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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.

I

(Legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2017/2152

of 15 November 2017

amending Decision No 189/2014/EU authorising France to apply a reduced rate of certain indirect taxes on 'traditional' rum produced in Guadeloupe, French Guiana, Martinique and Réunion

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 349 thereof,

Having regard to the proposal from the European Commission,

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

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

Acting in accordance with a special legislative procedure,

Whereas:

(1) Article 1 of Council Decision No 189/2014/EU ([2]) authorised France to extend to 'traditional' rum produced in Guadeloupe, French Guiana, Martinique and Réunion the application on the French mainland of a rate of excise duty for alcohol lower than the full rate set by Article 3 of Council Directive 92/84/EEC ([3]) and to apply a rate of the levy known in French as '*cotisation sur les boissons alcooliques*' ('VSS') lower than the full rate applicable under French national legislation to such 'traditional' rum.

(2) According to Article 3(1) of Decision No 189/2014/EU, the reduced rates of excise duty and of VSS applicable to 'traditional' rum shall be limited to an annual quota of 120 000 hectolitres of pure alcohol ('hlpa').

(3) On 22 September 2016, the French authorities asked the Commission to present a proposal for a technical adjustment to increase the annual quota from 120 000 to 144 000 hlpa. The request was accompanied by a report containing all information justifying the requested adaptation. Producers of 'traditional' rum were unable to benefit from sufficient access to the French mainland market in 2016. The projected growth rates required a quota of 144 400 hlpa and this volume was reached at the end of 2016. The annual quota of 120 000 hlpa should therefore be increased to 144 000 hlpa.

(4) The measures authorised by Decision No 189/2014/EU are to be be analysed and a more in-depth review of the system as a whole is to take place. This analysis is to take into account France's report as referred to in Article 4 of Decision No 189/2014/EU.

(5) The quota of 120 000 hlpa for 2016 was used before the end of 2016. Without a retroactive increase with effect from 1 January 2016, producers of 'traditional' rum will suffer significant – and likely irreparable – harm.

([1]) Opinion of 24 October 2017 (not yet published in the Official Journal).

([2]) Council Decision No 189/2014/EU of 20 February 2014 authorising France to apply a reduced rate of certain indirect taxes on 'traditional' rum produced in Guadeloupe, French Guiana, Martinique and Réunion and repealing Decision 2007/659/EC (OJ L 59, 28.2.2014, p. 1).

([3]) Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages (OJ L 316, 31.10.1992, p. 29).

Relations between producers of 'traditional' rum and their retailers in France are governed by annual contracts that include commitments on volumes delivered, purchase prices, and discounts and promotions. The expiry of the quota brought about a subsequent and unforeseen increase in taxation for quantities outside it, yet at the start of the year, when the contracts were signed, the producers of 'traditional' rum could not foresee either the likelihood that the quota would be exceeded or the extent to which it would be exceeded. Without a retroactive increase in the quota, producers of 'traditional' rum will suffer substantial losses for the quantities going beyond the quota. The retroactive increase in the quota with effect from 1 January 2016 should therefore be authorised.

(6) The other parameters of Decision No 189/2014/EU remain unchanged, and an independent economic analysis carried out by the Commission that was finalised in July 2016 confirmed that French imports of 'traditional' rum from Guadeloupe, French Guiana, Martinique and Réunion represented only a small portion of total alcohol consumption in France. For this reason, a reduced rate is unlikely to create distortions of competition on the French rum market, let alone on the single market.

(7) This Decision is without prejudice to the possible application of Articles 107 and 108 of the Treaty.

(8) Decision No 189/2014/EU should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision No 189/2014/EU is amended as follows:

(1) In Article 3, paragraph 1 is replaced by the following:

'1. The reduced rates of excise duty and the reduced rates of VSS referred to in Article 1 that are applicable to the rum referred to in Article 2 shall be limited to:

(a) an annual quota of 120 000 hectolitres of pure alcohol for the period from 1 January 2014 until 31 December 2015; and

(b) an annual quota of 144 000 hectolitres of pure alcohol for the period from 1 January 2016 until 31 December 2020'.

(2) Article 5 is replaced by the following:

'*Article 5*

This Decision shall apply from 1 January 2014 until 31 December 2020, except for:

(a) Article 1, point (a) of Article 3(1) and Article 3(2), which shall apply from 1 January 2012; and

(b) point (b) of Article 3(1), which shall apply from 1 January 2016.'

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, 15 November 2017.

For the Council
The President
J. AAB

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2017/2153

of 20 November 2017

implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine [1], and in particular Article 14(1) thereof,

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

Whereas:

(1) On 17 March 2014, the Council adopted Regulation (EU) No 269/2014.

(2) Following the organisation by the Russian Federation of gubernatorial elections in the illegally annexed city of Sevastopol on 10 September 2017, the Council considers that one person should be added to the list of persons, entities and bodies subject to restrictive measures as set out in the Annex I to Regulation (EU) No 269/2014.

(3) Annex I to Regulation (EU) No 269/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The person listed in the Annex to this Regulation shall be added to the list set out in Annex I to Regulation (EU) No 269/2014.

Article 2

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

[1] OJ L 78, 17.3.2014, p. 6.

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

Done at Brussels, 20 November 2017.

For the Council
The President
M. REPS

ANNEX

List of persons referred to in Article 1

	Name	Identifying information	Reasons	Date of listing
‘161.	Dmitry Vladimirovich OVSYANNIKOV (Дмитрий Владимирович Овсянников)	DOB: 21.2.1977 POB: Omsk, USSR	“Governor of Sevastopol”. Ovsyannikov was elected the “Governor of Sevastopol” in the elections of 10 September 2017 organised by the Russian Federation in the illegally annexed city of Sevastopol. On 28 July 2016, President Putin appointed him as the acting “Governor of Sevastopol”. In this capacity, he has worked for further integration of the illegally annexed Crimean peninsula into the Russian Federation, and is as such responsible for actively supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty, and independence of Ukraine. In 2017 he made public statements supporting the illegal annexation of Crimea and Sevastopol and on the anniversary of the illegal “Crimean referendum”. He commemorated the veterans of the so-called “self-defence units” that facilitated the deployment of Russian forces on the Crimean peninsula in the run-up to its illegal annexation by the Russian Federation, and called for Sevastopol to become the Southern capital of the Russian Federation.	21.11.2017’

COMMISSION DELEGATED REGULATION (EU) 2017/2154

of 22 September 2017

supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ([1]), and in particular Article 30(2) thereof,

Whereas:

(1) Indirect clearing arrangements should not expose central counterparties (CCPs), clearing members, clients, indirect clients or further layers of indirect clients to additional counterparty risk, and the assets and positions of indirect clients should benefit from an appropriate level of protection. It is therefore essential that any type of indirect clearing arrangement complies with minimum conditions for ensuring their safety. To that end, the parties involved in indirect clearing arrangements should be subject to specific obligations, and indirect clearing arrangements should only be allowed where they meet the conditions defined in this Regulation.

(2) As the assets and positions of the counterparty to which indirect clearing services are provided should benefit from protection with equivalent effect to that referred to in Articles 39 and 48 of Regulation (EU) No 648/2012 of the European Parliament and of the Council ([2]), the different concepts of indirect client are pivotal for this Regulation and should be defined herein.

(3) Taking into account that clearing members should qualify as participants within the meaning of Directive 98/26/EC of the European Parliament and of the Council ([3]), and to ensure an equivalent level of protection to indirect clients as granted to clients under Regulation (EU) No 648/2012, clients providing indirect clearing services should be credit institutions, investment firms, or third country entities equivalent to credit institutions or investment firms.

(4) The higher degree of intermediation activity between a CCP and the different layers of indirect clients requires additional operational steps, additional accounts as well as more complex technological solutions and processing flows. This results in an increased complexity of indirect clearing arrangements compared to client clearing arrangements. That higher degree of intermediation should therefore be mitigated with requirements for an alternative and operationally simpler choice of account structures for indirect clearing arrangements than for client clearing arrangements.

(5) Client clearing arrangements require offering individually segregated accounts. For indirect clearing arrangements, however, only a gross omnibus indirect account structure with a mechanism to transfer called margin and, if agreed, margin in excess of called margin, from the indirect client all the way up to the CCP, and without allowing any netting of positions of different indirect clients in the same gross omnibus indirect account, should be required to be offered on top of omnibus indirect accounts allowing such netting. That mechanism allows foridentifying, in a way equivalent to individually segregated accounts, between the collateral and the positions held for the account of a specific indirect client, on the one hand, and the collateral and the positions held for the account of the client or other indirect clients on the other.

(6) In addition, even if assets and positions held in a gross omnibus account structure for indirect clearing arrangements may still be exposed to the losses of another indirect client since those assets and positions are comingled in one account, the speed in which those assets and positions can be identified where necessary to liquidate them following a default, contributes to minimise that potential loss.

([1]) OJ L 173, 12.6.2014, p. 84.
([2]) Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).
([3]) Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45).

(7) That mechanism allows, at the same time, for a much simpler account structure that reduces the costs and complexity compared to individually segregated accounts while permitting to distinguish the collateral and the positions of different indirect clients and thus ensures a level of protection that is equivalent to the level of protection offered by an individually segregated account. Requiring the offer of gross omnibus indirect accounts should however not preclude the possibility of offering individually segregated indirect accounts to indirect clients within clearing arrangements consisting of a CCP, a clearing member, a client and a single layer of indirect clients.

(8) To facilitate access to central clearing, by rationalising clearing services and simplifying the commercial relationships between clearing members, clients and indirect clients, some groups offer clearing services using two entities from the same group which intermediate in the provision of those services. For similar reasons, the group of the client sometimes uses one entity to deal directly with the clearing member and a different entity to deal directly with the indirect client, typically because that second entity is established in the jurisdiction of the indirect client. In those cases, clearing services are rationalised across different economic activities of the group and the commercial relationship between clearing members, clients and indirect clients is also simplified. Provided that those types of arrangements meet specific conditions which ensure that counterparty risk is not increased and that an appropriate level of protection is provided to the indirect clearing, they should be allowed.

(9) In chains of indirect clearing involving more than a CCP, a clearing member, a client and a single layer of indirect clients, the use of individually segregated accounts could lead to unexpected technical difficulties since the potential default of one or more of the counterparties in that chain and a multitude of individually segregated accounts would have to be managed. The offering of individually segregated accounts in those longer chains could mislead counterparties seeking the level of protection normally associated with individually segregated accounts since that level of protection may not be achieved in some of those longer chains. To avoid the risks stemming from that false assumption, only omnibus segregated accounts should be allowed to be used in those longer chains of indirect clearing, provided that counterparties that are clearing through those arrangements are fully informed of the level of segregation and the risks associated with that type of account.

(10) To ensure that the amount of margin called within a gross omnibus indirect account structure is the same as the amount that would have been called if an individually segregated indirect clearing account had been used, a CCP should receive information on the positions held for the account of the indirect client to calculate the associated margin call on an indirect client by indirect client basis.

(11) To ensure equivalence with client clearing, a clearing member should have procedures in place to facilitate the transfer of indirect clients' positions to an alternative client following the failure of a client that provides indirect clearing services. For the same reason, a clearing member should also have procedures to liquidate the positions and assets of the indirect clients and to return the liquidation proceeds to those indirect clients where known. Where, for any reason, the liquidation proceeds cannot be returned directly to the indirect clients concerned, the liquidation proceeds should be returned to the defaulting client for the account of its indirect clients.

(12) Procedures should be put in place so that, in case of the default of the client, the information on the identity of the indirect clients can become known and the clearing member is able to identify which assets and positions belong to which indirect client.

(13) A client providing indirect clearing services should present the indirect client with a choice of account structures. It is however possible that an indirect client has not instructed a client of its choice within a reasonable period of time. In that case, that client should be able to provide indirect clearing services to that indirect client by using any account structure, provided that the client informs the indirect client of the account structure used, the risks associated to that account and its level of segregation, and the possibility to change the account structure at any time.

(14) Indirect clearing arrangements may give rise to specific risks. It is therefore necessary that all the parties participating in indirect clearing arrangements, including clearing members and CCPs, identify, monitor and manage any material risks arising from those arrangements on an ongoing basis. Appropriate sharing of information between clients and clearing members is especially important for those purposes. Clearing members should however ensure that that information is only used for risk management and margining purposes and that commercially sensitive information is not misused.

(15) For reasons of consistency and in order to ensure the smooth functioning of the financial markets, it is necessary that the provisions of this Regulation and the relevant provisions of Regulation (EU) No 600/2014 apply from the same date.

(16) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.

(17) In accordance with Article 10 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council [1], ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation the following definitions apply:

(a) 'client' means a client as defined in Article 2(15) of Regulation (EU) No 648/2012;

(b) 'indirect client' means a client of a client as defined in point (a);

(c) 'indirect clearing arrangements' means the set of contractual relationships between providers and recipients of indirect clearing services provided by a client, an indirect client or a second indirect client;

(d) 'second indirect client' means a client of an indirect client as defined in point (b);

(e) 'third indirect client' means a client of a second indirect client as defined in point (d).

Article 2

Requirements for the provision of indirect clearing services by clients

1. A client may only provide indirect clearing services to indirect clients provided that all of the following conditions are fulfilled:

(a) the client is an authorised credit institution or investment firm or an entity established in a third country that would be considered to be a credit institution or investment firm if that entity were established in the Union;

(b) the client provides indirect clearing services on reasonable commercial terms and publicly discloses the general terms and conditions under which it provides those services;

(c) the clearing member has agreed to the general terms and conditions referred to in point (b) of this paragraph.

2. The client referred to in paragraph 1 and the indirect client shall conclude, in writing, an indirect clearing arrangement. The indirect clearing arrangement shall include at least the following contractual terms:

(a) the general terms and conditions referred to in paragraph 1(b);

(b) the client's commitment to honour all obligations of the indirect client towards the clearing member with regard to the transactions covered by the indirect clearing arrangement.

All aspects of the indirect clearing arrangement shall be clearly documented.

3. A CCP shall not prevent the conclusion of indirect clearing arrangements that are entered into on reasonable commercial terms.

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

Article 3

Obligations of CCPs

1. A CCP shall open and maintain any of the accounts referred to in Article 4(4) in accordance with the request of the clearing member.

2. A CCP that holds the assets and positions of several indirect clients in an account as referred to in Article 4(4)(b) shall keep separate records of the positions of each indirect client, calculate the margins in respect of each indirect client and collect the sum of those margins on a gross basis, based on the information referred to in Article 4(3).

3. A CCP shall identify, monitor and manage any material risks arising from the provision of indirect clearing services that could affect the resilience of the CCP to adverse market developments.

Article 4

Obligations of clearing members

1. A clearing member that provides indirect clearing services shall do so on reasonable commercial terms and shall publicly disclose the general terms and conditions under which it provides those services.

The general terms and conditions referred to in the first subparagraph shall include the minimum financial resources and operational capacity requirements for clients that provide indirect clearing services.

2. A clearing member that provides indirect clearing services shall open and maintain at least the following accounts in accordance with the request of the client:

(a) an omnibus account with the assets and positions held by that client for the account of its indirect clients;

(b) an omnibus account with the assets and positions held by that client for the account of its indirect clients, in which the clearing member shall ensure that the positions of an indirect client do not offset the positions of another indirect client and that the assets of an indirect client cannot be used to cover the positions of another indirect client.

3. A clearing member holding assets and positions for the account of several indirect clients in an account as referred to in paragraph 2(b) shall provide the CCP on a daily basis with all the necessary information to allow the CCP to identify the positions held for the account of each indirect client. That information shall be based on the information referred to in Article 5(4).

4. A clearing member that provides indirect clearing services shall at least open and maintain in the CCP the following accounts in accordance with the request made by the client:

(a) a segregated account for the exclusive purpose of holding the assets and positions of indirect clients held by the clearing member in an account as referred to in paragraph 2(a);

(b) a segregated account for the exclusive purpose of holding the assets and positions of indirect clients of each client held by the clearing member in an account as referred to in paragraph 2(b).

5. A clearing member shall establish procedures to manage the default of a client that provides indirect clearing services.

6. A clearing member holding the assets and positions of indirect clients in an account as referred to in paragraph 2(a) shall:

(a) ensure that the procedures referred to in paragraph 5 allow for the prompt liquidation of those assets and positions following the default of a client, including the liquidation of those assets and positions at the level of the CCP, and include a detailed procedure to communicate to the indirect clients the default of the client and the expected period of time to liquidate the assets and positions of those indirect clients;

(b) after the completion of the default management process for the default of a client, readily return to that client, for the account of the indirect clients, any balance owed from the liquidation of those assets and positions.

