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⁽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.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/2293

of 3 August 2017

on the conditions for classification, without testing, of cross laminated timber products covered by the harmonised standard EN 16351 and laminated veneer lumber products covered by the harmonised standard EN 14374 with regard to their reaction to fire

(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 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) A system for classifying the performance of construction products with regard to their reaction to fire was adopted by Commission Delegated Regulation (EU) 2016/364 ⁽²⁾. Cross laminated timber products and laminated veneer lumber products are construction products to which that Delegated Regulation applies.
- (2) Tests have shown that cross laminated timber products covered by the harmonised standard EN 16351 and laminated veneer lumber products covered by the harmonised standard EN 14374 have a stable and predictable performance concerning their reaction to fire provided that they fulfil certain conditions regarding the form of the product as well as its installation, mean density and thickness.
- (3) Cross laminated timber products covered by the harmonised standard EN 16351 and laminated veneer lumber products covered by the harmonised standard EN 14374 should therefore be deemed to satisfy a certain class of performance for reaction to fire established by Delegated Regulation (EU) 2016/364 without testing being required, where they fulfil those conditions,

HAS ADOPTED THIS REGULATION:

Article 1

Cross laminated timber products covered by the harmonised standard EN 16351 and laminated veneer lumber products covered by the harmonised standard EN 14374 which fulfil the conditions set out in the Annex shall be deemed to satisfy the classes of performance indicated in the Annex without testing.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

⁽²⁾ Commission Delegated Regulation (EU) 2016/364 of 1 July 2015 on the classification of the reaction to fire performance of construction products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ L 68, 15.3.2016, p. 4).

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, 3 August 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Table 1

Classes of reaction to fire performance for cross laminated timber products and laminated veneer lumber products for walls and ceilings

Product ⁽¹⁾	Product detail	Minimum mean density ⁽²⁾ (kg/m ³)	Minimum overall thickness (mm)	Class ⁽³⁾
Cross laminated timber products covered by the harmonised standard EN 16351	Minimum layer thickness of 18 mm	350	54	D-s2, d0 ⁽⁴⁾
Laminated veneer lumber products covered by the harmonised standard EN 14374	Minimum veneer thickness of 3 mm	400	18	D-s2, d0 ⁽⁴⁾

⁽¹⁾ Applies to all species and glues covered by the product standards.

⁽²⁾ Conditioned in accordance with standard EN 13238.

⁽³⁾ Class as set out in Table 1 of the Annex to Delegated Regulation (EU) 2016/364.

⁽⁴⁾ Class valid for any substrate or air gap behind.

Table 2

Classes of reaction to fire performance for cross laminated timber products and laminated veneer lumber products for floorings

Product ⁽¹⁾	Product detail	Minimum mean density ⁽²⁾ (kg/m ³)	Minimum overall thickness (mm)	Class for floorings ⁽³⁾
Cross laminated timber products covered by the harmonised standard EN 16351	minimum layer thickness of 18 mm and with the surface layer made of pine	430	54	D _{FL} -s1 ⁽⁴⁾
Cross laminated timber products covered by the harmonised standard EN 16351	minimum layer thickness of 18 mm and with the surface layer made of spruce	400	54	D _{FL} -s1 ⁽⁴⁾
Laminated veneer lumber products covered by the harmonised standard EN 14374	with a minimum veneer thickness of 3 mm and with the surface layer made of pine	480	15	D _{FL} -s1 ⁽⁴⁾
Laminated veneer lumber products covered by the harmonised standard EN 14374	with a minimum veneer thickness of 3 mm and with the surface layer made of pine	430	20	D _{FL} -s1 ⁽⁴⁾
Laminated veneer lumber products covered by the harmonised standard EN 14374	with a minimum veneer thickness of 3 mm and with the surface layer made of spruce	400	15	D _{FL} -s1 ⁽⁴⁾

⁽¹⁾ Applies also to steps of stairs.

⁽²⁾ Conditioned in accordance with standard EN 13238.

⁽³⁾ Class as set out in Table 2 of the Annex to Delegated Regulation (EU) 2016/364.

