient funds on the PM account, such orders shall be settled following a pro rata reduction of all orders;

(b) current orders, which may only be submitted either by a settlement bank (via the ICM) or the relevant ancillary system via an XML message during the running of settlement procedure 6 interfaced (identified by the time span from the "start-of-procedure" to the "end-of-procedure" message) and which shall be settled only as long as the ancillary system processing cycle has not yet started. If there is a current order submitted by the ancillary system for which there are insufficient funds on the PM account, such order shall be partially settled;

(c) SWIFT orders that go via an MT 202 message or by automatic mapping to an MT202 from the screens for PM account holders using internet-based access, which may only be submitted during the running of settlement procedure 6 interfaced and only during daytime processing. Such orders shall be settled immediately.

(8) Settlement procedure 6 interfaced shall start by means of a "start-of-procedure" message and finish by means of an "end-of-procedure" message, which shall be sent by the ancillary system (or ASCB on its behalf). "Start-of-procedure" messages shall trigger the settlement of standing orders for the transfer of liquidity into the subaccounts. The "end-of-procedure" message leads to an automatic retransfer of liquidity from the subaccount to the PM account.

(9) Under settlement procedure 6 interfaced, dedicated liquidity on the subaccounts shall be frozen as long as the ancillary system processing cycle is running (starting with a "start-of-cycle" message and ending with an "end-of-cycle" message, both to be sent by the ancillary system) and released thereafter. The frozen balance can be changed during the processing cycle as a result of cross-system settlement payments or if a settlement bank transfers liquidity from its PM account. The ASCB shall notify the ancillary system of the reduction or increase of liquidity on the subaccount as a result of cross-system settlement payments. If the ancillary system so requests, the ASCB shall also notify it of the increased liquidity on the subaccount as a result of liquidity transfer by the settlement bank.

(10) Within each ancillary system processing cycle under settlement procedure 6 interfaced, payment instructions shall be settled out of dedicated liquidity whereby Algorithm 5 (as referred to in Appendix I to Annex II) shall be used as a rule.

(11) Within each ancillary system processing cycle under settlement procedure 6 interfaced, a settlement bank's dedicated liquidity can be increased by crediting certain incoming payments directly to its subaccounts, i.e. coupons and redemption payments. In such cases, the liquidity first has to be credited on the technical account, then debited from such account before crediting the liquidity on the subaccount (or on the PM account).

(12) Cross-system settlement between two interfaced ancillary systems can only be initiated by an ancillary system (or its ASCB on its behalf) whose participant's subaccount is debited. The payment instruction is settled by debiting the amount indicated in the payment instruction from the subaccount of a participant of the ancillary system initiating the payment instruction and crediting the subaccount of a participant of another ancillary system.

The ancillary system initiating the payment instruction and the other ancillary system shall be notified on completion of the settlement. If they so request, settlement banks shall be notified of successful settlement via a SWIFT MT 900 or MT 910 message. PM account holders using internet-based access shall be informed by a message on the ICM.

(B) ***Real-time model***

(13) When offering settlement procedure 6 real-time, the ASCBs and SCBs shall support such settlement.

(14) Under settlement procedure 6 real-time, the ASCBs and SCBs shall offer the following types of liquidity transfer service into and from a technical account:

(a) standing orders (for night-time ancillary system operations), which settlement banks may submit or modify at any time during a business day via the ICM (when it is available). Standing orders submitted after start-of-day processing shall be valid only for the next business day. If there are several standing orders, they shall be settled in the order of their amount, starting with the highest. During night-time ancillary system operations, if there are standing orders for which there are insufficient funds on the PM account, such orders shall be settled following a pro rata reduction of all orders;

(b) current orders to credit the technical account, which may only be submitted either by a settlement bank (via the ICM) or by the relevant ancillary system on its behalf (via an XML message). If there is a current order submitted by the relevant ancillary system on behalf of the settlement bank for which there are insufficient funds on the PM account, such order shall be partially settled;

(c) current orders to debit the technical account, which may only be submitted by the relevant ancillary system (via an XML message);

(d) SWIFT orders that go via an MT 202 message, which may only be submitted by a settlement bank during daytime processing. Such orders shall be settled immediately.

(15) The "start-of-procedure" and "end-of-procedure" will take place automatically upon completion of the "Start-of-day processing" and start of "End-of-day processing" respectively.