7. A clearing member holding assets and positions of indirect clients in an account as referred to in paragraph 2(b) shall:

(a) include in the procedures referred to in paragraph 5:

(i) the steps to transfer the assets and positions held by a defaulting client for the account of its indirect clients to another client or to a clearing member;

(ii) the steps to pay each indirect client the proceeds from the liquidation of the assets and positions of that indirect client;

(iii) a detailed procedure to communicate to the indirect clients the default of the client and the expected period of time to liquidate the assets and positions of those indirect clients;

(b) contractually commit itself to trigger the procedures for the transfer of the assets and positions held by a defaulting client for the account of its indirect clients to another client or clearing member that has been designated by the relevant indirect clients of the defaulting client at the request of those indirect clients and without obtaining the consent of the defaulting client. That other client or clearing member shall be obliged to accept those assets and positions only where that other client or clearing member has previously entered into a contractual relationship with those relevant indirect clients committing to do so;

(c) ensure that the procedures referred to in paragraph 5 allow for the prompt liquidation of those assets and positions following the default of a client, including the liquidation of those assets and positions at the level of the CCP, in case the transfer referred to in point (b) has not taken place for any reason within a predefined transfer period specified in the indirect clearing arrangement;

(d) following the liquidation of those assets and positions, contractually commit itself to trigger the procedures for the payment of the liquidation proceeds to each of the indirect clients;

(e) where the clearing member has not been able to identify the indirect clients or to complete the payment of the liquidation proceeds referred to in point (d) to each of the indirect clients, readily return to the client for the account of the indirect clients any balance owed from the liquidation of those assets and positions.

8. A clearing member shall identify, monitor and manage any material risks arising from the provision of indirect clearing services that could affect its resilience to adverse market developments. The clearing member shall establish internal procedures to ensure that the information referred to in Article 5(8) cannot be used for commercial purposes.

Article 5

Obligations of clients

1. A client that provides indirect clearing services shall offer indirect clients a choice between at least the types of accounts referred to in Article 4(2) and shall ensure that those indirect clients are fully informed about the different levels of segregation and the risks associated with each type of account.

2. The client referred to in paragraph 1 shall assign one of the types of accounts referred to in Article 4(2) to indirect clients that have not chosen one within a reasonable period of time established by the client. The client shall inform the indirect client about the risks associated with the type of account assigned without undue delay. The indirect client may choose a different type of account at any time by requesting so in writing to the client.

3. A client that provides indirect clearing services shall keep separate records and accounts that enable it to distinguish between its own assets and positions and those held for the account of its indirect clients.

4. Where the assets and positions of several indirect clients are held by the clearing member in an account as referred to in Article 4(2)(b), the client shall provide the clearing member with all the necessary information on a daily basis to allow the clearing member to identify the positions held for the account of each indirect client.

5. A client that provides indirect clearing services shall, in accordance with the choice of its indirect clients, request the clearing member to open and maintain in the CCP the accounts referred to in Article 4(4).

6. A client shall provide its indirect clients with sufficient information to allow those indirect clients to identify the CCP and the clearing member used to clear their positions.

7. Where the assets and positions of one or more indirect clients are held by the clearing member in an account as referred to in Article 4(2)(b), the client shall include in the indirect clearing arrangement with its indirect clients all necessary terms and conditions to ensure that, in the case of default of that client, the clearing member may promptly return to the indirect clients the proceeds from the liquidation of the positions and assets held for the account of those indirect clients in accordance with Article 4(7).

8. A client shall provide the clearing member with sufficient information to identify, monitor and manage any material risks arising from the provision of indirect clearing services that could affect the resilience of the clearing member.

9. A client shall have arrangements in place to ensure that, when it defaults, all information it holds in respect of its indirect clients is made immediately available to the clearing member, including the identity of the indirect clients referred to in Article 5(4).

Article 6

Requirements for the provision of indirect clearing services by indirect clients

1. An indirect client may only provide indirect clearing services to second indirect clients provided that the parties to the indirect clearing arrangements fulfil one of the requirements set out in paragraph 2 and that all of the following conditions are met:

(a) the indirect client is an authorised credit institution or investment firm or an entity established in a third country that would be considered to be a credit institution or investment firm if that entity were established in the Union;

(b) the indirect client and the second indirect client conclude, in writing, an indirect clearing arrangement. The indirect clearing arrangement shall include at least the following contractual terms:

(i) the general terms and conditions referred to in Article 2(1)(b);

(ii) the indirect client's commitment to honour all obligations of the second indirect client towards the client with regard to transactions covered by the indirect clearing arrangement;

(c) the assets and positions of the second indirect client are held by the clearing member in an account as referred to in Article 4(2)(a).

All aspects of the indirect clearing arrangement referred to in point (b) shall be clearly documented.

2. For the purposes of paragraph 1, the parties to the indirect clearing arrangements shall fulfil one of the following requirements:

(a) the clearing member and the client are part of the same group, but the indirect client is not part of that group;

(b) the client and the indirect client are part of the same group, but neither the clearing member nor the second indirect client is part of that group.

3. For indirect clearing arrangements entered into by parties in the situation referred to in paragraph 2(a):

(a) Articles 4(1), 4(5), 4(6) and 4(8) shall apply to the client as if that client were a clearing member;

(b) Articles 2(1)(b), 5(2), 5(3), 5(6), 5(8) and 5(9) shall apply to the indirect client as if that indirect client were a client.

4. For indirect clearing arrangements entered into by parties in the situation referred to in paragraph 2(b):

(a) Articles 4(5) and 4(6) shall apply to the client as if that client were a clearing member;

(b) Articles 2(1)(b), 5(2), 5(3), 5(6), 5(8) and 5(9) shall apply to the indirect client as if that indirect client were a client.

Article 7

Requirements for the provision of indirect clearing services by second indirect clients

1. A second indirect client may only provide indirect clearing services to third indirect clients provided that all of the following conditions are met:

(a) the indirect client and the second indirect client are authorised credit institutions or investment firms or entities established in a third country that would be considered to be a credit institution or an investment firm if those entities were established in the Union;

(b) the clearing member and the client are part of the same group, but the indirect client is not part of that group;

(c) the indirect client and the second indirect client are part of the same group, but the third indirect client is not part of that group;

(d) the second indirect client and the third indirect client conclude, in writing, an indirect clearing arrangement. The indirect clearing arrangement shall include at least the following contractual terms:

(i) the general terms and conditions referred to in Article 2(1)(b);

(ii) the second indirect client's commitment to honour all obligations of the third indirect client towards the indirect client with regard to transactions covered by the indirect clearing arrangement;

(e) the assets and positions of the third indirect client are held by the clearing member in an account as referred to in Article 4(2)(a).

All aspects of the indirect clearing arrangement referred to in point (d) of the first subparagraph shall be clearly documented.

2. Where second indirect clients provide indirect clearing services pursuant to paragraph 1:

(a) Articles 4(1), 4(5), 4(6) and 4(8) shall apply to both the client and to the indirect client as if they were clearing members;

(b) Articles 2(1)(b), 5(2), 5(3), 5(6), 5(8) and 5(9) shall apply to both the indirect client and the second indirect client as if they were clients.

Article 8

Entry into force

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

It shall apply from 3 January 2018.

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

Done at Brussels, 22 September 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/2155

of 22 September 2017

amending Delegated Regulation (EU) No 149/2013 with regard to regulatory technical standards on indirect clearing arrangements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Indirect clearing arrangements should not expose central counterparties (CCPs), clearing members, clients, indirect clients or further layers of indirect clients to additional counterparty risk, and the assets and positions of indirect clients should benefit from an appropriate level of protection. It is therefore essential that any type of indirect clearing arrangement complies with minimum conditions for ensuring their safety. To that end, the parties involved in indirect clearing arrangements should be subject to specific obligations, and indirect clearing arrangements should only be allowed where they meet the conditions defined in this Regulation.

(2) As the assets and positions of the counterparty to which indirect clearing services are provided should benefit from protection with equivalent effect to that referred to in Articles 39 and 48 of Regulation (EU) No 648/2012, the different concepts of indirect client are pivotal for this Regulation and should be defined herein.

(3) Taking into account that clearing members should qualify as participants within the meaning of Directive 98/26/EC of the European Parliament and of the Council ([2]), and to ensure an equivalent level of protection to indirect clients as granted to clients under Regulation (EU) No 648/2012, clients providing indirect clearing services should be credit institutions, investment firms, or third country entities equivalent to credit institutions or investment firms.

(4) The higher degree of intermediation activity between a CCP and the different layers of indirect clients requires additional operational steps, additional accounts as well as more complex technological solutions and processing flows. This results in an increased complexity of indirect clearing arrangements compared to client clearing arrangements. That higher degree of intermediation should therefore be mitigated with requirements for an alternative and operationally simpler choice of account structures for indirect clearing arrangements than for client clearing arrangements.

(5) Client clearing arrangements require offering individually segregated accounts. For indirect clearing arrangements, however, only a gross omnibus indirect account structure, with a mechanism to transfer called margin and, if agreed, margin in excess of called margin, from the indirect client all the way up to the CCP, and without allowing any netting of positions of different indirect clients in the same gross omnibus indirect account, should be required to be offered on top of omnibus indirect accounts allowing such netting. That mechanism allows for identifying, in a way equivalent to individually segregated accounts, between the collateral and the positions held for the account of a specific indirect client, on the one hand, and the collateral and the positions held for the account of the client or other indirect clients on the other.

(6) In addition, even if assets and positions held in a gross omnibus account structure for indirect clearing arrangements may still be exposed to the losses of another indirect client since those assets and positions are comingled in one account, the speed in which those assets and positions can be identified where necessary to liquidate them following a default, contributes to minimise that potential loss.

([1]) OJ L 201, 27.7.2012, p. 1.
([2]) Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45).

(7) That mechanism allows, at the same time, for a much simpler account structure that reduces the costs and complexity compared to individually segregated accounts while permitting to distinguish the collateral and the positions of different indirect clients and thus ensures a level of protection that is equivalent to the level of protection offered by an individually segregated account. Requiring the offer of gross omnibus indirect accounts should however not preclude the possibility of offering individually segregated indirect accounts to indirect clients within clearing arrangements consisting of a CCP, a clearing member, a client and a single layer of indirect clients.

(8) To facilitate access to central clearing, by rationalising clearing services and simplifying the commercial relationships between clearing members, clients and indirect clients, some groups offer clearing services using two entities from the same group which intermediate in the provision of those services. For similar reasons, the group of the client sometimes uses one entity to deal directly with the clearing member and a different entity to deal directly with the indirect client, typically because that second entity is established in the jurisdiction of the indirect client. In those cases, clearing services are rationalised across different economic activities of the group and the commercial relationship between clearing members, clients and indirect clients is also simplified. Provided that those types of arrangements meet specific conditions which ensure that counterparty risk is not increased and that an appropriate level of protection is provided to the indirect clearing, they should be allowed.

(9) In chains of indirect clearing involving more than a CCP, a clearing member, a client and a single layer of indirect clients, the use of individually segregated accounts could lead to unexpected technical difficulties since the potential default of one or more of the counterparties in that chain and a multitude of individually segregated accounts would have to be managed. The offering of individually segregated accounts in those longer chains could mislead counterparties seeking the level of protection normally associated with individually segregated accounts since that level of protection may not be achieved in some of those longer chains. To avoid the risks stemming from that false assumption, only omnibus segregated accounts should be allowed to be used in those longer chains of indirect clearing, provided that counterparties that are clearing through those arrangements are fully informed of the level of segregation and the risks associated with that type of account.

(10) To ensure that the amount of margin called within a gross omnibus indirect account structure is the same as the amount that would have been called if an individually segregated indirect clearing account had been used, a CCP should receive information on the positions held for the account of the indirect client to calculate the associated margin call on an indirect client by indirect client basis.

(11) To ensure equivalence with client clearing, a clearing member should have procedures in place to facilitate the transfer of indirect clients' positions to an alternative client following the failure of a client that provides indirect clearing services. For the same reason, a clearing member should also have procedures to liquidate the positions and assets of the indirect clients and to return the liquidation proceeds to those indirect clients where known. Where, for any reason, the liquidation proceeds cannot be returned directly to the indirect clients concerned, the liquidation proceeds should be returned to the defaulting client for the account of its indirect clients.

(12) Procedures should be put in place so that, in case of the default of the client, the information on the identity of the indirect clients can become known and the clearing member is able to identify which assets and positions belong to which indirect client.

(13) A client providing indirect clearing services should present the indirect client with a choice of account structures. It is however possible that an indirect client has not instructed a client of its choice within a reasonable period of time. In that case, that client should be able to provide indirect clearing services to that indirect client by using any account structure, provided that the client informs the indirect client of the account structure used, the risks associated to that account and its level of segregation, and the possibility to change the account structure at any time.

(14) Indirect clearing arrangements may give rise to specific risks. It is therefore necessary that all the parties participating in indirect clearing arrangements, including clearing members and CCPs, identify, monitor and manage any material risks arising from those arrangements on an ongoing basis. Appropriate sharing of information between clients and clearing members is especially important for those purposes. Clearing members should however ensure that that information is only used for risk management and margining purposes and that commercially sensitive information is not misused.

(15) For reasons of consistency and in order to ensure the smooth functioning of the financial markets, it is necessary that the provisions of this Regulation and the provisions adopted pursuant to Article 30(2) of Regulation (EU) No 600/2014 ([1]) apply from the same date.

(16) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.

(17) In accordance with Article 10 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ([2]), ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010.

(18) Commission Delegated Regulation (EU) No 149/2013 ([3]) should therefore be amended.

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Commission Delegated Regulation (EU) No 149/2013

Commission Delegated Regulation (EU) No 149/2013 is amended as follows:

(1) In Article 1, point (b) is replaced by the following:

'(b) 'indirect clearing arrangements' means the set of contractual relationships between providers and recipients of indirect clearing services provided by a client, an indirect client or a second indirect client;'.

(2) In Article 1, the following point (d) and (e) are inserted:

'(d) 'second indirect client' means a client of an indirect client;

(e) 'third indirect client' means a client of a second indirect client.'.

(3) Article 2 is replaced by the following:

'*Article 2*

Requirements for the provision of indirect clearing services by clients

1. A client may only provide indirect clearing services to indirect clients provided that all of the following conditions are fulfilled:

(a) the client is an authorised credit institution or investment firm or an entity established in a third country that would be considered to be a credit institution or investment firm if that entity were established in the Union;

(b) the client provides indirect clearing services on reasonable commercial terms and publicly discloses the general terms and conditions under which it provides those services;

(c) the clearing member has agreed to the general terms and conditions referred to in point (b) of this paragraph.

2. The client referred to in paragraph 1 and the indirect client shall conclude, in writing, an indirect clearing arrangement. The indirect clearing arrangement shall include at least the following contractual terms:

(a) the general terms and conditions referred to in paragraph 1(b);

(b) the client's commitment to honour all obligations of the indirect client towards the clearing member with regard to the transactions covered by the indirect clearing arrangement.

All aspects of the indirect clearing arrangement shall be clearly documented.

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

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

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

3. A CCP shall not prevent the conclusion of indirect clearing arrangements that are entered into on reasonable commercial terms.'.

(4) Article 3 is replaced by the following:

'*Article 3*

Obligations of CCPs

1. A CCP shall open and maintain any of the accounts referred to in Article 4(4) in accordance with the request of the clearing member.

2. A CCP that holds the assets and positions of several indirect clients in an account as referred to in Article 4(4)(b) shall keep separate records of the positions of each indirect client, calculate the margins in respect of each indirect client and collect the sum of those margins on a gross basis, based on the information referred to in Article 4(3).

3. A CCP shall identify, monitor and manage any material risks arising from the provision of indirect clearing services that could affect the resilience of the CCP to adverse market developments.'.

(5) Article 4 is replaced by the following:

'*Article 4*

Obligations of clearing members

1. A clearing member that provides indirect clearing services shall do so on reasonable commercial terms and shall publicly disclose the general terms and conditions under which it provides those services.

The general terms and conditions referred to in the first subparagraph shall include the minimum financial resources and operational capacity requirements for clients that provide indirect clearing services.

2. A clearing member that provides indirect clearing services shall open and maintain at least the following accounts in accordance with the request of the client:

(a) an omnibus account with the assets and positions held by that client for the account of its indirect clients;

(b) an omnibus account with the assets and positions held by that client for the account of its indirect clients, in which the clearing member shall ensure that the positions of an indirect client do not offset the positions of another indirect client and that the assets of an indirect client cannot be used to cover the positions of another indirect client.

3. A clearing member holding assets and positions for the account of several indirect clients in an account as referred to in paragraph 2(b) shall provide the CCP on a daily basis with all the necessary information to allow the CCP to identify the positions held for the account of each indirect client. That information shall be based on the information referred to in Article 5(4).

4. A clearing member that provides indirect clearing services shall at least open and maintain in the CCP the following accounts in accordance with the request made by the client:

(a) a segregated account for the exclusive purpose of holding the assets and positions of indirect clients held by the clearing member in an account as referred to in paragraph 2(a);

(b) a segregated account for the exclusive purpose of holding the assets and positions of indirect clients of each client held by the clearing member in an account as referred to in paragraph 2(b).

5. A clearing member shall establish procedures to manage the default of a client that provides indirect clearing services.

6. A clearing member holding the assets and positions of indirect clients in an account as referred to in paragraph 2(a) shall:

(a) ensure that the procedures referred to in paragraph 5 allow for the prompt liquidation of those assets and positions following the default of a client, including the liquidation of those assets and positions at the level of the CCP, and include a detailed procedure to communicate to the indirect clients the default of the client and the expected period of time to liquidate the assets and positions of those indirect clients;

(b) after the completion of the default management process for the default of a client, readily return to that client, for the account of the indirect clients, any balance owed from the liquidation of those assets and positions.