⁽⁴⁾ Class valid for any substrate or air gap behind.

COMMISSION DELEGATED REGULATION (EU) 2017/2294**of 28 August 2017****amending Delegated Regulation (EU) 2017/565 as regards the specification of the definition of systematic internalisers for the purposes of Directive 2014/65/EU****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) In order to further ensure the objective and effective application of the definition of systematic internalisers in the Union as laid down in Article 4(1)(20) of Directive 2014/65/EU, further specifications should be provided on recent technological developments in securities markets concerning matching arrangements in which investment firms may participate.
- (2) Technological developments in the securities markets have led to the emergence of electronic communication networks that allow for the linking of several investment firms that intend to operate under the systematic internaliser designation with other liquidity providers engaging in high frequency algorithmic trading techniques. Those developments risk undermining a clear separation between bilateral own account trading when executing client orders and multilateral trading foreseen by Commission Delegated Regulation (EU) 2017/565 ⁽²⁾. Those technological and market developments therefore make it necessary to specify that a systematic internaliser is not allowed to engage, on a regular basis, in the internal or external matching of trades via matched principal trading or other types of *de facto* riskless back-to-back transactions in a given financial instrument outside a trading venue.
- (3) Insofar as centralised risk management within a group usually involves the transfer of risk accumulated by an investment firm as a result of transactions with third parties to an entity within the same group which has no ability to provide quotes, other information on trading interests or to reject or amend such transactions, those transfers should be still considered as dealing on own account where carried out for the sole purposes of centralising the risk management of the group.
- (4) For reasons of clarity and legal certainty, the wording on the date of application of Delegated Regulation (EU) 2017/565 should be brought in line with the wording on the date of application of Directive 2014/65/EU.
- (5) To ensure the smooth functioning of the financial markets, it is necessary that this Regulation enters into force as a matter of urgency.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Expert Group of the European Securities Committee,

⁽¹⁾ OJ L 173, 12.6.2014, p. 349.

⁽²⁾ Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 87, 31.3.2017, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2017/565 is amended as follows:

(1) the following Article 16a is inserted:

'Article 16a

Participation in matching arrangements

An investment firm shall not be considered to be dealing on own account for the purposes of Article 4(1)(20) of Directive 2014/65/EU where that investment firm participates in matching arrangements entered into with entities outside its own group with the objective or consequence of carrying out *de facto* riskless back-to-back transactions in a financial instrument outside a trading venue.';

(2) in Article 91, the second paragraph is replaced by the following:

'It shall apply from 3 January 2018.'.