(16) Cross-system settlement between two ancillary systems using the real-time model will take place without intervention by the ancillary system whose technical account will be credited. The payment instruction is settled by debiting the amount indicated in the payment instruction from the technical account used by the ancillary system initiating the payment instruction and crediting the technical account used by another ancillary system. The payment instruction cannot be initiated by the ancillary system whose technical account will be credited.

The ancillary system initiating the payment instruction and the other ancillary system shall be notified on completion of the settlement. If they so request, settlement banks shall be notified of successful settlement via a SWIFT MT 900 or MT 910 message. PM account holders using internet-based access shall be informed by a message on the ICM.

15. **Optional connected mechanisms**

(1) The optional connected mechanism "information period" may be offered by the ASCBs for settlement procedures 3, 4 and 5. If the ancillary system (or its ASCB on its behalf) has specified an optional "information period" time, the settlement bank shall receive an ICM broadcast message indicating the time until which the settlement bank may request a reversal of the relevant payment instruction. Such request shall be taken into account by the SCB only if it is communicated via and approved by the ancillary system. The settlement shall start if the SCB does not receive such request until the "information period" time has elapsed. Upon receipt by the SCB of such request within the "information period":

(a) when settlement procedure 3 is used for bilateral settlement, the relevant payment instruction shall be reversed; and

(b) when settlement procedure 3 is used for the settlement of multilateral balances, or if in settlement procedure 4 the entire settlement fails, all payment instructions in the file shall be reversed and all settlement banks and the ancillary system shall be informed via an ICM broadcast message.

(2) If an ancillary system sends the settlement instructions before the scheduled settlement time ("from"), the instructions are stored until the scheduled time is reached. In this case, the payment instructions are only submitted to the entry disposition when the "from" time is reached. This optional mechanism can be used in settlement procedure 2.

(3) The settlement period ("till") makes it possible to allocate a limited period of time for ancillary system settlement in order not to prevent or delay the settlement of other ancillary system-related or TARGET2 transactions. If any payment instruction is not settled until the "till" time is reached or within the defined settlement period, these payment instructions are either returned or, in the case of settlement procedures 4 and 5, the guarantee fund mechanism may be activated. The settlement period ("till") can be specified for settlement procedures 2 to 5.

(4) The guarantee fund mechanism may be used if a settlement bank's liquidity is insufficient to cover its obligations stemming from ancillary system settlement. In order to allow the settlement of all payment instructions involved in an ancillary system settlement, this mechanism is used to provide the complementary liquidity needed. This mechanism may be used for settlement procedures 4 and 5. If the guarantee fund mechanism is to be used, it is necessary to maintain a special guarantee fund account where "emergency liquidity" is available or made available on demand.

16. **Algorithms used**

(1) Algorithm 4 supports settlement procedure 5. To facilitate settlement and to reduce the liquidity needed, all ancillary system payment instructions are included (regardless of their priority). Ancillary system payment instructions to be settled following settlement procedure 5 bypass the entry disposition and are kept in the PM separately until the end of the current optimisation process. Several ancillary systems using settlement procedure 5 will be included in the same run of Algorithm 4 if they intend to settle at the same time.

(2) In settlement procedure 6 interfaced, the settlement bank can dedicate a liquidity amount to settle balances coming from a specific ancillary system. Dedication is brought about by setting aside the necessary liquidity on a specific subaccount (interfaced model). Algorithm 5 is used both for night-time ancillary system operations and daytime processing. The settlement process takes place by means of debiting the short settlement banks' subaccounts in favour of the ancillary system technical account and then debiting the ancillary system technical account in favour of the long settlement banks' subaccounts. In the case of credit balances the booking can take place directly — if indicated by the ancillary system within the relevant transaction — on the settlement bank's PM account. If the settlement of one or more debit instructions is unsuccessful, i.e. as the result of an ancillary system's error, the payment concerned is queued on the subaccount. Settlement procedure 6 interfaced can make use of Algorithm 5 running on subaccounts. Furthermore, Algorithm 5 does not have to take account of any limits or reservations. For every settlement bank the total position is calculated and, if all total positions are covered, all transactions will be settled. Transactions which are not covered are put back into the queue.