7. A clearing member holding assets and positions of indirect clients in an account as referred to in paragraph 2(b) shall:

(a) include in the procedures referred to in paragraph 5:

(i) the steps to transfer the assets and positions held by a defaulting client for the account of its indirect clients to another client or to a clearing member;

(ii) the steps to pay each indirect client the proceeds from the liquidation of the assets and positions of that indirect client;

(iii) a detailed procedure to communicate to the indirect clients the default of the client and the expected period of time to liquidate the assets and positions of those indirect clients;

(b) contractually commit itself to trigger the procedures for the transfer of the assets and positions held by a defaulting client for the account of its indirect clients to another client or clearing member that has been designated by the relevant indirect clients of the defaulting client at the request of those indirect clients and without obtaining the consent of the defaulting client. That other client or clearing member shall be obliged to accept those assets and positions only where that other client or clearing member has previously entered into a contractual relationship with those relevant indirect clients committing to do so;

(c) ensure that the procedures referred to in paragraph 5 allow for the prompt liquidation of those assets and positions following the default of a client, including the liquidation of those assets and positions at the level of the CCP, in case the transfer referred to in point (b) has not taken place for any reason within a predefined transfer period specified in the indirect clearing arrangement;

(d) following the liquidation of those assets and positions, contractually commit itself to trigger the procedures for the payment of the liquidation proceeds to each of the indirect clients;

(e) where the clearing member has not been able to identify the indirect clients or to complete the payment of the liquidation proceeds referred to in point (d) to each of the indirect clients, readily return to the client for the account of the indirect clients any balance owed from the liquidation of those assets and positions.

8. A clearing member shall identify, monitor and manage any material risks arising from the provision of indirect clearing services that could affect its resilience to adverse market developments. The clearing member shall establish internal procedures to ensure that the information referred to in Article 5(8) cannot be used for commercial purposes.'.

(6) Article 5 is replaced by the following:

'*Article 5*

Obligations of clients

1. A client that provides indirect clearing services shall offer indirect clients a choice between at least the types of accounts referred to in Article 4(2) and shall ensure that those indirect clients are fully informed about the different levels of segregation and the risks associated with each type of account.

2. The client referred to in paragraph 1 shall assign one of the types of accounts referred to in Article 4(2) to indirect clients that have not chosen one within a reasonable period of time established by the client. The client shall inform the indirect client about the risks associated with the type of account assigned without undue delay. The indirect client may choose a different type of account at any time by requesting so in writing to the client.

3. A client that provides indirect clearing services shall keep separate records and accounts that enable it to distinguish between its own assets and positions and those held for the account of its indirect clients.

4. Where the assets and positions of several indirect clients are held by the clearing member in an account as referred to in Article 4(2)(b), the client shall provide the clearing member with all the necessary information on a daily basis to allow the clearing member to identify the positions held for the account of each indirect client.

5. A client that provides indirect clearing services shall, in accordance with the choice of its indirect clients, request the clearing member to open and maintain in the CCP the accounts referred to in Article 4(4).

6. A client shall provide its indirect clients with sufficient information to allow those indirect clients to identify the CCP and the clearing member used to clear their positions.

7. Where the assets and positions of one or more indirect clients are held by the clearing member in an account as referred to in Article 4(2)(b), the client shall include in the indirect clearing arrangement with its indirect clients all necessary terms and conditions to ensure that, in the case of default of that client, the clearing member may promptly return to the indirect clients the proceeds from the liquidation of the positions and assets held for the account of those indirect clients in accordance with Article 4(7).

8. A client shall provide the clearing member with sufficient information to identify, monitor and manage any material risks arising from the provision of indirect clearing services that could affect the resilience of the clearing member.

9. A client shall have arrangements in place to ensure that, when it defaults, all information it holds in respect of its indirect clients is made immediately available to the clearing member, including the identity of the indirect clients referred to in Article 5(4).'.

(7) The following Article 5a is inserted:

'*Article 5a*

Requirements for the provision of indirect clearing services by indirect clients

1. An indirect client may only provide indirect clearing services to second indirect clients provided that the parties to the indirect clearing arrangements fulfil one of the requirements set out in paragraph 2 and that all of the following conditions are met:

(a) the indirect client is an authorised credit institution or investment firm or an entity established in a third country that would be considered to be a credit institution or investment firm if that entity were established in the Union;

(b) the indirect client and the second indirect client conclude, in writing, an indirect clearing arrangement. The indirect clearing arrangement shall include at least the following contractual terms:

(i) the general terms and conditions referred to in Article 2(1)(b);

(ii) the indirect client's commitment to honour all obligations of the second indirect client towards the client with regard to transactions covered by the indirect clearing arrangement;

(c) the assets and positions of the second indirect client are held by the clearing member in an account as referred to in Article 4(2)(a).

All aspects of the indirect clearing arrangement referred to in point (b) shall be clearly documented.

2. For the purposes of paragraph 1, the parties to the indirect clearing arrangements shall fulfil one of the following requirements:

(a) the clearing member and the client are part of the same group, but the indirect client is not part of that group;

(b) the client and the indirect client are part of the same group, but neither the clearing member nor the second indirect client is part of that group.

3. For indirect clearing arrangements entered into by parties in the situation referred to in paragraph 2(a):

(a) Articles 4(1), 4(5), 4(6) and 4(8) shall apply to the client as if that client were a clearing member;

(b) Articles 2(1)(b), 5(2), 5(3), 5(6), 5(8) and 5(9) shall apply to the indirect client as if that indirect client were a client.

4. For indirect clearing arrangements entered into by parties in the situation referred to in paragraph 2(b):

(a) Articles 4(5) and 4(6) shall apply to the client as if that client were a clearing member;

(b) Articles 2(1)(b), 5(2), 5(3), 5(6), 5(8) and 5(9) shall apply to the indirect client as if that indirect client were a client.'.

(8) The following Article 5b is inserted:

'*Article 5b*

Requirements for the provision of indirect clearing services by second indirect clients

1. A second indirect client may only provide indirect clearing services to third indirect clients provided that all of the following conditions are met:

(a) the indirect client and the second indirect client are authorised credit institutions or an investment firms or entities established in a third country that would be considered to be a credit institution or an investment firm if that entity were established in the Union;

(b) the clearing member and the client are part of the same group, but the indirect client is not part of that group;

(c) the indirect client and the second indirect client are part of the same group, but the third indirect client is not part of that group;

(d) the second indirect client and the third indirect client conclude, in writing, an indirect clearing arrangement. The indirect clearing arrangement shall include at least the following contractual terms:

(i) the general terms and conditions referred to in Article 2(1)(b);

(ii) the second indirect client's commitment to honour all obligations of the third indirect client towards the indirect client with regard to transactions covered by the indirect clearing arrangement;

(e) the assets and positions of the third indirect client are held by the clearing member in an account as referred to in Article 4(2)(a).

All aspects of the indirect clearing arrangement referred to in point (d) of the first subparagraph shall be clearly documented.

2. Where second indirect clients provide indirect clearing services pursuant to paragraph 1:

(a) Articles 4(1), 4(5), 4(6) and 4(8) shall apply to both the client and to the indirect client as if they were clearing members;

(b) Articles 2(1)(b), 5(2), 5(3), 5(6), 5(8) and 5(9) shall apply to both the indirect client and the second indirect client as if they were clients.'.

Article 2

Entry into force

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

It shall apply from 3 January 2018.

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

Done at Brussels, 22 September 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2156

of 7 November 2017

entering a name in the register of protected designations of origin and protected geographical indications ('Kiełbasa piaszczańska' (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ([1]), and in particular Article 52(2) thereof,

Whereas:

(1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Poland's application to register the name 'Kiełbasa piaszczańska' was published in the *Official Journal of the European Union* ([2]).

(2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Kiełbasa piaszczańska' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Kiełbasa piaszczańska' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.2. Meat products (cooked, salted, smoked, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ([3]).

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, 7 November 2017.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) OJ C 205, 29.6.2017, p. 70.
([3]) Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2157

of 16 November 2017

amending Implementing Regulation (EU) No 211/2012 concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature ('CN') annexed to Council Regulation (EEC) No 2658/87 ([2]), it is necessary to adopt measures concerning the classification of certain goods.

(2) By Commission Implementing Regulation (EU) No 211/2012 ([3]), a product consisting of a mixture of ethyl alcohol (70 % by weight) and gasoline (automotive petrol) conforming to EN 228 (30 % by weight) has been classified under CN code 2207 20 00.

(3) By Implementing Regulation (EU) No 626/2014 ([4]), the Commission introduced an Additional note 12 to Chapter 22 of Part Two of the Combined Nomenclature. The reasons for classifying the product concerned by Implementing Regulation (EU) No 211/2012 under CN code 2207 20 00 should be aligned with the rules set out in that Additional note in order to avoid potential divergences in tariff classification of specific mixtures of ethyl alcohol with other substances and to ensure the uniform application of the Combined Nomenclature within the Union. The description of the product set out in the Annex to Implementing Regulation (EU) No 211/2012 should also make it clear that the product is used as raw material to produce fuels for motor vehicles.

(4) Implementing Regulation (EU) No 211/2012 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 211/2012 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

([1]) OJ L 269, 10.10.2013, p. 1.
([2]) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).
([3]) Commission Implementing Regulation (EU) No 211/2012 of 12 March 2012 concerning the classification of certain goods in the Combined Nomenclature (OJ L 73, 13.3.2012, p. 1).
([4]) Commission Implementing Regulation (EU) No 626/2014 of 10 June 2014 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 174, 13.6.2014, p. 26).

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

Done at Brussels, 16 November 2017.

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

ANNEX

'*ANNEX*

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
A product of the following composition (% by weight): — ethyl alcohol 70 — gasoline (automotive petrol) conforming to EN 228 30 The product is used as raw material to produce fuels for motor vehicles. It is transported in bulk.	2207 20 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Additional note 12 to Chapter 22 and by the wording of CN codes 2207 and 2207 20 00. The product is a mixture of ethyl alcohol and gasoline (automotive petrol). The percentage level of gasoline (automotive petrol) in the product renders it unfit for human consumption but does not prevent the use of the product for industrial purposes (see also the Harmonised System Explanatory Notes to heading 2207, fourth paragraph). The product is therefore to be classified under CN code 2207 20 00 as a denatured ethyl alcohol.'

COMMISSION REGULATION (EU) 2017/2158

of 20 November 2017

establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food

(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 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ([1]), and in particular Article 4(4) thereof,

Whereas:

(1) Regulation (EC) No 852/2004 aims to ensure a high level of consumer protection with regard to food safety. It defines 'food hygiene' as a set of measures and conditions necessary to control hazards and to ensure fitness for human consumption of a foodstuff taking into account its intended use. Food safety hazards occur when food is exposed to hazardous agents which result in contamination of that food. Food hazards may be biological, chemical or physical.

(2) Acrylamide is a contaminant as defined in Council Regulation (EEC) No 315/93 ([2]) and as such, it is a chemical hazard in the food chain.

(3) Acrylamide is a low molecular weight, highly water soluble, organic compound which forms from the naturally occurring constituents asparagine and sugars in certain foods when prepared at temperatures typically higher than 120 °C and low moisture. It forms mainly in baked or fried carbohydrate-rich foods where raw materials contain its precursors, such as cereals, potatoes and coffee beans.

(4) As the acrylamide levels in some foodstuffs appear to be significantly higher than the levels in comparable products of the same product category, a Commission Recommendation 2013/647/EU ([3]) invited Member States' competent authorities to carry out investigations in the production and processing methods used by food business operators if the acrylamide level found in a specific foodstuff exceeded the indicative values set out in the Annex to that Recommendation.

(5) In 2015 the Scientific Panel on Contaminants in the Food Chain (CONTAM) of the European Food Safety Authority ('the Authority') adopted an opinion on acrylamide in food ([4]). Based on animal studies, the Authority confirms previous evaluations that acrylamide in food potentially increases the risk of developing cancer for consumers in all age groups. Since acrylamide is present in a wide range of everyday foods, this concern applies to all consumers but children are the most exposed age group on a body weight basis. Possible harmful effects of acrylamide on the nervous system, pre- and post-natal development and male reproduction were not considered to be a concern, based on current levels of dietary exposure. The current levels of dietary exposure to acrylamide across age groups indicate a concern with respect to its carcinogenic effects.

(6) Given the Authority's conclusions with respect to carcinogenic effects of acrylamide and in the absence of any consistent and mandatory measures to be applied by food businesses in order to lower levels of acrylamide, it is necessary to ensure food safety and to reduce the presence of acrylamide in foodstuffs where raw materials contain its precursors by laying down appropriate mitigation measures. The levels of acrylamide can be lowered by mitigation approach, such as implementation of good hygiene practice and application of procedures based on hazard analysis and critical control point (HACCP) principles.

([1]) OJ L 139, 30.4.2004, p. 1.
([2]) Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L 37, 13.2.1993, p. 1).
([3]) Commission Recommendation 2013/647/EU of 8 November 2013 on investigations into the levels of acrylamide in food (OJ L 301, 12.11.2013, p. 15).
([4]) The EFSA Journal 2015;13(6):4104.

(7) In accordance with Article 4 of Regulation (EC) No 852/2004, food business operators are to follow the procedures necessary to meet targets set to achieve the objectives of that Regulation and to employ sampling and analysis as appropriate to maintain their own performance. In that respect, the setting of targets, such as benchmark levels, may guide the implementation of hygiene rules, while ensuring the reduction of the level of exposure to certain hazards. Mitigation measures would lower the presence of acrylamide in food. In order to check the compliance with the benchmark levels the effectiveness of mitigation measures should be verified through sampling and analysis.

(8) It is therefore appropriate to establish mitigation measures which identify food processing steps susceptible to the formation of acrylamide in foods and set out activities to reduce the levels of acrylamide in those foodstuffs.

(9) The mitigation measures set out in this Regulation are based on current scientific and technical knowledge and they have proven to result in lower levels of acrylamide without adversely affecting the quality and microbial safety of the product. Those mitigation measures have been established following extensive consultation of organisations representing affected food business operators, consumers and experts from competent authorities of Member States. Where the mitigation measures include the use of food additives and other substances, the food additives and other substances should be used in accordance with their authorisation of use.

(10) Benchmark levels are performance indicators to be used to verify the effectiveness of the mitigation measures and are based on experience and occurrence for broad food categories. They should be established at a level as low as reasonably achievable with the application of all relevant mitigation measures. The benchmark levels should be determined taking into account the most recent occurrence data from the Authority's database, whereby it is assumed that within a broad food category, the level of acrylamide in 10 % to 15 % of the production with the highest levels can usually be lowered by applying good practices. It is acknowledged that the specified food categories are in certain cases broad and that for specific foods within such a broad food category there may be specific production, geographic or seasonal conditions or product characteristics for which it is not possible to achieve the benchmark levels despite the application of all mitigation measures. In such situations, the food business operator should be able to show the evidence that he applied the relevant mitigation measures.

(11) The benchmark levels should be regularly reviewed by the Commission with the aim to set lower levels, reflecting the continuous reduction of the presence of acrylamide in food.

(12) Food business operators, producing foodstuffs within the scope of this Regulation and which perform retail activities and/or directly supply only local retail establishments are typically small scale operators. Therefore, mitigation measures are adapted to the nature of their operation. However, food business operators which are part of, or franchises of, a larger, interconnected operation and that are centrally supplied should apply additional mitigation measures practicable for larger-scale businesses as those measures further reduce the presence of acrylamide in food and are feasible to be applied by such undertakings.

(13) The effectiveness of the mitigation measures to reduce the acrylamide content should be verified through sampling and analysis. It is appropriate to determine requirements for the sampling and analysis that has to be performed by the food business operators. As regards sampling, analytical requirements and frequency of sampling should be established in order to ensure that the obtained analytical results are representative for their production. Food business operators, producing foodstuffs within the scope of this Regulation and which perform retail activities and/or directly supply only local retail establishments are exempted from the obligation to sample and analyse their production for the presence of acrylamide as such a requirement would put a disproportionate burden on their business.

(14) In addition to sampling and analysis by the business operators, Regulation (EC) No 882/2004 of the European Parliament and of the Council [1] requires the Member States to regularly perform official controls to ensure compliance with feed and food law. The sampling and analysis performed by the Member States in the context of official controls should comply with the sampling procedures and analytical criteria established in application of Regulation (EC) No 882/2004.

(15) Complementary to the measures provided for in this Regulation, the setting of maximum levels for acrylamide in certain foods should be considered in accordance with Regulation (EEC) No 315/93 following the entry into force of this Regulation.

[1] Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

(16) The implementation of the mitigation measures by food business operators might involve changes to their current production process therefore, it is appropriate to provide for a transitional period before the measures provided for in this Regulation apply.