Article 2

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

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

Done at Brussels, 28 August 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/2295**of 4 September 2017****supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for disclosure of encumbered and unencumbered assets****(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 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular the fourth subparagraph of Article 443 thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 443 of Regulation (EU) No 575/2013, the European Banking Authority (EBA) issued guidelines on the disclosure of encumbered and unencumbered assets on 27 June 2014 (the 'EBA Disclosure Guidelines' ⁽²⁾). The second subparagraph of Article 443 of Regulation (EU) No 575/2013 provides that EBA is to develop draft regulatory technical standards to specify disclosure of the balance sheet value per exposure class broken down by asset quality and the total amount of the balance sheet value that is unencumbered, taking into account Recommendation ESRB/2012/2 of the European Systemic Risk Board of 20 December 2012 on funding of credit institutions ('Recommendation ESRB/2012/2') ⁽³⁾ and conditional on EBA considering in its report that such additional disclosure offers reliable and meaningful information. The EBA report on asset encumbrance ⁽⁴⁾ concluded that disclosure of encumbrance in the Union is vitally important as it allows market participants to better understand and analyse the liquidity and solvency profiles of institutions and compare those profiles across Member States in a clear and consistent manner. Based on those conclusions, the EBA developed draft regulatory technical standards in order to ensure a fully harmonised approach to asset encumbrance disclosure.
- (2) The EBA Disclosure Guidelines cover both encumbered and unencumbered assets. This is because the first subparagraph of Article 443 of Regulation (EU) No 575/2013 requires that Recommendation ESRB/2012/2 and, in particular, Recommendation D — Market transparency on asset encumbrance ('Recommendation D') be taken into account. Point 1(a) of Recommendation D recommends disclosure of encumbered and unencumbered assets. The second subparagraph of Article 443 of Regulation (EU) No 575/2013 also provides that Recommendation ESRB/2012/2 is to be taken into account when developing the draft regulatory technical standards referred to in that subparagraph. Furthermore, encumbered assets need to be included in such standards to ensure that the disclosure offers reliable and meaningful information. Therefore, both encumbered and unencumbered assets should be disclosed.
- (3) The EBA was advised in Recommendation D to ensure, in developing the EBA Disclosure Guidelines, that the level and evolution of assets encumbered to central banks, as well as the amount of liquidity assistance given by central banks, cannot be detected. That advice has also been taken into consideration in this Regulation.
- (4) Encumbered assets or collateral received and other off-balance-sheet items may be pledged to secure funding. Therefore, in order to allow market participants to better understand and analyse the liquidity and solvency profiles of institutions and access information about the availability of assets to secure funding, institutions should disclose the encumbrance of all on-balance-sheet assets and the encumbrance of all off-balance-sheet items separately. The disclosure should relate to all collateral received, arising from all on-balance-sheet and off-balance-sheet transactions regardless of their maturity, including all operations with central banks. While assets disclosed as encumbered assets include assets encumbered as a result of all operations with any counterparty (including central banks), it is not necessary to disclose the encumbrance resulting from operations

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Guidelines on disclosure of encumbered and unencumbered assets (EBA/GL/2014/03).

⁽³⁾ OJ C 119, 25.4.2013, p. 1.

⁽⁴⁾ EBA Report on asset encumbrance, September 2015.

with centralbanks separately from the encumbrance resulting from operations with other counterparties. This is without prejudice to the freedom for central banks to establish the modalities for the disclosure of emergency liquidity assistance.

- (5) In order to ensure consistency and promote comparability and transparency, the provisions relating to the disclosure templates on encumbrance should be based on the reporting requirements on encumbrance provided for in Commission Implementing Regulation (EU) No 680/2014 ⁽¹⁾. However, to avoid unintended consequences (such as the ability to identify emergency central bank funding) some deviations are needed. In particular, and taking into account Recommendation D, the disclosure of information relating to the amount of encumbered and unencumbered assets should be based on median values rather than point-in-time values as required in Annex XVII to Implementing Regulation (EU) No 680/2014. Similarly, the level of granularity of the information to be disclosed for specific values and transactions should be less than that of the reporting requirements set out in Implementing Regulation (EU) No 680/2014. Furthermore, since asset encumbrance depends heavily on the risk profile and business model of the institution concerned, the quantitative data should be supplemented with narrative information.
- (6) The disclosure requirements for encumbered and unencumbered assets and, in particular, the disclosure requirements regarding transferred assets, pledged assets and off-balance sheet collateral received and posted, should apply in addition to any existing disclosure requirements under the applicable accounting framework.
- (7) In order to ensure the proportionate application of the disclosure requirements set out in Article 443 of Regulation (EU) No 575/2013 to smaller institutions which do not have material levels of asset encumbrance, information on the quality of encumbered and unencumbered assets should not be required from such smaller institutions. Information on the quality of encumbered and unencumbered assets ('asset quality indicators') is based on the asset quality properties attributed to assets of extremely high liquidity and credit quality and assets of high liquidity and credit quality, as defined in Commission Delegated Regulation (EU) 2015/61 ⁽²⁾. As investment firms that do not form part of a banking group are not covered by that Delegated Regulation and, given that, where investment firms form part of a banking group, the relevant information is disclosed on a consolidated basis, it is appropriate to also exempt investment firms from disclosing information on the quality of encumbered and unencumbered assets, to avoid incurring disproportionate costs.
- (8) Given the novelty of the requirement to provide information on the asset quality indicators, the application of the provisions on the disclosure of such indicators should be deferred by 1 year, to allow institutions to develop the necessary IT systems.
- (9) This Regulation is based on the draft regulatory technical standards submitted by the EBA to the Commission.
- (10) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Disclosure requirements for all institutions

1. Institutions shall disclose the amount of encumbered and unencumbered assets under the applicable accounting framework by asset type in columns C010, C040, C060, and C090 of Template A of Annex I, in accordance with the instructions in Annex II.