17. **Effect of suspension or termination**

If suspension or termination of the use of the ASI by an ancillary system takes effect during the settlement cycle of ancillary system payment instructions, the ASCB shall be deemed to be authorised to complete the settlement cycle on behalf of the ancillary system.

18. **Fee schedule and invoicing**

(1) An ancillary system using the ASI or the Participant Interface, irrespective of the number of any accounts it may hold with the ASCB and/or the SCB, shall be subject to a fee schedule consisting of the following elements.

(a) A fixed monthly fee of EUR 1 000 to be charged to each ancillary system ("Fixed Fee I").

(b) A second monthly fixed fee of between EUR 417 and EUR 8 334, in proportion to the underlying gross value of the ancillary system's euro cash settlement transactions ("Fixed Fee II"):

Band	From (EUR million/day)	To (EUR million/day)	Annual fee (EUR)	Monthly fee (EUR)
1	0	below 1 000	5 000	417
2	1 000	below 2 500	10 000	833
3	2 500	below 5 000	20 000	1 667
4	5 000	below 10 000	30 000	2 500
5	10 000	below 50 000	40 000	3 333
6	50 000	below 500 000	50 000	4 167
7	500 000 and above	—	100 000	8 334

The gross value of the ancillary system's euro cash settlement transactions shall be calculated by the ASCB once a year on the basis of such gross value during the previous year and the calculated gross value shall be applied for calculating the fee from 1 January of each calendar year. The gross value shall exclude transactions settled on DCAs.

(c) A transaction fee calculated on the same basis as the schedule established for PM account holders in Appendix VI to Annex II. The ancillary system may choose one of the two options: either to pay a flat EUR 0,80 fee per payment instruction (Option A) or to pay a fee calculated on a degressive basis (Option B), subject to the following modifications:

(i) for Option B, the limits of the bands relating to volume of payment instructions are divided by two; and

(ii) a monthly fixed fee of EUR 150 (under Option A) or EUR 1 875 (under Option B) shall be charged in addition to Fixed Fee I and Fixed Fee II.

(d) In addition to the fees set out in (a) to (c), an ancillary system using the ASI or the Participant Interface shall also be subject to the following fees:

(i) if the ancillary system makes use of the TARGET2 value-added services for T2S, the monthly fee for the use of the value added services shall be EUR 50 for those systems that have chosen option A and EUR 625 for those systems that have chosen option B. This fee shall be charged for each account held by the ancillary system that uses the services;

(ii) if the ancillary system holds a Main PM account linked to one or more DCAs, the monthly fee shall be EUR 250 for each linked DCA; and

(iii) the ancillary system as Main PM account holder shall be charged the following fees for T2S services connected with the linked DCA(s). These items shall be billed separately:

Tariff items	Price (eurocent)	Explanation
Settlement services		
DCA to DCA liquidity transfer orders	9	per transfer
Intra-balance movement (i.e. blocking, unblocking, reservation of liquidity, etc.)	6	per transaction
Information services		
A2A reports	0,4	Per business item in any A2A report generated
A2A queries	0,7	Per queried business item in any A2A query generated
U2A queries	10	Per executed search function
U2A queries downloaded	0,7	Per queried business item in any U2A query generated and downloaded
Messages bundled into a file	0,4	Per message in a file
Transmissions	1,2	Per transmission

(2) Any fee payable in relation to a payment instruction submitted or payment received by an ancillary system, via either the Participant Interface or the ASI, shall be exclusively charged to this ancillary system. The Governing Council may establish more detailed rules for the determination of billable transactions settled via the ASI.

(3) Each ancillary system shall receive an invoice from its ASCB for the previous month based on the fees referred to in subparagraph 1, no later than the ninth business day of the following month. Payments shall be made no later than the 14th business day of this month to the account specified by the ASCB or shall be debited from an account specified by the ancillary system.

(4) For the purposes of this paragraph, each ancillary system that has been designated under Directive 98/26/EC shall be treated separately, even if two or more of them are operated by the same legal entity. The same rule shall apply to the ancillary systems that have not been designated under Directive 98/26/EC, in which case the ancillary systems shall be identified by reference to the following criteria: (a) a formal arrangement, based on a contractual or legislative instrument, e.g. an agreement among the participants and the system operator; (b) with multiple membership; (c) with common rules and standardised arrangements; and (d) for the clearing, netting and/or settlement of payments and/or securities between the participants.'

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