(17) 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

Scope

1. Without prejudice to the applicable provisions of the Union law in food area, food business operators which produce and place on the market foodstuffs listed in paragraph 2 shall in accordance with Article 2 apply the mitigation measures set out in Annexes I and II, in view of achieving levels of acrylamide as low as reasonably achievable below the benchmark levels set out in Annex IV.

2. Foodstuffs referred to in paragraph 1 are as follows:

(a) French fries, other cut (deep fried) products and sliced potato crisps from fresh potatoes;

(b) potato crisps, snacks, crackers and other potato products from potato dough;

(c) bread;

(d) breakfast cereals (excluding porridge);

(e) fine bakery wares: cookies, biscuits, rusks, cereal bars, scones, cornets, wafers, crumpets and gingerbread, as well as crackers, crisp breads and bread substitutes. In this category a cracker is a dry biscuit (a baked product based on cereal flour);

(f) coffee:

  (i) roast coffee;

  (ii) instant (soluble) coffee;

(g) coffee substitutes;

(h) baby food and, processed cereal-based food intended for infants and young children as defined in Regulation (EU) No 609/2013 of the European Parliament and of the Council [1].

Article 2

Mitigation measures

1. Food business operators, which produce and place on the market foodstuffs listed in Article 1(2) shall apply mitigation measures provided for in Annex I.

2. By way of derogation from paragraph 1, food business operators producing foodstuffs listed in Article 1(2), which perform retail activities, and/or directly supply only local retail establishments shall apply mitigation measures provided for in Part A of Annex II.

3. Food business operators referred to in paragraph 2 which operate in facilities under direct control and that are operating under one trademark or commercial license, as a part of, or franchise of, a larger, interconnected operation and under the instructions of the food business operator that centrally supplies the foodstuffs referred to in Article 1(2), shall apply additional mitigation measures set out in Part B of Annex II.

4. When the benchmark levels are exceeded, food business operators shall review the mitigation measures applied and adjust processes and controls with the aim to achieve levels of acrylamide as low as reasonable achievable below the benchmark levels set out in Annex IV. Food business operators shall hereby take into account the safety of foodstuffs, specific production and geographic conditions or product characteristics.

[1] 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, 29.6.2013, p. 35).

Article 3

Definitions

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

(1) the definitions of 'food', 'food business operator', 'retail' 'placing on the market' and 'final consumer' laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council [1];

(2) 'benchmark levels' means performance indicators used to verify the effectiveness of the mitigation measures and are based on experience and occurrence for broad food categories.

Article 4

Sampling and analysis

1. Food business operators referred to in Article 2(1) shall establish a programme for their own sampling and analysis of the levels of acrylamide in the foodstuffs listed in Article 1(2).

2. Food business operators referred to in Article 2(1) shall keep a record of the applied mitigation measures set out in Annex I.

3. Food business operators referred to in Article 2(3) shall keep a record of the applied mitigation measures set out in Part A and B of Annex II.

4. Food business operators referred to in Article 2(1) and (3) shall perform sampling and analysis to determine the level of acrylamide in foodstuffs in accordance with the requirements set out in Annex III and shall record the results of the sampling and analysis.

5. If the sampling and analysis results indicate that the levels are not below the benchmark levels of acrylamide set out in Annex IV, food business operators referred to in Article 2(1) and (3) shall review without delay the mitigation measures in accordance with Article 2(4).

6. By way of derogation, this Article does not apply to food business operators referred to in Article 2(2). Those food business operators shall be able to provide evidence of the application of mitigation measures set out in part A of Annex II.

Article 5

Review of the levels of acrylamide

The benchmark levels of acrylamide presence in foodstuffs set out in Annex IV shall be reviewed by the Commission every three years and the first time within three years after the entry into application of this Regulation.

The review of the benchmark levels shall be based on the occurrence data of acrylamide from the Authority's database, related to the review period and provided to the Authority's database by competent authorities and food business operators.

Article 6

Entry into force and application

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

It shall apply from 11 April 2018.

[1] 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).

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

Done at Brussels, 20 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

MITIGATION MEASURES REFERRED TO IN ARTICLE 2(1)

Where the mitigation measures in this Annex include the use of food additives and other substances, the food additives and other substances shall be used in accordance with the provisions provided for in Regulations of the European Parliament and of the Council (EC) No 1332/2008 ([1]) and (EC) No 1333/2008 ([2]) and Commission Regulation (EU) No 231/2012 ([3]).

I. PRODUCTS BASED ON RAW POTATOES

Selection of suitable potato varieties

1. Food business operators (hereinafter 'FBOs') shall identify and use the potato varieties that are suitable for the product type and where the content of acrylamide precursors, such as reducing sugars (fructose and glucose) and asparagine is the lowest for the regional conditions.

2. FBOs shall use the potato varieties which have been stored in the conditions which are applicable to a specific potato variety and for the storage period determined for a specific variety. The stored potatoes shall be used within their optimal storage window.

3. FBOs shall identify potato varieties with lower acrylamide forming potential in cultivation, storage and during food processing. The results shall be documented.

Acceptance criteria

1. FBOs shall specify in their arrangements regarding potato supply the maximum content of reducing sugars in potatoes and also the maximum amount of bruised, spotted or damaged potatoes.

2. If the specified content of reducing sugar content in potatoes and the amount of bruised, spotted or damaged potatoes are exceeded, FBOs may accept the potato supply by specifying additional available mitigation measures to be taken to ensure that the presence of acrylamide in the final product is as low as reasonably achievable below the benchmark level set out in Annex IV.

Potato storage and transport

1. Where FBOs operate their own storage facilities:

   — the temperature shall be appropriate to the potato variety stored and it shall be above 6 °C;

   — the level of humidity shall be such as to minimise senescent sweetening;

   — sprouting shall be suppressed in long term stored potatoes where permitted, using appropriate agents;

   — during storage the level of reducing sugars in potatoes shall be tested.

2. Potato lots shall be monitored for reducing sugars at the time of harvest.

3. FBOs shall specify the potato transport conditions in terms of temperature and duration especially if outside temperatures are significantly lower than the temperature regime applied during storage, to ensure that the temperature during the transportation of potatoes is not lower than the temperature regime applied during storage. These specifications shall be documented.

([1]) Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p. 7).

([2]) Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

([3]) Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

(a) **SLICED POTATO CRISPS**

Recipe and process design

1. For each product design, FBOs shall specify frying oil temperatures at the exit of the fryer. Those temperatures shall be as low as feasibly possible on a specific line and for the specific product, in line with quality and food safety standards and taking into account relevant factors such as fryer manufacturer, fryer type, potato variety, total solids, potato size, growing conditions, sugar content, seasonality and the target moisture content for the product.

2. Where the frying oil temperatures at the exit of the fryer is higher than 168 °C due to a specific product, design or technology, then the FBOs shall provide data demonstrating that the level of acrylamide in the finished product is as low as reasonably achievable and that the benchmark level set out in Annex IV is achieved.

3. For each product design, FBOs shall specify the moisture content post frying which shall be set as high as feasibly possible for a specific production line and for a specific product, in accordance with expected quality and food safety standards and taking into account relevant factors such as potato variety, seasonality, tuber size, and the fryer exit temperature. The minimal moisture content shall not be lower than 1,0 %.

4. FBOs shall use in-line colour sorting (manual and/or optical-electronic) for potato crisps post frying.

(b) **FRENCH FRIES AND OTHER CUT DEEP FRIED OR OVEN-FRIED POTATO PRODUCTS**

Recipe and Process design

1. Potatoes shall be tested for reducing sugars prior to use. This can be done by fry testing using colours as an indicator of potential high reducing sugar content: indicative fry testing 20-25 centre strips, which are fried to evaluate frying colours of the potato strips against the colour specification using a USDA Munsell colour chart or calibrated company-specific charts for small operators. Alternatively the overall finished frying colour can be measured by specific equipment (e.g. Agtron).

2. FBOs shall remove immature tubers having a low underwater weight and high reducing sugar levels. The removal can be done by passing tubers through a salt brine or similar systems which make immature tubers float or by pre-washing potatoes to detect bad tubers.

3. FBOs shall remove slivers right after cutting to avoid burned pieces in the final cooked product.

4. FBOs shall blanch potato strips to remove some of the reducing sugars from the outside of the strips.

5. FBOs shall adapt blanching regimes to the specific quality attributes of the incoming raw material and they shall stay within specification limits for finished product colour.

6. FBOs shall prevent (enzymatic) discolouration and after cooking darkening of potato products. This can be done by applying disodium diphosphate (E450), which also lowers the pH level of the washing water and inhibits the browning reaction.

7. The use of reducing sugars as a browning agent shall be avoided. They may be used only if needed, to consistently stay within specification limits. FBOs shall control the colour of the final product by performing colour checks on the final cooked product. If needed after blanching, controlled addition of dextrose enables meeting the finished colour specification. Controlled addition of dextrose after blanching results in lower acrylamide levels in the final cooked product at the same colour as observed in unblanched products with only naturally accumulated reducing sugars.

Information to the end users

1. For the end users, FBOs shall indicate recommended cooking methods specifying time, temperature, quantity for oven/deep fryer/pan on packaging and/or via other communication channels. For consumers the recommended cooking instructions shall be clearly displayed on all product packaging in compliance with Regulation (EU) No 1169/2011 of the European Parliament and of the Council [1] on the provision of food information to consumers.

   Recommended cooking methods shall be in agreement with customer specifications and requirements for professional end users and must be validated per product type to ensure products have optimal sensory quality at the lightest acceptable colour, per cooking method specified (e.g. fryer, oven) and have levels of acrylamide below the benchmark level determined in Annex IV.

   FBOs shall recommend to end users other than consumers that they should have tools available for the operators (e.g. chefs) to ensure good cooking methods and also provide calibrated equipment (e.g. timers, frying curves, colour grading charts (e.g. USDA/Munsell) and at minimum, clear pictures with targeted final prepared product colours.

2. FBOs shall recommend the end users in particular to:

   — keep the temperature between 160 and 175 °C when frying, and 180-220 °C when using an oven. Lower temperature can be used when the fan is switched on;

   — Preheat the cooking device (e.g. oven, air fryer) to correct temperature between 180 and 220 °C according to on-pack cooking instructions, depending on the products specifications and local requirements;

   — cook potatoes until a golden yellow colour;

   — do not overcook;

   — turn oven products after 10 minutes or halfway through the total cooking time;

   — follow the recommended cooking instructions, as provided by the manufacturer;

   — when preparing smaller quantities of potatoes than indicated on pack, reduce the cooking time, to avoid excessive browning of the product;

   — do not overfill the frying basket; fill your basket up to the halfway mark to avoid excessive oil uptake by extended frying times.

II. DOUGH-BASED POTATO CRISPS, SNACKS, CRACKERS AND OTHER DOUGH-BASED POTATO PRODUCTS

Raw Materials

1. For each product, FBOs shall specify target values for reducing sugars in their dehydrated potato ingredients.

2. The target value of reducing sugars in the products concerned shall be set as low as feasibly possible, taking into account all relevant factors in the design and production of the finished product such as the amount of potato ingredients in the product recipe, further possible mitigation measures, further processing of the dough, seasonality and the moisture content in the finished product.

3. Where the content of reducing sugars is higher than 1,5 % the FBOs shall provide data demonstrating that the level of acrylamide in the finished product is as low as reasonably achievable below the benchmark level set out in Annex IV.

Recipe and Process Design

1. Dehydrated potato ingredients shall be analysed prior to their use either by the supplier or the user to confirm that the sugar content does not exceed the specified level.

[1] Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

2. Where dehydrated potato ingredients exceed the specified sugar level, FBOs shall specify the additional mitigation measures to be taken to ensure that the level of acrylamide in the final product is as low as reasonably achievable below the benchmark level set out in Annex IV.

3. For each product FBOs shall review whether it is possible to utilise the partial replacement of potato ingredients with ingredients with lower acrylamide forming potential.

4. In wet dough-based systems, FBOs shall consider the use of the following substances insofar possible, taking into account that these substances may not be synergistic in their mitigation effect i.e. specifically applies to the use of asparaginase and lowering levels of pH:

   — Asparaginase

   — Acids or their salts (to reduce the level of pH of the dough)

   — Calcium salts.

5. Where dough-based potato crisps, snacks or crackers are fried, FBOs shall specify frying oil temperatures for each product at the exit of the fryer, control these temperatures and maintain records to demonstrate controls.

6. The oil temperature at the fryer exit shall be as low as feasibly possible on a specific line and for the specific product, in accordance with prescribed quality and food safety standards and taking into account relevant factors, such as the fryer manufacturer, fryer type, sugar content and the target moisture content for the product.

   Where the temperature is higher than 175 °C at the fryer exit, FBOs shall provide data demonstrating that the level of acrylamide in the finished product. is below the benchmark level specified in Annex IV.

   (Note: Most pellet products are fried at temperatures higher than 175 °C because of their very short frying time and the temperatures needed to achieve the required expansion and texture of these products).

7. Where dough-based potato crisps, snacks or crackers are baked, FBOs shall specify for each product the baking temperature at the exit of the baking oven and maintain records to demonstrate controls.

8. The temperature at the exit of the baking oven/drying process shall be as low as feasibly possible on a specific line and for the specific product, in line with expected quality and food safety standards, and taking into account relevant factors such as the machinery type, reducing sugar content of the raw material and the moisture content of the product.

9. Where the product temperature is higher than 175 °C at the end of the baking/drying process, the FBOs shall provide data demonstrating that the level of acrylamide in the finished product is below the benchmark level specified in Annex IV.

10. For each product, FBOs shall specify the moisture content post frying or baking which shall be set as high as feasibly possible on a specific production line and for a specific product, in line with the product quality and food safety requirements, and taking into account the fryer exit, baking and drying temperature. The moisture content in the final product shall not be lower than 1,0 %.

III. FINE BAKERY WARES

The mitigation measures in this Chapter are applicable to the fine bakery wares such as cookies, biscuits, rusks, cereal bars, scones, cornets, wafers, crumpets and gingerbread, as well as unsweetened products such as crackers, crisp breads and bread substitutes. In this category a cracker is a dry biscuit (a baked product based on cereal flour), e.g. soda crackers, rye crispbreads and matzot.

Agronomy

In case of contract farming, where agricultural products are supplied to FBOs directly by their producers, FBOs shall ensure that the following requirements to prevent elevated asparagine levels in cereals are applied:

— to follow Good Agricultural Practices on fertilisation, in particular with regard to maintaining balanced sulphur levels in the soil and to ensure a correct nitrogen application;

— to follow Good Phytosanitary Practices in order to ensure the application of good practices on crop protection measures to prevent fungal infection.

FBOs shall carry out controls to verify the effective application of the aforesaid requirements.

Recipe and Product Design

In the manufacturing process FBOs shall apply the following mitigation measures:

1. For relevant products, FBOs shall consider reducing or replacing fully or partially ammonium bicarbonate with alternative raising agents such as

   (a) sodium bicarbonate and acidulants, or

   (b) sodium bicarbonate and disodium diphosphates with organic acids or potassium variants thereof.

   As part of this consideration, FBOs shall ensure that the use of the said alternative raising agents do not result in organoleptic changes (taste, appearance, texture etc.) or increase the overall sodium content which influence product identity and consumers acceptance.

2. For products where the product design allows, FBOs shall replace fructose or fructose-containing ingredients such as syrups and honey with glucose or non-reducing sugars such as sucrose, particularly in recipes containing ammonium bicarbonate where possible and taking into consideration that replacing fructose or other reducing sugars may result in a modified product identity due to loss of flavour and colour formation.

3. FBOs shall use asparaginase where effective and possible to reduce asparagine and mitigate the potential for acrylamide formation. FBOs shall take into account that there is limited or no effect on the levels of acrylamide of the use of asparaginase in recipes with high fat content, low moisture or high pH value.

4. Where a product characteristic allows, FBOs shall review whether it is possible to utilise the partial replacement of wheat flour with alternative grain flour, such as rice, taking into consideration that any change will have an impact on the baking process and organoleptic properties of the products. Different types of grains have shown different levels of asparagine (typical asparagine levels are the highest in rye and in descending order lower in oats, wheat, maize and with the lowest levels in rice).

5. FBOs shall take into account in the risk assessment the impact of ingredients in the fine bakery wares that may raise acrylamide levels in the final product, and use ingredients that do not have such effects but maintain physical and organoleptic properties (such as almonds roasted at lower rather than higher temperatures and dried fruits as fructose source).

6. FBOs shall ensure that suppliers of heat treated ingredients which are susceptible to acrylamide formation carry out an acrylamide risk assessment and implement the appropriate mitigation measures.

7. FBOs shall ensure that a change in products sourced from suppliers does not result in increased acrylamide levels in such cases.

8. FBOs shall consider to add organic acids to the production process or decrease the levels of pH as far as possible and reasonable in combination with other mitigation measures and taking into account that this can result in organoleptic changes (less browning, modification of taste).

Processing

FBOs shall take the following mitigation measures in the manufacture of fine bakery wares and shall ensure that the measures taken are compatible with the product characteristics and food safety requirements:

1. FBO shall apply the heat input, i.e. time and temperature combination that is the most effective to reduce acrylamide formation while achieving the targeted product characteristics.

2. FBOs shall increase the moisture content in the final product in consideration of achieving the targeted product quality, the required shelf life and food safety standards.

3. Products shall be baked to a lighter colour endpoint in the final product in consideration of achieving the targeted product quality, the required shelf life and food safety standards.

4. In developing new products, FBOs shall take into account in their risk assessment the size and surface area of a particular piece of product taking into account that small product size potentially leads to higher acrylamide levels due to heat impact.

5. As certain ingredients used in the manufacture of fine bakery wares could be heat treated several times (e.g. pre-processed cereal pieces, nuts, seeds, dried fruits, etc.), which results in the raise of acrylamide levels in final products, FBOs shall adjust product and process design accordingly to comply with the benchmark levels of acrylamide set out in Annex IV. In particular the FBOs shall not use burnt products as rework.

6. For product pre-mixes that are put on the market to be baked at home or in catering establishments, FBOs shall provide preparation instructions to their customers to ensure that the acrylamide levels in the final products are as low as reasonably achievable below the benchmark levels.

IV. BREAKFAST CEREALS

Agronomy

In case of contract farming, where agricultural products are supplied to FBOs directly by their producers, FBOs shall ensure that the following requirements to prevent elevated asparagine levels in cereals are applied:

— to follow Good Agricultural Practices on fertilisation, in particular with regard to maintaining balanced sulphur levels in the soil and to ensure a correct nitrogen application;

— to follow Good Phytosanitary Practices in order to ensure the application of good practices on crop protection measures to prevent fungal infection.

FBOs shall carry out controls to verify the effective application of the aforesaid requirements.

Recipe

1. Given that products based on maize and rice tend to have less acrylamide than those made with wheat, rye, oats and barley, FBOs shall consider using maize and rice in new product development where applicable and taking into consideration that any change will have an impact on the manufacturing process and organoleptic properties of the products.

2. FBOs shall control the addition rates at the point of addition of reducing sugars (e.g. fructose and glucose) and ingredients containing reducing sugars (e.g. honey) taking into consideration their impact on organoleptic properties and process functionalities (binding clusters for cluster formation) and which can act as precursors to acrylamide formation when added prior to heat-treatment stages.

3. FBOs shall take into account in the risk assessment the acrylamide contribution from heat-treated, dry ingredients, such as roasted and toasted nuts and oven dried fruits, and use alternative ingredients if the contribution is likely to bring the finished product above the benchmark level specified in Annex IV.

4. For heat-treated ingredients which contain 150 micrograms of acrylamide per kilogram (μg/kg) or more, FBOs shall take the following actions:

   — to establish a register of such ingredients;

   — to carry out audits of suppliers and/or analyses;

   — to ensure that no changes are made by the supplier of such ingredients that increase acrylamide levels.

5. When the cereal is in a flour dough format and the manufacturing process allows a sufficient time, temperature and moisture content for asparaginase to reduce asparagine levels, FBOs shall use asparaginase where required provided there is no adverse effect on flavour or risk of residual enzyme activity.

Processing

In the manufacture of breakfast cereals FBOs shall apply the following mitigation measures and shall ensure that the measures taken are compatible with the product characteristics and food safety requirements:

1. FBOs shall identify, by means of risk assessment, the critical heat-treatment step(s) in the manufacturing process that generate(s) acrylamide.

2. As higher heating temperatures and longer heating times generate higher acrylamide levels, FBOs shall identify an effective combination of temperature and heating times to minimise acrylamide formation without compromising the taste, texture, colour, safety and shelf-life of the product.

3. To avoid the generation of acrylamide spikes, FBOs shall control heating temperatures, times and feed-rates in order to achieve the following minimum moisture content in the final product after the final heat treatment in consideration of achieving the targeted product quality, the required shelf life and food safety standards:

   — toasted products: 1 g/100 g for extruded products, 1 g/100 g for batch cooked products, 2 g/100 g for steam rolled products;

   — direct expanded products: 0,8 g/100 g for extruded products;

   — baked products: 2 g/100 g for continuously cooked products;

   — filled products: 2 g/100 g for extruded products;

   — other drying: 1 g/100 g for batch cooked products, 0,8 g/100 g for gun puffed products.

   FBOs shall measure the moisture content and express acrylamide concentration in a dry mass to eliminate the confounding effect of moisture changes.

4. Reworking product back through the process has the potential to generate higher acrylamide levels through repeated exposure to the heat-treatments steps. FBOs therefore shall assess the impact of rework on acrylamide levels and reduce or eliminate rework.

5. FBOs shall have procedures in place, such as temperature controls and monitoring, to prevent the incidence of burnt products.

V. COFFEE

Recipe

In considering coffee blend composition FBOs shall take into account in the risk assessment that products based on Robusta beans tend to have higher acrylamide levels than products based on Arabica beans.

Processing

1. FBOs shall identify the critical roast conditions to ensure minimal acrylamide formation within the target flavour profile.

2. Control of roast conditions shall be incorporated into a Pre-requisite Program (PRP) as part of Good Manufacturing Practice (GMP).

3. FBOs shall consider the use of asparaginase treatment, insofar possible and effective to reduce the presence of acrylamide.

VI. COFFEE SUBSTITUTES CONTAINING MORE THAN 50 % CEREALS

Agronomy

In case of contract farming, where agricultural products are supplied to FBOs directly by their producers, FBOs shall ensure that the following requirements to prevent elevated asparagine levels in cereals are applied:

— to follow Good Agricultural Practices on fertilisation, in particular with regard to maintaining balanced sulphur levels in the soil and to ensure a correct nitrogen application;

— to follow Good Phytosanitary Practices in order to ensure the application of good practices on crop protection measures to prevent fungal infection.

FBOs shall carry out controls to verify the effective application of the aforesaid requirements.

Recipe

1. Given that products based on maize and rice tend to have less acrylamide than those made with wheat, rye, oats and barley, FBOs shall consider using maize and rice in the new product development where applicable, taking into consideration that any change will have an impact on the manufacturing process and organoleptic properties of the product.

2. FBOs shall control the addition rates at the point of addition of reducing sugars (e.g. fructose and glucose) and ingredients containing reducing sugars (e.g. honey) taking into consideration the impact on organoleptic properties and process functionalities (binding clusters) and which can act as precursors to acrylamide formation when added prior to heat-treatment stages.

3. If coffee substitutes are not made exclusively from cereals, FBOs shall use of other ingredients which result in lower levels of acrylamide after high temperature processing where applicable.

Processing

1. FBOs shall identify the critical roast conditions to ensure minimal acrylamide formation within the target flavour profile.

2. Control of roast conditions shall be incorporated into a Pre-requisite Program (PRP) as part of Good Manufacturing Practice (GMP).

VII. COFFEE SUBSTITUTES CONTAINING MORE THAN 50 % CHICORY

FBOs shall purchase only cultivars low in asparagine and FBOs shall ensure that no late and excessive nitrogen application has taken place during the growth of chicory.

Recipe

If coffee substitutes are not made exclusively from chicory namely, chicory content is less than 100 % and more than 50 %, FBOs shall add other ingredients, such as chicory fibres, roasted cereals, as these have been shown to be effective to reduce the acrylamide content in the final product.

Processing

1. FBOs shall identify the critical roast conditions to ensure minimal acrylamide formation within the target flavour profile. Conclusions shall be documented.

2. Control of roast conditions shall be incorporated into the manufacturer's food safety management system.

VIII. BABY BISCUITS AND INFANT CEREALS [1]

In case of contract farming, where agricultural products are supplied to FBOs directly by their producers, FBOs shall ensure that the following requirements to prevent elevated asparagine levels in cereals are applied:

— to follow Good Agricultural Practices on fertilisation, in particular with regard to maintaining balanced sulphur levels in the soil and to ensure a correct nitrogen application;

— to follow Good Phytosanitary Practices in order to ensure the application of good practices on crop protection measures to prevent fungal infection.

FBOs shall carry out controls to verify the effective application of the aforesaid requirements.

[1] As defined in Regulation (EU) No 609/2013.

Product Design, Processing and Heating

1. FBOs shall use asparaginase to reduce the levels of asparagine in the flour raw material insofar possible. FBOs that cannot use asparaginase due to, for example the processing requirements or product design, shall use flour raw material low in acrylamide precursors, such as fructose and glucose and asparagine.

2. FBOs shall make an assessment during recipe development that provides information on reducing sugars and asparagine, and includes options on achieving low reducing sugars in the final recipe. This need for this assessment will be dependent on use of asparaginase in the recipe.

3. FBOs shall ensure that heat treated ingredients which are susceptible to acrylamide formation are obtained from suppliers that are able to demonstrate that they have taken the appropriate mitigation measures to reduce the presence of acrylamide in those ingredients.

4. FBOs shall have a change control procedure in place to ensure that they do not make any supplier changes that increase acrylamide.

5. If the use of heat-treated raw materials and ingredients results in that in the final product the acrylamide benchmark level specified in Annex IV is exceeded, FBOs shall review the use of those products in view of achieving levels of acrylamide as low as reasonably achievable below the benchmark level set out in Annex IV.

Recipe

1. Given that products based on maize and rice tend have less acrylamide than those made with wheat, rye, oats and barley, FBOs shall consider using maize and rice in new product development where applicable taking into consideration that any change will have an impact on the manufacturing process and organoleptic properties of the product.

2. FBOs shall take into account, in particular in their risk assessment, that products based on wholegrain cereals and/or with high levels of cereal bran have higher levels of acrylamide.

3. FBOs shall control the addition rates at the point of addition of reducing sugars (e.g. fructose and glucose) and ingredients containing reducing sugars (e.g. honey) taking into consideration the impact on organoleptic properties and process functionalities (binding clusters) and which can act as precursors to acrylamide formation when added prior to heat-treatment stages.

4. FBO shall determine the acrylamide contribution from heat-treated and dry ingredients, such as roasted and toasted nuts and oven dried fruits, and use alternative ingredients if the use of those ingredients brings the finished product above the benchmark level specified in Annex IV.

Processing

1. FBOs shall identify, by means of risk assessment, the critical heat-treatment step(s) in the manufacturing process that generate(s) acrylamide.

2. FBOs shall measure the moisture content and express acrylamide concentration in a dry mass to eliminate the confounding effect of moisture changes.

3. FBOs shall identify and apply an effective combination of temperature and heating times to minimise acrylamide formation without compromising the taste, texture, colour, safety and shelf-life of the product.

4. FBOs shall control heating temperatures, times and feed-rates. Feed-rate and temperature control measurement systems should be calibrated regularly and these operating conditions controlled within set limits. These tasks shall be incorporated into the HACCP procedures.

5. Monitoring and controlling product moisture content after the critical heat-treatment steps has proved to be effective in controlling acrylamide levels in some processes and therefore, in these circumstances, this process can be an adequate alternative to controlling heating temperatures and times, hence shall be employed.

IX. BABY JAR FOODS (LOW-ACID AND PRUNE-BASED FOODS) [1]

1. For the production of baby jar foods, FBOs shall choose raw materials with low acrylamide precursor content, e.g. reducing sugars such as fructose and glucose and asparagine.

2. In case of contract farming, where agricultural products are supplied to FBOs directly by their producers, FBOs shall ensure that the following requirements to prevent elevated asparagine levels in cereals are applied:

   — to follow Good Agricultural Practices on fertilisation, in particular with regard to maintaining balanced sulphur levels in the soil and to ensure a correct nitrogen application;

   — to follow Good Phytosanitary Practices in order to ensure the application of good practices on crop protection measures to prevent fungal infection.

   FBOs shall carry out controls to verify the effective application of the aforesaid requirements.

3. In prune purée purchase contracts FBOs shall include requirements which ensure that heat treatment regimes in the prune purée manufacturing process are applied that aim to reduce the occurrence of acrylamide in that product.

4. FBOs shall ensure that heat treated ingredients which are susceptible to acrylamide formation are obtained from suppliers that are able to demonstrate that they have taken the mitigation measures to reduce the presence of acrylamide in those ingredients.

5. If the use of heat-treated raw materials and ingredients results in that in the final product the benchmark level of acrylamide specified in Annex IV is exceeded, FBOs shall review the use of those materials and ingredients in view of achieving levels of acrylamide as low as reasonably achievable below the benchmark level set out in Annex IV.

Recipe

1. FBOs shall take into account in the risk assessment of *acrylamide* in the foodstuffs concerned that products based on wholegrain cereals and/or with high levels of cereal bran have higher levels of acrylamide.

2. FBOs shall choose varieties of sweet potatoes and prunes which are as low as possible in acrylamide precursors, such as reducing sugars (e.g. fructose and glucose) and asparagine.

3. FBOs shall control the addition rates at the point of addition of reducing sugars (e.g. fructose and glucose) and ingredients containing reducing sugars (e.g. honey) added for organoleptic reasons and process functionalities (binding clusters) and which can act as precursors to acrylamide formation when added prior to heat-treatment stages.

Processing

1. FBOs shall identify the key heat-treatment step(s) in the process that generate(s) the most acrylamide in order to focus further acrylamide reduction/control efforts most effectively. This has to be achieved either via a risk assessment or by directly measuring the acrylamide levels in the product before and after each heat-treatment step.

2. To avoid the generation of acrylamide spikes, FBO shall control heating temperatures, times and feed-rates. Feed-rate and temperature control measurement systems should be calibrated regularly and these operating conditions controlled within set limits. These tasks shall be incorporated into the HACCP procedures.

3. FBOs shall ensure that the lowering of thermal input to reduce acrylamide in low acid and prune based foods do not affect microbiological safety of the foodstuffs concerned.

[1] As defined in Regulation (EU) No 609/2013.

X. BREAD

Agronomy

In case of contract farming, where agricultural products are supplied to FBOs directly by their producers, FBOs shall ensure that the following requirements to prevent elevated asparagine levels in cereals are applied:

— to follow Good Agricultural Practices on fertilisation, in particular with regard to maintaining balanced sulphur levels in the soil and to ensure a correct nitrogen application;

— to follow Good Phytosanitary Practices in order to ensure the application of good practices on crop protection measures to prevent fungal infection.

FBOs shall carry out controls to verify the effective application of the aforesaid requirements.

Product design, processing and heating

1. FBOs shall ensure that bread is baked to a lighter colour endpoint to reduce acrylamide formation taking into account individual product design and technical possibilities.

2. FBOs shall extend the yeast fermentation time taking into account the product design and the technical possibilities.

3. FBOs shall lower thermal input by optimising baking temperature and time insofar possible.

4. FBOs shall provide baking instructions for bread that is to be finished at home, in bake-off areas, retail shops or in catering establishments.

5. FBOs shall substitute ingredients that have the potential to raise acrylamide levels in the final product where this is compatible with product design and technical possibilities, that includes for instance the use of nuts and seeds roasted at lower rather than higher temperatures.

6. FBOs shall replace fructose with glucose particularly in recipes containing ammonium bicarbonate (E503) where the product design allows and insofar possible. That includes, for instance, replacing invert sugar syrup and honey, which contain higher levels of fructose, with glucose syrup.

7. In products with low moisture content, FBOs shall use asparaginase to reduce asparagine insofar possible and taking into account product recipe, ingredients, moisture content and process.

ANNEX II

PART A

MITIGATION MEASURES TO BE APPLIED BY FOOD BUSINESS OPERATORS (FBOs) REFERRED TO IN ARTICLE 2(2)

1. FBOs producing potato products shall apply the following mitigation measures:

   — French fries and other cut (deep fried) potato products:

      — Potato varieties with lower sugar content shall be used, when available and insofar as compatible with the desired food product to be obtained. In this respect the provider shall be consulted for best suited potato varieties.

      — Potatoes shall be stored at a temperature higher than 6 °C.

   — Before the frying process:

      Except for frozen potato products for which cooking instructions shall be followed, one of the following measures shall be taken with raw French fries to reduce the sugar content, where possible and insofar as compatible with the desired food product to be obtained:

      — Washing and soaking preferably for 30 minutes up to 2 hours in cold water. Rinse the strips in clean water before frying.

      — Soaking for a few minutes in warm water. Rinse the strips in clean water before frying.

      — Blanching of potatoes results in lower levels of acrylamide and therefore where possible, it is appropriate to blanch potatoes.

   — When frying French fries or other potato products:

      — Frying oils and fats shall be used which allows to fry quicker and/or at lower temperatures. Cooking oil suppliers shall be consulted for the best suited oils and fats.

      — Frying temperatures shall be below 175 °C and in any case as low as possible taking into account the food safety requirements.

      — Frying oils and fats quality shall be maintained by skimming frequently to remove fines and crumbs.

   For the cooking of French fries, it is appropriate that the FBOs make use of available colour guides providing guidance on the optimal combination of colour and low levels of acrylamide.

   It is appropriate that a colour guide providing guidance on the optimal combination of colour and low levels of acrylamide is visibly displayed at the premises to the staff preparing the food.

2. FBOs producing bread and fine bakery wares shall use the following mitigation measures in the baking process:

   — Insofar possible and compatible with the production process and hygiene requirements:

      — the extension of yeast fermentation time;

      — the moisture content of the dough for the production of a product with low moisture content, shall be optimised;

      — the lowering of oven temperature and the extension cooking time.

   Products shall be baked to a lighter colour endpoint and dark roasting of crust shall be avoided in case the dark colour of the crust is the result of the strong roasting and not related to the specific composition or nature of the bread resulting in a dark crust.

3. When preparing sandwiches, the FBOs shall ensure that sandwiches are toasted to the optimal colour. It is appropriate that colour guides developed for specific product types, when available, providing guidance on the optimal combination of colour and low levels of acrylamide are used when producing these specific products. When using pre-packed bread or bakery products which are to be finished, cooking instructions are followed.

   The abovementioned colour guide providing guidance on the optimal combination of colour and low levels of acrylamide shall be visibly displayed at the premises to the staff preparing the specific food.

PART B

MITIGATION MEASURES TO BE APPLIED BY FOOD BUSINESS OPERATORS REFERRED TO IN ARTICLE 2(3) IN ADDITION TO THE MITIGATION MEASURES REFERRED TO IN PART A

1. **General requirement**

FBOs shall accept products referred to in Article 1(2) only from FBOs that have implemented all mitigation measures set out in Annex I.

2. **French fries and other cut (deep fried) potato products**

FBOs shall:

— follow the instructions on storage of provided by the FBOs or the suppliers or provided for in the relevant mitigation measures in Annex I;

— work with Standard Operational Procedures and calibrated fryers equipped with computerised timers and programmed to standard settings (time-temperature);

— monitor the level of acrylamide in finished products to verify that the mitigation measures are effective in keeping acrylamide levels below the benchmark level.

3. **Bakery products**

FBOs shall monitor the level of acrylamide in finished products to verify that the mitigation measures are effective in keeping acrylamide levels below the benchmark level.

4. **Coffee**

FBOs shall ensure that the level of acrylamide in supplied coffee is lower than the benchmark level specified in Annex IV taking into account however that this may not be possible for all coffee types depending on blend and roast characteristics. In these cases a justification is provided by the supplier.

ANNEX III

SAMPLING AND ANALYSIS REQUIREMENTS FOR THE MONITORING REFERRED TO IN ARTICLE 4

I. Sampling

1. The sample shall be representative for the sampled batch.

2. FBOs shall ensure that they undertake representative sampling and analysis of their products for the presence of acrylamide to verify the effectiveness of mitigation measures, i.e. the levels of acrylamide are consistently below the benchmark levels.

3. FBOs shall ensure that a representative sample of each product type is taken for analysis of acrylamide concentration. A 'product type' includes groups of products with the same or similar ingredients, recipe design, process design and/or process controls where these have a potential influence acrylamide levels in the finished product. Monitoring programmes shall prioritise product types that have the demonstrated potential to exceed the benchmark level and shall be risk-based where further mitigation measures are feasible.

II. Analysis

1. FBOs shall provide sufficient data to enable an assessment of the level of acrylamide and of the likelihood that the product type might exceed the benchmark level.

2. The sample shall be analysed in a laboratory that participates in appropriate proficiency testing schemes (which comply with the 'International Harmonised Protocol for the Proficiency Testing of (Chemical) Analytical Laboratories' ([1]) developed under the auspices of IUPAC/ISO/AOAC) and uses approved analytical methods for detection and quantification. Laboratories shall be able to demonstrate that they have internal quality control procedures in place. Examples of these are the 'ISO/AOAC/IUPAC Guidelines on Internal Quality Control in Analytical Chemistry Laboratories' ([2]).

   Wherever possible the trueness of analysis shall be estimated by including suitable certified reference materials in the analysis.

3. The method of analysis used for the analysis of acrylamide must comply with the following performance criteria

Parameter	Criterion
Applicability	Foods specified in this Regulation
Specificity	Free from matrix or spectral interferences
Field blanks	Less than Limit of Detection (LOD)
Repeatability (RSD_r)	0,66 times RSD_R as derived from (modified) Horwitz equation
Reproducibility (RSD_R)	as derived from (modified) Horwitz equation
Recovery	75-110 %
Limit of Detection (LOD)	Three tenths of LOQ
Limit of Quantification (LOQ)	For benchmark level < 125 µg/kg: ≤ two fifths of the benchmark level (however not required to be lower than 20 µg/kg) For benchmark level ≥ 125 µg/kg: ≤ 50 µg/kg

4. Analysis of acrylamide can be replaced by measurement of product attributes (e.g. colour) or process parameters provided that a statistical correlation can be demonstrated between the product attributes or process parameters and the acrylamide level.

([1]) M. Thompson et al, Pure and Applied Chemistry, 2006, 78, pp. 145-196.
([2]) Edited by M. Thompson and R. Wood, Pure and Applied Chemistry, 1995, 67, pp. 649-666.

III. **Frequency of sampling**

1. FBOs shall, undertake sampling and analysis at least annually for products that have a known and well-controlled acrylamide level. FBOs shall carry out higher frequency sampling and analysis of products having the potential to exceed the benchmark level and shall be risk-based where further mitigation measures are feasible.

2. Based on this assessment referred to in point II.1, the FBOs shall specify appropriate frequencies for analysis for each product type. The assessment shall be repeated if a product or process is modified in a way that could lead to a change in the acrylamide level in the final product.

IV. **Mitigation**

If the analytical result, corrected for recovery but not taking into account the measurement uncertainty, indicates that a product has exceeded the benchmark level, or contains acrylamide at a level higher than anticipated (taking into account previous analyses, but lower than the benchmark level), then the FBOs shall carry out a review of the mitigation measures applied and shall take additional available mitigation measures to ensure that acrylamide level in the finished product is below the benchmark level. This must be demonstrated by the undertaking of a new representative sampling and analysis, after the introduction of the additional mitigation measures.

V. **Information to competent authorities**

FBOs shall make the analytical results obtained from the analysis every year available on request to the competent authority together with descriptions of the products analysed. Details of mitigation measures taken to reduce levels of acrylamide below the benchmark level shall be provided for those products exceeding the benchmark level.

ANNEX IV

BENCHMARK LEVELS REFERRED TO IN ARTICLE 1(1)

Benchmark levels for the presence of acrylamide in foodstuffs referred to in Article 1(1) are as follows:

Food	Benchmark level [µg/kg]
French fries (ready-to-eat)	500
Potato crisps from fresh potatoes and from potato dough Potato-based crackers Other potato products from potato dough	750
Soft bread (a) Wheat based bread (b) Soft bread other than wheat based bread	 50 100
Breakfast cereals (excl. porridge) — bran products and whole grain cereals, gun puffed grain — wheat and rye based products (1) — maize, oat, spelt, barley and rice based products (1)	 300 300 150
Biscuits and wafers Crackers with the exception of potato based crackers Crispbread Ginger bread Products similar to the other products in this category	350 400 350 800 300
Roast coffee	400
Instant (soluble) coffee	850
Coffee substitutes (a) coffee substitutes exclusively from cereals (b) coffee substitutes from a mixture of cereals and chicory (c) coffee substitutes exclusively from chicory	 500 (2) 4 000
Baby foods, processed cereal based foods for infants and young children excluding biscuits and rusks (3)	40
Biscuits and rusks for infants and young children (3)	150

(1) Non-whole grain and/or non-bran based cereals. The cereal present in the largest quantity determines the category.
(2) The benchmark level to be applied to coffee substitutes from a mixture of cereals and chicory takes into account the relative proportion of these ingredients in the final product.
(3) As defined in Regulation (EU) No 609/2013.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2159

of 20 November 2017

amending Regulation (EU) No 255/2010 as regards certain references to ICAO provisions

(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 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) ([1]), and in particular Article 6(7) thereof,

Whereas:

(1) The Annex to Commission Regulation (EU) No 255/2010 ([2]) refers to provisions laid down in Annex 11 to the Convention on International Civil Aviation (the Chicago Convention), and more specifically to the 13th edition of July 2001, which incorporates Amendment No 49. On 10 November 2016, the International Civil Aviation Organisation (ICAO) amended Annex 11 to the Chicago Convention, incorporating Amendment No 50A.

(2) The Annex to Regulation (EU) No 255/2010 also refers to provisions laid down in the ICAO Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM, Doc. 4444), and more specifically to the 15th edition of 2007, incorporating Amendment No 6. On 10 November 2016, the ICAO amended Doc. 4444, incorporating Amendment No 7A.

(3) The references in Regulation (EU) No 255/2010 to Annex 11 to the Chicago Convention and to ICAO Doc 4444 should now be updated in order to take account of those amendments, so as to enable the Member States to meet their international legal obligations and ensure consistency with the ICAO's international regulatory framework.

(4) Regulation (EU) No 255/2010 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EU) No 255/2010, points 1 and 2 are replaced by the following:

'1. Chapter 3 paragraph 3.7.5 (Air Traffic Flow Management) of Annex 11 to the Chicago Convention — Air Traffic Services (14th edition — July 2016, incorporating Amendment No 50A).

2. Chapter 3 (ATS system capacity and air traffic flow management) of ICAO Doc 4444, Procedures for Air Navigation Services — Air Traffic Management (PANS-ATM) (16th edition — 2016 incorporating Amendment No 7A).'.

Article 2

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

([1]) OJ L 96, 31.3.2004, p. 20.
([2]) Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (OJ L 80, 26.3.2010, p. 10).

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

Done at Brussels, 20 November 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2160

of 20 November 2017

amending Implementing Regulation (EU) No 1079/2012 as regards certain references to ICAO provisions

(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 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) ([1]), and in particular Article 3(5) thereof,

After consulting the Single Sky Committee,

Whereas:

(1) Point 3 of Annex II to Commission Implementing Regulation (EU) No 1079/2012 ([2]) refers to provisions laid down in the International Civil Aviation Organisation (ICAO) Procedures for Navigation Services — Air Traffic Management (PANS-ATM, Doc. 4444), and more specifically to the 15th edition of 2007, incorporating Amendment No 6. On 10 November 2016, the ICAO amended Doc. 4444, incorporating Amendment No 7A.

(2) The references in Implementing Regulation (EU) No 1079/2012 to Doc. 4444 should now be updated in order to take account of that amendment, so as to enable the Member States to meet their international legal obligations and ensure consistency with the ICAO's international regulatory framework.

(3) Implementing Regulation (EU) No 1079/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Implementing Regulation (EU) No 1079/2012, point 3 is replaced by the following:

'3. Section 12.3.1.5 "8,33 kHz channel spacing" of ICAO PANS-ATM Doc. 4444 (16th Edition — 2016, incorporating Amendment No 7A).'.

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, 20 November 2017.

For the Commission

The President

Jean-Claude JUNCKER

([1]) OJ L 96, 31.3.2004, p. 26.

([2]) Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky (OJ L 320, 17.11.2012, p. 14).

DECISIONS

COUNCIL DECISION (CFSP) 2017/2161

of 20 November 2017

amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

(1) On 22 July 2014, the Council adopted Decision 2014/486/CFSP ([1]) on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine).

(2) On 3 December 2015, the Council adopted Decision (CFSP) 2015/2249 ([2]), extending the mandate until 30 November 2017 and providing EUAM Ukraine with a financial reference amount until 30 November 2016.

(3) Council Decision (CFSP) 2016/712 ([3]) adapted the financial reference amount for the period until 30 November 2016, and Council Decision (CFSP) 2016/2083 ([4]) provided for a financial reference amount for the period from 1 December 2016 until 30 November 2017.

(4) Following the 2017 Strategic Review, EUAM Ukraine should be extended until 31 May 2019.

(5) A financial reference amount for the period from 1 December 2017 until 31 May 2019 should be provided for.

(6) Decision 2014/486/CFSP should therefore be amended accordingly.

(7) EUAM Ukraine will be conducted 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

Decision 2014/486/CFSP is amended as follows:

(1) in Article 14, paragraph 1 is replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to EUAM Ukraine until 30 November 2014 shall be EUR 2 680 000.

The financial reference amount intended to cover the expenditure related to EUAM Ukraine for the period from 1 December 2014 to 30 November 2015 shall be EUR 13 100 000.

The financial reference amount intended to cover the expenditure related to EUAM Ukraine for the period from 1 December 2015 to 30 November 2016 shall be EUR 17 670 000.

([1]) Council Decision 2014/486/CFSP of 22 July 2014 on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (OJ L 217, 23.7.2014, p. 42).
([2]) Council Decision (CFSP) 2015/2249 of 3 December 2015 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (OJ L 318, 4.12.2015, p. 38).
([3]) Council Decision (CFSP) 2016/712 of 12 May 2016 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (OJ L 125, 13.5.2016, p. 11).
([4]) Council Decision (CFSP) 2016/2083 of 28 November 2016 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (OJ L 321, 29.11.2016, p. 55).

The financial reference amount intended to cover the expenditure related to EUAM Ukraine for the period from 1 December 2016 to 30 November 2017 shall be EUR 20 800 000.

The financial reference amount intended to cover the expenditure related to EUAM Ukraine for the period from 1 December 2017 to 31 May 2019 shall be EUR 31 956 069,20.

The financial reference amount for the subsequent periods shall be decided by the Council.'.

(2) in Article 19, the second paragraph is replaced by the following:

'It shall apply until 31 May 2019.'.

Article 2

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

It shall apply from 1 December 2017.

Done at Brussels, 20 November 2017.

For the Council
The President
M. REPS

COUNCIL DECISION (CFSP) 2017/2162

of 20 November 2017

amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

(1) On 22 May 2013, the Council adopted Decision 2013/233/CFSP ([1]) establishing the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya).

(2) On 17 July 2017, the Council adopted Decision (CFSP) 2017/1342 ([2]) extending the mandate of EUBAM Libya until 31 December 2018 and providing for a financial reference amount until 30 November 2017.

(3) Decision 2013/233/CFSP should be amended to provide for a financial reference amount for the period from 1 December 2017 to 31 December 2018.

(4) EUBAM Libya will be conducted 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

In Article 13(1) of Decision 2013/233/CFSP, the following subparagraph is added:

'The financial reference amount intended to cover the expenditure related to EUBAM Libya for the period from 1 December 2017 to 31 December 2018 shall be EUR 31 200 000,00.'.

Article 2

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

It shall apply from 1 December 2017.

Done at Brussels, 20 November 2017.

For the Council
The President
M. REPS

([1]) Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 138, 24.5.2013, p. 15).

([2]) Council Decision (CFSP) 2017/1342 of 17 July 2017 amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 185, 18.7.2017, p. 60).

COUNCIL DECISION (CFSP) 2017/2163

of 20 November 2017

amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine [1], and in particular Article 3(1) thereof,

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

Whereas:

(1) On 17 March 2014, the Council adopted Decision 2014/145/CFSP.

(2) Following the organisation by the Russian Federation of gubernatorial elections in the illegally annexed city of Sevastopol on 10 September 2017, the Council considers that one person should be added to the list of persons, entities and bodies subject to restrictive measures as set out in the Annex to Decision 2014/145/CFSP.

(3) The Annex to Decision 2014/145/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The person listed in the Annex to this Decision shall be added to the list set out in the Annex to Decision 2014/145/CFSP.

Article 2

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

Done at Brussels, 20 November 2017.

For the Council
The President
M. REPS

[1] OJ L 78, 17.3.2014, p. 16.

ANNEX

List of persons referred to in Article 1

	Name	Identifying information	Reasons	Date of listing
'161.	Dmitry Vladimirovich OVSYANNIKOV (Дмитрий Владимирович Овсянников)	DOB: 21.2.1977 POB: Omsk, USSR	"Governor of Sevastopol". Ovsyannikov was elected the "Governor of Sevastopol" in the elections of 10 September 2017 organised by the Russian Federation in the illegally annexed city of Sevastopol. On 28 July 2016, President Putin appointed him as the acting "Governor of Sevastopol". In this capacity, he has worked for further integration of the illegally annexed Crimean peninsula into the Russian Federation, and is as such responsible for actively supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty, and independence of Ukraine. In 2017 he made public statements supporting the illegal annexation of Crimea and Sevastopol and on the anniversary of the illegal "Crimean referendum". He commemorated the veterans of the so called "self-defence units" that facilitated the deployment of Russian forces on the Crimean peninsula in the run-up to its illegal annexation by the Russian Federation, and called for Sevastopol to become the Southern capital of the Russian Federation.	21.11.2017'

COMMISSION IMPLEMENTING DECISION (EU) 2017/2164

of 17 November 2017

on recognition of the 'RTRS EU RED' voluntary scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC [1], and in particular the second subparagraph of Article 7c(4) thereof,

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC [2], and in particular the second subparagraph of Article 18(4) thereof,

Whereas:

(1) Articles 7b and 7c of, and Annex IV to, Directive 98/70/EC and Articles 17 and 18 of, and Annex V to, Directive 2009/28/EC lay down similar sustainability criteria for biofuels and bioliquids, and similar procedures for verifying that biofuels and bioliquids comply with those criteria.

(2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC, Member States should require economic operators to show that biofuels and bioliquids comply with the sustainability criteria set out in Article 17(2) to (5) of that Directive.

(3) The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) of Directive 2009/28/EC, and/or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3), (4) and (5), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. Where an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State should not require the supplier to provide further evidence of compliance with the sustainability criteria.

(4) The request for recognition that the 'RTRS EU RED' voluntary scheme demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC was submitted to the Commission on 14 June 2017. The scheme that is based in Ciudad de la Paz 353, PISO3 OF 307. C1426AGE Buenos Aires, Argentina, covers biofuels produced from soy. The recognised scheme documents should be made available at the transparency platform established under Directive 2009/28/EC.

(5) In assessing the 'RTRS EU RED' voluntary scheme, the Commission found that it covers adequately the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC, as well as applies a mass balance methodology in accordance with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.

(6) The assessment of the 'RTRS EU RED' voluntary scheme found that it meets adequate standards of reliability, transparency and independent auditing and also complies with the methodological requirements set out in Annex IV to Directive 98/70/EC and in Annex V to Directive 2009/28/EC.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

[1] OJ L 350, 28.12.1998, p. 58.
[2] OJ L 140, 5.6.2009, p. 16.

HAS ADOPTED THIS DECISION:

Article 1

The 'RTRS EU RED' voluntary scheme ('the scheme'), submitted for recognition to the Commission on 14 June 2017, demonstrates that consignments of biofuels and bioliquids produced in accordance with the standards for the production of biofuels and bioliquids set in the scheme comply with the sustainability criteria laid down in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme also contains accurate data for the purposes of Article 17(2) of Directive 2009/28/EC and Article 7b(2) of Directive 98/70/EC.

Article 2

In the event that the contents of the scheme, as submitted for recognition to the Commission on 14 June 2017, change in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establishing whether the scheme still adequately covers the sustainability criteria for which it is recognised.

Article 3

The Commission may repeal this Decision inter alia under the following circumstances:

(a) if it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision or if severe and structural breach of those elements has taken place;

(b) if the scheme fails to submit annual reports to the Commission pursuant to Article 7c(6) of Directive 98/70/EC and Article 18(6) of Directive 2009/28/EC;

(c) if the scheme fails to implement standards of independent auditing specified in implementing acts referred to in the third subparagraph of Article 7c(5) of Directive 98/70/EC and the third subparagraph of Article 18(5) of Directive 2009/28/EC or improvements to other elements of the scheme considered to be decisive for a continued recognition.

Article 4

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

It shall apply until 12 December 2022.

Done at Brussels, 17 November 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2017/2165

of 17 November 2017

approving the plan for the eradication of African swine fever in feral pigs in certain areas of the Czech Republic

(notified under document C(2017) 7536)

(Only the Czech text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ([1]), and in particular the second subparagraph of Article 16(1) thereof,

Whereas:

(1) Directive 2002/60/EC lays down the minimum Union measures to be taken for the control of African swine fever, including those to be applied in the event of confirmation of a case of African swine fever in feral pigs.

(2) In 2017 the Czech Republic notified the Commission of cases of African swine fever in feral pigs and it has taken the disease control measures required by Directive 2002/60/EC.

(3) In light of the current epidemiological situation and in accordance with Directive 2002/60/EC, the Czech Republic has submitted to the Commission a plan for the eradication of African swine fever (the eradication plan).

(4) In order to establish appropriate animal health control measures, and to prevent the further spread of that disease, a Union list of high risk areas was established in the Annex to Commission Implementing Decision 2014/709/EU ([2]). The Annex to Implementing Decision 2014/709/EU was recently amended by Commission Implementing Decision (EU) 2017/1850 ([3]) to take account, inter alia, of the recent cases of African swine fever in feral pigs in the Czech Republic and Parts I and II of that Annex now includes the infected areas in the Czech Republic.

(5) The eradication plan has been examined by the Commission and found to comply with the requirements set out in Article 16 of Directive 2002/60/EC. It should therefore be approved accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The plan submitted by the Czech Republic on 24 October 2017 for the eradication of African swine fever from feral pig populations in the infected areas of that Member State is hereby approved.

([1]) OJ L 192, 20.7.2002, p. 27.
([2]) Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).
([3]) Commission Implementing Decision (EU) 2017/1850 of 11 October 2017 amending Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 264, 13.10.2017, p. 7).

Article 2

The Czech Republic shall bring into force the laws, regulations and administrative provisions required for implementing the eradication plan referred to in Article 1 by 1 December 2017.

Article 3

This Decision is addressed to the Czech Republic.

Done at Brussels, 17 November 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/2166

of 17 November 2017

amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States

(notified under document C(2017) 7540)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([1]), and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ([2]), and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ([3]), and in particular Article 4(3) thereof,

Whereas:

(1) Commission Implementing Decision 2014/709/EU ([4]) lays down animal health control measures in relation to African swine fever in certain Member States. The Annex to that Implementing Decision demarcates and lists certain areas of those Member States in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. That list includes certain areas of Estonia, Latvia, Lithuania and Poland.

(2) In September and October 2017, a few cases of African swine fever in wild boar were observed in Kuldīgas novads in Latvia, in Jurbarko rajono savivaldybė in Lithuania and in gminy Bargłów Kościelny, Płaska, Sejny and Stary Brus in Poland, in areas currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. These cases constitute an increased level of risk that should be reflected in the Annex to that Implementing Decision.

(3) In September and October 2017, a few outbreaks of African swine fever in domestic pigs occurred in Lääne-Nigula valdin Estonia, in Neretas novads in Latvia, in Anykščių rajono savivaldybė, Kavarsko seniūnija in Lithuania and in gmina Lipsk in Poland. These outbreaks occurred in areas currently listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU. These outbreaks constitute an increased level of risk that should be reflected in the Annex to that Implementing Decision.

(4) Since October 2016, there has been no notification of any outbreak of African swine fever in domestic pigs in certain areas of Latvia which are currently listed in Part III of that Annex. In addition, the supervision of biosecurity measures has been implemented in a satisfactory manner in holdings in those areas, based on national programmes for biosecurity aimed at the prevention of the spread of that virus. These facts indicate an improvement in the epidemiological situation in Latvia.

(5) Since July 2017, there has been no notification of any outbreak of African swine fever in domestic pigs in certain areas of Lithuania which are currently listed in Part III of that Annex and in which there are no non-commercial pig holdings present. In addition, the supervision of biosecurity measures has been implemented in a satisfactory manner in holdings in those areas. These facts indicate an improvement in the epidemiological situation in Lithuania.

([1]) OJ L 395, 30.12.1989, p. 13.
([2]) OJ L 224, 18.8.1990, p. 29.
([3]) OJ L 18, 23.1.2003, p. 11.
([4]) Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

(6) The evolution of the current epidemiological situation of African swine fever in the affected domestic and feral pig populations in the Union should be taken into account in the assessment of the risk to animal health posed by the new disease situation in Estonia, Latvia, Lithuania and Poland. In order to focus the animal health control measures provided for in Implementing Decision 2014/709/EU, and to prevent the further spread of African swine fever, while at the same time preventing any unnecessary disturbance to trade within the Union, and also avoiding unjustified barriers to trade by third countries, the Union list of areas subject to the animal health control measures set out in the Annex to that Implementing Decision should be amended to take account of the changes in the epidemiological situation as regards that disease in Estonia, Latvia, Lithuania and Poland.

(7) Accordingly, the areas affected by the recent cases of African swine fever in wild boar in Latvia, Lithuania and Poland that are currently listed in Part I of the Annex to Implementing Decision 2014/709/EU should now be listed instead in Part II of that Annex.

(8) In addition, the areas affected by the recent outbreaks of African swine fever in domestic pigs in Estonia, Latvia, Lithuania and Poland that are currently listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU should now be listed instead in Part III of that Annex.

(9) In addition, the specific areas of Latvia that are currently listed in Part III of the Annex to Implementing Decision 2014/709/EU, where there have been no recent notifications of outbreaks of African swine fever, should now be listed instead in Part II of that Annex.

(10) The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 November 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

'*ANNEX*

PART I

1. **The Czech Republic**

The following areas in the Czech Republic:

— okres Uherské Hradiště,

— okres Kroměříž,

— okres Vsetín.

2. **Estonia**

The following areas in Estonia:

— Hiiu maakond.

3. **Latvia**

The following areas in Latvia:

— Aizputes novads,

— Alsungas novads,

— Auces novada Bēnes, Vecauces un Ukru pagasts, Auces pilsēta,

— Dobeles novada Penkules pagasts,

— Jelgavas novada Platones, Vircavas, Jaunsvirlaukas, Vilces, Lielplatones, Elejas un Sesavas pagasts,

— Kuldīgas novada Ēdoles, Īvandes, Gudenieku, Turlavas, Kurmāles, Snēpeles, Laidu pagasts, Kuldīgas pilsēta,

— Pāvilostas novada Sakas pagasts un Pāvilostas pilsēta,

— republikas pilsēta Jelgava,

— Rundāles novada Svitenes un Viesturu pagasts,

— Saldus novada Ezeres, Kursīšu, Novadnieku, Pampāļu, Saldus, Zaņas un Zirņu pagasts, Saldus pilsēta,

— Skrundas novads,

— Stopiņu novada daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,

— Tērvetes novads,

— Ventspils novada Jūrkalnes pagasts.

4. **Lithuania**

The following areas in Lithuania:

— Joniškio rajono savivaldybė,

— Jurbarko rajono savivaldybė: Eržvilko, Girdžių, Jurbarko miesto Jurbarkų ir Viešvilės seniūnijos ir Skirsnemunės ir Šimkaičių seniūnijos dalis į vakarus nuo kelio Nr. 146,

— Kalvarijos savivaldybė,

— Kazlų Rūdos savivaldybė,

— Kelmės rajono savivaldybė,

— Marijampolės savivaldybė,

— Pakruojo rajono savivaldybė: Linkuvos ir Pašvitinio seniūnijos,

— Panevėžio rajono savivaldybė: Krekenavos seniūnijos dalis į vakarus nuo Nevėžio upės ir į pietus nuo kelio Nr. 3004,

— Radviliškio rajono savivaldybė: Aukštelkų, Baisogalos, Grinkiškio, Radviliškio, Radviliškio miesto, Skėmių, Šaukoto, Šeduvos miesto, Šaulėnų ir Tyrulių,

— Raseinių rajono savivaldybė: Ariogalos seniūnija į šiaurę nuo kelio Nr A1, Ariogalos miesto, Betygalos seniūnijos, Girkalnio ir Kalnūjų seniūnijos į šiaurę nuo kelio Nr A1, Nemakščių, Pagojukų, Paliepių, Raseinių, Raseinių miesto, Šiluvos ir Viduklės seniūnijos,

— Šakių rajono savivaldybė,

— Šiaulių miesto savivaldybė,

— Šiaulių rajono savivaldybė,

— Vilkaviškio rajono savivaldybė.

5. **Poland**

The following areas in Poland:

w województwie warmińsko-mazurskim:

— gminy Kalinowo, Prostki, Stare Juchy i gmina wiejska Ełk w powiecie ełckim,

— gminy Biała Piska, Orzysz, Pisz i Ruciane Nida w powiecie piskim,

— gminy Miłki i Wydminy w powiecie giżyckim,

— gminy Olecko, Świętajno i Wieliczki w powiecie oleckim.

w województwie podlaskim:

— gmina Brańsk z miastem Brańsk, gminy Boćki, Rudka, Wyszki, część gminy Bielsk Podlaski położona na zachód od linii wyznaczonej przez drogę nr 19 (w kierunku północnym od miasta Bielsk Podlaski) i przedłużonej przez wschodnią granicę miasta Bielsk Podlaski i drogę nr 66 (w kierunku południowym od miasta Bielsk Podlaski), miasto Bielsk Podlaski, część gminy Orla położona na zachód od drogi nr 66 w powiecie bielskim,

— gminy Augustów z miastem Augustów, Nowinka i część gminy Sztabin położona na południe od linii wyznaczonej przez drogę nr 664 w powiecie augustowskim;

— gminy Dąbrowa Białostocka, Janów, Suchowola i Korycin w powiecie sokólskim,

— gminy Dziadkowice, Grodzisk i Perlejewo w powiecie siemiatyckim,

— gminy Kolno z miastem Kolno, Mały Płock i Turośl w powiecie kolneńskim,

— gminy Juchnowiec Kościelny, Suraż, Turośń Kościelna, Łapy i Poświętne w powiecie białostockim,

— powiat zambrowski,

— gminy Bakałarzewo, Raczki, Rutka-Tartak, Suwałki i Szypliszki w powiecie suwalskim,

— gminy Sokoły, Kulesze Kościelne, Nowe Piekuty, Szepietowo, Klukowo, Ciechanowiec, Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew w powiecie wysokomazowieckim,

— gminy Łomża, Miastkowo, Nowogród, Piątnica, Śniadowo i Zbójna w powiecie łomżyńskim,

— powiat miejski Białystok,

— powiat miejski Łomża,

— powiat miejski Suwałki.

w województwie mazowieckim:

— gminy Bielany, Ceranów, Jabłonna Lacka, Sabnie, Sterdyń, Repki i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,

— gminy Domanice, Kotuń, Mokobody, Skórzec, Suchożebry, Mordy, Siedlce, Wiśniew i Zbuczyn w powiecie siedleckim,

— powiat miejski Siedlce,

— gminy Lelis, Łyse, Rzekuń, Troszyn, Czerwin i Goworowo w powiecie ostrołęckim,

— gminy Olszanka i Łosice w powiecie łosickim,

— powiat ostrowski.

w województwie lubelskim:

— gminy Cyców, Ludwin i Puchaczów w powiecie łęczyńskim,

— gminy Borki, Czemierniki, miasto Radzyń Podlaski i Ulan-Majorat w powiecie radzyńskim,

— gmina Adamów, Krzywda, Serokomla, Stanin, Trzebieszów, Wojcieszków i gmina wiejska Łuków w powiecie łukowskim,

— gminy Dębowa Kłoda, Jabłoń, Milanów, Parczew, Siemień i Sosnowica w powiecie parczewskim,

— gminy Dorohusk, Kamień, Chełm, Ruda – Huta, Sawin i Wierzbica w powiecie chełmskim,

— powiat miejski Chełm,

— gminy Firlej, Kock, Niedźwiada, Ostrówek, Ostrów Lubelski i Uścimów

— w powiecie lubartowskim.

PART II

1. **The Czech Republic**

The following areas in the Czech Republic:

— okres Zlín.

2. **Estonia**

The following areas in Estonia:

— Haapsalu linn,

— Hanila vald,

— Harju maakond,

— IDA-Viru maakond,

— Jõgeva maakond,

— Järva maakond,

— Kihelkonna vald,

— Kullamaa vald,

— Kuressaare linn,

— Lääne-Viru maakond,

— Lääne-Saare vald,

— osa Leisi vallast, mis asub lääne pool Kuressaare-Leisi maanteest (maanatee nr 79),

— Lihula vald,

— Martna vald,

— Muhu vald,

— Mustjala vald,

— osa Noarootsi vallast, mis asub põhja pool maanteest nr 230,

— Nõva vald,

— Pihtla vald,

— Pärnu maakond (välja arvatud Audru ja Tõstamaa vald),

— Põlva maakond,

— Rapla maakond,

— osa Ridala vallast, mis asub edela pool maanteest nr 31,

— Ruhnu vald,

— Salme vald,

— Tartu maakond,

— Torgu vald,

— Valga maakond,

— Viljandi maakond,

— Vormsi vald,

— Võru maakond.

3. **Latvia**

The following areas in Latvia:

— Ādažu novads,

— Aglonas novada Kastuļinas, Grāveru un Šķeltovas pagasts,

— Aizkraukles novads,

— Aknīstes novads,

— Alojas novads,

— Alūksnes novads,

— Amatas novads,

— Apes novads,

— Auces novada Lielauces un Īles pagasts,

— Babītes novads,

— Baldones novads,

— Baltinavas novads,

— Balvu novads,

— Bauskas novads,

— Beverīnas novads,

— Brocēnu novads,

— Burtnieku novads,

— Carnikavas novads,

— Cēsu novads,

— Cesvaines novads,

— Ciblas novads,

— Dagdas novads,

— Daugavpils novada Vaboles, Līksnas, Sventes, Medumu, Demenas, Kalkūnes, Laucesas, Tabores, Maļinovas, Ambeļu, Biķernieku, Naujenes, Vecsalienas, Salienas un Skrudalienas pagasts,

— Dobeles novada Dobeles, Annenieku, Bikstu, Zebrenes, Naudītes, Auru, Krimūnu, Bērzes un Jaunbērzes pagasts, Dobeles pilsēta,

— Dundagas novads,

— Engures novads,

— Ērgļu novads,

— Garkalnes novada daļa, kas atrodas uz ziemeļrietumiem no autoceļa A2,

— Gulbenes novads,

— Iecavas novads,

— Ikšķiles novada Tīnūžu pagasta daļa, kas atrodas uz dienvidaustrumiem no autoceļa P10, Ikšķiles pilsēta,

— Ilūkstes novads,

— Jaunjelgavas novads,

— Jaunpiebalgas novads,

— Jaunpils novads,

— Jēkabpils novads,

— Jelgavas novada Glūdas, Zaļenieku, Svētes, Kalnciema, Līvbērzes un Valgundes pagasts,

— Kandavas novads,

— Kārsavas novads,

— Ķeguma novads,

— Ķekavas novads,

— Kocēnu novads,

— Kokneses novads,

— Krāslavas novads,

— Krimuldas novada Krimuldas pagasta daļa, kas atrodas uz ziemeļaustrumiem no autoceļa V89 un V81, un Lēdurgas pagasta daļa, kas atrodas uz ziemeļaustrumiem no autoceļa V81 un V128,

— Krustpils novads,

— Kuldīgas novada Padures, Pelču, Rumbas, Rendas, Kalibes un Vārmes pagasti,

— Lielvārdes novads,

— Līgatnes novads,

— Limbažu novada Skultes, Limbažu, Umurgas, Katvaru, Pāles un Viļķenes pagasts, Limbažu pilsēta,

— Līvānu novads,

— Lubānas novads,

— Ludzas novads,

— Madonas novads,

— Mālpils novads,

— Mārupes novads,

— Mazsalacas novads,

— Mērsraga novads,

— Naukšēnu novads,

— Neretas novada Mazzalves pagasta daļa, kas atrodas uz ziemeļaustrumiem no autoceļa P73 un uz rietumiem no autoceļa 932,

— Ogres novads,

— Olaines novads,

— Ozolnieku novads,

— Pārgaujas novads,

— Pļaviņu novads,

— Preiļu novada Saunas pagasts,

— Priekuļu novada Veselavas pagasts un Priekuļu pagasta daļa, kas atrodas uz dienvidiem no autoceļa P28 un rietumiem no autoceļa P20,

— Raunas novada Drustu pagasts un Raunas pagasta daļa, kas atrodas uz dienvidiem no autoceļa A2,

— republikas pilsēta Daugavpils,

— republikas pilsēta Jēkabpils,

— republikas pilsēta Jūrmala,

— republikas pilsēta Rēzekne,

— republikas pilsēta Valmiera,

— Rēzeknes novada Audriņu, Bērzgales, Čornajas, Dricānu, Gaigalavas, Griškānu, Ilzeskalna, Kantinieku, Kaunatas, Lendžu, Lūznavas, Maltas, Mākoņkalna, Nagļu, Ozolaines, Ozolmuižas, Rikavas, Nautrēnu, Sakstagala, Silmalas, Stoļerovas, Stružānu un Vērēmu pagasts un Feimaņu pagasta daļa, kas atrodas uz ziemeļiem no autoceļa V577 un Pušas pagasta daļa, kas atrodas uz ziemeļaustrumiem no autoceļa V577 un V597,

— Riebiņu novada Sīļukalna, Stabulnieku, Galēnu un Silajāņu pagasts,

— Rojas novads,

— Ropažu novada daļa, kas atrodas uz austrumiem no autoceļa P10,

— Rugāju novads,

— Rundāles novada Rundāles pagasts,

— Rūjienas novads,

— Salacgrīvas novads,

— Salas novads,

— Saldus novada Jaunlutriņu, Lutriņu un Šķēdes pagasts,

— Saulkrastu novads,

— Siguldas novada Mores pagasts un Allažu pagasta daļa, kas atrodas uz dienvidiem no autoceļa P3,

— Skrīveru novads,

— Smiltenes novads,

— Strenču novads,

— Talsu novads,

— Tukuma novads,

— Valkas novads,

— Varakļānu novads,

— Vecpiebalgas novads,

— Vecumnieku novads,

— Ventspils novada Ances, Tārgales, Popes, Vārves, Užavas, Piltenes, Puzes, Ziru, Ugāles, Usmas un Zlēku pagasts, Piltenes pilsēta,

— Viesītes novada Elkšņu un Viesītes pagasts, Viesītes pilsēta,

— Viļakas novads,

— Viļānu novads,

— Zilupes novads.

4. **Lithuania**

The following areas in Lithuania:

— Alytaus miesto savivaldybė,

— Alytaus rajono savivaldybė,

— Anykščių rajono savivaldybė: Andrioniškio, Anykščių, Debeikių, Kavarsko seniūnijos dalis į šiaurės rytus nuo kelio Nr. 1205 ir į šiaurę rytus nuo kelio Nr. 1218, Kurklių, Skiemonių, Svėdasų, Troškūnų ir Viešintų seniūnijos,

— Birštono savivaldybė,

— Biržų miesto savivaldybė,

— Biržų rajono savivaldybė: Nemunėlio Radviliškio, Pabiržės, Pačeriaukštės ir Parovėjos seniūnijos,

— Elektrėnų savivaldybė,

— Ignalinos rajono savivaldybė,

— Jonavos rajono savivaldybė,

— Jurbarko rajono savivaldybė: Juodaičių, Raudonės, Seredžiaus, Veliuonos seniūnijos ir Skirsnemunės ir Šimkaičių seniūnijos dalis į rytus nuo kelio Nr. 146,

— Kaišiadorių miesto savivaldybė,

— Kaišiadorių rajono savivaldybė,

— Kauno miesto savivaldybė,

— Kauno rajono savivaldybės: Akademijos, Alšėnų, Batniavos, Domeikavos, Ežerėlio, Garliavos apylinkių, Garliavos, Karmėlavos, Kačerginės, Kulautuvos, Lapių, Linksmakalnio, Neveronių, Raudondvario, Ringaudų, Rokų, Samylų, Taurakiemio, Užliedžių, Vilkijos apylinkių, Vilkijos, Zapyškio seniūnijos,

— Kėdainių rajono savivaldybė savivaldybės: Dotnuvos, Gudžiūnų, Josvainių seniūnijos dalis į šiaurę nuo kelio Nr 3514 ir Nr 229, Krakių, Kėdainių miesto, Surviliškio, Truskavos, Vilainių ir Šėtos seniūnijos,

— Kupiškio rajono savivaldybė: Noriūnų, Skapiškio, Subačiaus ir Šimonių seniūnijos,

— Molėtų rajono savivaldybė,

— Pakruojo rajono savivaldybė: Klovainių, Rozalimo, Lygumų, Pakruojo ir Žeimelio seniūnijos,

— Pasvalio rajono savivaldybė: Joniškėlio apylinkių, Joniškėlio miesto, Saločių ir Pušaloto seniūnijos,

— Radviliškio rajono savivaldybė: Pakalniškių ir Sidabravo seniūnijos,

— Raseinių rajono savivaldybė: Kalnūjų, Girkalnio, Ariogalios seniūnijos į pietus nuo kelio Nr. A1,

— Prienų miesto savivaldybė,

— Prienų rajono savivaldybė,

— Rokiškio rajono savivaldybė,

— Širvintų rajono savivaldybė,

— Švenčionių rajono savivaldybė,

— Trakų rajono savivaldybė,

— Utenos rajono savivaldybė,

— Vilniaus miesto savivaldybė,

— Vilniaus rajono savivaldybė,

— Visagino savivaldybė,

— Zarasų rajono savivaldybė.

5. **Poland**

The following areas in Poland:

w województwie podlaskim:

— część gminy Wizna położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Jedwabne i Wizna oraz na południe od linii wyznaczoną przez drogę nr 64 (od skrzyżowania w miejscowości Wizna w kierunku wschodnim do granicy gminy) w powiecie łomżyńskim,

— gmina Dubicze Cerkiewne, Czyże, Białowieża, Hajnówka z miastem Hajnówka, Narew, Narewka i części gmin Kleszczele i Czeremcha położone na wschód od drogi nr 66 w powiecie hajnowskim,

— gmina Kobylin-Borzymy w powiecie wysokomazowieckim,

— gminy Grabowo i Stawiski w powiecie kolneńskim,

— gminy Czarna Białostocka, Dobrzyniewo Duże, Gródek, Michałowo, Supraśl, Tykocin, Wasilków, Zabłudów, Zawady i Choroszcz w powiecie białostockim,

— część gminy Bielsk Podlaski położona na wschód od linii wyznaczonej przez drogę nr 19 (w kierunku północnym od miasta Bielsk Podlaski) i przedłużonej przez wschodnią granicę miasta Bielsk Podlaski i drogę nr 66 (w kierunku południowym od miasta Bielsk Podlaski), część gminy Orla położona na wschód od drogi nr 66 w powiecie bielskim,

— powiat sejneński,

— gminy Bargłów Kościelny, Płaska i część gminy Sztabin położona na północ od linii wyznaczonej przez drogę nr 664 w powiecie augustowskim,

— gminy Sokółka, Szudziałowo, Sidra, Kuźnica, Nowy Dwór i Krynki w powiecie sokólskim.

w województwie mazowieckim:

— gmina Przesmyki w powiecie siedleckim.

w województwie lubelskim:

— gminy Komarówka Podlaska i Wohyń w powiecie radzyńskim,

— gminy Stary Brus i Urszulin w powiecie włodawskim,

— gminy Rossosz, Wisznice, Sławatycze, Sosnówka, Tuczna i Łomazy w powiecie bialskim.

PART III

1. **Estonia**

The following areas in Estonia:

— Audru vald,

— Lääne-Nigula vald,

— Laimjala vald,

— osa Leisi vallast, mis asub ida pool Kuressaare-Leisi maanteest (maantee nr 79),

— Osa Noarootsi vallast, mis asub lõuna pool maanteest nr 230,

— Orissaare vald,

— Pöide vald,

— Osa Ridala vallast, mis asub kirde pool maanteest nr 31,

— Tõstamaa vald,

— Valjala vald.

2. **Latvia**

The following areas in Latvia:

— Aglonas novada Aglonas pagasts,

— Auces novada Vītiņu pagasts,

— Daugavpils novada Nīcgales, Kalupes, Dubnas un Višķu pagasts,

— Garkalnes novada daļa, kas atrodas uz dienvidaustrumiem no autoceļa A2,

— Ikšķiles novada Tīnūžu pagasta daļa, kas atrodas uz ziemeļrietumiem no autoceļa P10,

— Inčukalna novads,

— Krimuldas novada Krimuldas pagasta daļa, kas atrodas uz dienvidrietumiem no autoceļa V89 un V81, un Lēdurgas pagasta daļa, kas atrodas uz dienvidrietumiem no autoceļa V81 un V128,

— Limbažu novada Vidrižu pagasts,

— Neretas novada Neretas, Pilskalnes, Zalves pagasts un Mazzalves pagasta daļa, kas atrodas uz dienvidrietumiem no autoceļa P73 un uz austrumiem no autoceļa 932,

— Priekuļu novada Liepas un Mārsēnu pagasts un Priekuļu pagasta daļa, kas atrodas uz ziemeļiem no autoceļa P28 un austrumiem no autoceļa P20,

— Preiļu novada Preiļu, Aizkalnes un Pelēču pagasts un Preiļu pilsēta,

— Raunas novada Raunas pagasta daļa, kas atrodas uz ziemeļiem no autoceļa A2,

— Rēzeknes novada Feimaņu pagasta daļa, kas atrodas uz dienvidiem no autoceļa V577 un Pušas pagasta daļa, kas atrodas uz dienvidrietumiem no autoceļa V577 un V597,

— Riebiņu novada Riebiņu un Rušonas pagasts,

— Ropažu novada daļa, kas atrodas uz rietumiem no autoceļa P10,

— Salaspils novads,

— Saldus novada Jaunauces, Rubas, Vadakstes un Zvārdes pagasts,

— Sējas novads,

— Siguldas novada Siguldas pagasts un Allažu pagasta daļa, kas atrodas uz ziemeļiem no autoceļa P3, un Siguldas pilsēta,

— Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,

— Vārkavas novads,

— Viesītes novada Rites un Saukas pagasts.

3. **Lithuania**

The following areas in Lithuania:

— Anykščių rajono savivaldybė: Kavarsko seniūnijos dalis į vakarus-nuo kelio Nr. 1205 ir į pietus nuo kelio Nr. 1218 ir Traupio seniūnija,

— Biržų rajono savivaldybė: Vabalninko, Papilio ir Širvenos seniūnijos,

— Druskininkų savivaldybė,

— Kauno rajono savivaldybė: Babtų, Čekiškės ir Vandžiogalos seniūnijos,

— Kėdainių rajono savivaldybė: Pelėdnagių, Pernaravos seniūnijos ir Josvainių seniūnijos dalis į pietus nuo kelio Nr 3514 ir Nr 229,

— Kupiškio rajono savivaldybė: Alizavos ir Kupiškio seniūnijos,

— Lazdijų rajono savivaldybė,

— Pakruojo rajono savivaldybė: Guostagalio seniūnija,

— Panevėžio miesto savivaldybė,

— Panevėžio rajono savivaldybė: Karsakiškio, Miežiškių, Naujamiesčio, Pajstrio, Raguvos, Ramygalos, Smilgių, Upytės, Vadoklių, Velžio seniūnijos ir Krekenavos seniūnijos dalis į rytus nuo Nevėžio upės ir į šiaurę nuo kelio Nr. 3004,

— Pasvalio rajono savivaldybė: Daujėnų, Krinčino, Namišių, Pasvalio apylinkių, Pasvalio miesto, Pumpėnų ir Vaškų seniūnijos,

— Šalčininkų rajono savivaldybė,

— Ukmergės rajono savivaldybė,

— Varėnos rajono savivaldybė.

4. **Poland**

The following areas in Poland:

w województwie podlaskim:

— powiat grajewski,

— powiat moniecki,

— gminy Jedwabne i Przytuły oraz część gminy Wizna, położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Jedwabne i Wizna oraz na północ od linii wyznaczonej przez drogę 64 (od skrzyżowania w miejscowości Wizna w kierunku wschodnim do granicy gminy) w powiecie łomżyńskim,

— gmina Lipsk w powiecie augustowskim,

— części gminy Czeremcha i Kleszczele położone na zachód od drogi nr 66 w powiecie hajnowskim,

— gminy Drohiczyn, Mielnik, Milejczyce, Nurzec-Stacja, Siemiatycze z miastem Siemiatycze w powiecie siemiatyckim.

w województwie mazowieckim:

— gminy Platerów, Sarnaki, Stara Kornica i Huszlew w powiecie łosickim,

— gminy Korczew i Paprotnia w powiecie siedleckim.

w województwie lubelskim:

— gminy Kodeń, Konstantynów, Janów Podlaski, Leśna Podlaska, Piszczac, Rokitno, Biała Podlaska, Zalesie i Terespol z miastem Terespol, Drelów, Międzyrzec Podlaski z miastem Międzyrzec Podlaski w powiecie bialskim,

— powiat miejski Biała Podlaska,

— gminy Radzyń Podlaski i Kąkolewnica w powiecie radzyńskim,

— gminy Hanna, Hańsk, Wola Uhruska, Wyryki i gmina wiejska Włodawa w powiecie włodawskim,

— gmina Podedwórze w powiecie parczewskim.

PART IV

Italy

The following areas in Italy:

— tutto il territorio della Sardegna.'

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2017/141 of 26 January 2017 imposing definitive anti-dumping duties on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan

(Official Journal of the European Union L 22 of 27 January 2017)

On page 52, in Article 1(1):

for: '1. A definitive anti-dumping duty is imposed on imports of tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the surface finish not less than 0,8 micrometres, not flanged, whether or not finished, originating in the PRC and Taiwan. The product falls under CN codes ex 7307 23 10 and ex 7307 23 90 (Taric codes 7307 23 10 15, 7307 23 10 25, 7307 23 90 15, 7307 23 90 25).',

read: '1. A definitive anti-dumping duty is imposed on imports of tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the internal surface not less than 0,8 micrometres, not flanged, whether or not finished, originating in the PRC and Taiwan. The product falls under CN codes ex 7307 23 10 and ex 7307 23 90 (Taric codes 7307 23 10 15, 7307 23 10 25, 7307 23 90 15, 7307 23 90 25).'.

Corrigendum to Commission Implementing Regulation (EU) 2017/659 of 6 April 2017 amending Implementing Regulation (EU) 2017/141 imposing definitive anti-dumping duties on imports of certain stainless steel tube and pipe butt-welding fittings, whether or not finished, originating in the People's Republic of China and Taiwan

(Official Journal of the European Union L 94 of 7 April 2017)

On page 9, in Article 1, the text replacing Article 1(1) of Commission Implementing Regulation (EU) 2017/141:

for: '1. A definitive anti-dumping duty is imposed on imports of tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the surface finish not less than 0,8 micrometres, not flanged, whether or not finished, originating in the PRC and Taiwan. The product falls under CN codes ex 7307 23 10 and ex 7307 23 90 (Taric codes 7307 23 10 15, 7307 23 10 25, 7307 23 90 15, 7307 23 90 25).',

read: '1. A definitive anti-dumping duty is imposed on imports of tube and pipe butt-welding fittings, of austenitic stainless steel grades, corresponding to AISI types 304, 304L, 316, 316L, 316Ti, 321 and 321H and their equivalent in the other norms, with a greatest external diameter not exceeding 406,4 mm and a wall thickness of 16 mm or less, with a roughness average (Ra) of the internal surface not less than 0,8 micrometres, not flanged, whether or not finished, originating in the PRC and Taiwan. The product falls under CN codes ex 7307 23 10 and ex 7307 23 90 (Taric codes 7307 23 10 15, 7307 23 10 25, 7307 23 90 15, 7307 23 90 25).'.

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