⁽¹⁾ Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for Credit Institutions (OJ L 11, 17.1.2015, p. 1).

⁽³⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

2. Institutions shall disclose information on collateral received by asset type in columns C010 and C040 of Template B of Annex I, in accordance with the instructions in Annex II.
3. Institutions shall disclose the liabilities associated with encumbered assets and collateral received as set out in Template C of Annex I, in accordance with the instructions in Annex II.
4. Institutions shall disclose narrative information relating to the impact of their business model on their level of encumbrance and the importance of encumbrance in their business model as set out in Template D of Annex I, in accordance with the instructions in Annex II.

Article 2

Additional disclosure requirements for certain institutions

1. In addition to the information referred to in Article 1, institutions that meet the conditions set out in paragraph 2 shall disclose:
 - (a) the asset quality indicators by asset type in columns C030, C050, C080 and C100 as set out in Template A of Annex I, in accordance with the instructions in Annex II;
 - (b) the asset quality indicators by types of collateral received and debt securities issued, including covered bonds and asset-backed securities (ABSs), in columns C030 and C060 as set out in Template B of Annex I, in accordance with the instructions in Annex II.
2. Paragraph 1 shall apply only to credit institutions that meet either of the following conditions:
 - (a) their total assets, calculated in accordance with paragraph 10 of point 1.6 of Annex XVII to Implementing Regulation (EU) No 680/2014, amount to more than EUR 30 billion;
 - (b) their asset encumbrance level, calculated in accordance with paragraph 9 of point 1.6 of Annex XVII to Implementing Regulation (EU) No 680/2014, is above 15 %.

Article 3

Entry into force

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

Article 2 shall apply from 2 January 2019.

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

Done at Brussels, 4 September 2017.

For the Commission
The President
Jean-Claude JUNCKER

Disclosure templates

Template A: Encumbered and unencumbered assets

Template A — Encumbered and unencumbered assets

		Carrying amount of encumbered assets		Fair value of encumbered assets		Carrying amount of unencumbered assets		Fair value of unencumbered assets	
		010	of which notionally eligible EHQLA and HQLA	040	of which notionally eligible EHQLA and HQLA	060	of which EHQLA and HQLA	090	of which EHQLA and HQLA
			030		050		080		100
010	Assets of the reporting institution								
030	Equity instruments								
040	Debt securities								
050	of which: covered bonds								
060	of which: asset-backed securities								
070	of which: issued by general governments								
080	of which: issued by financial corporations								
090	of which: issued by non-financial corporations								
120	Other assets								
121	of which: ...								

Template B — Collateral received

		Fair value of encumbered collateral received or own debt securities issued		Unencumbered	
				Fair value of collateral received or own debt securities issued available for encumbrance	
		010	of which notionally eligible EHQLA and HQLA 030	040	of which EHQLA and HQLA 060
130	Collateral received by the reporting institution				
140	Loans on demand				
150	Equity instruments				
160	Debt securities				
170	of which: covered bonds				
180	of which: asset-backed securities				
190	of which: issued by general governments				
200	of which: issued by financial corporations				
210	of which: issued by non-financial corporations				
220	Loans and advances other than loans on demand				
230	Other collateral received				
231	of which: ...				
240	Own debt securities issued other than own covered bonds or asset-backed securities				
241	Own covered bonds and asset-backed securities issued and not yet pledged				
250	TOTAL ASSETS, COLLATERAL RECEIVED AND OWN DEBT SECURITIES ISSUED				

Template C: Sources of encumbrance

Template C — Sources of encumbrance

		Matching liabilities, contingent liabilities or securities lent	Assets, collateral received and own debt securities issued other than covered bonds and ABSs encumbered
		010	030
010	Carrying amount of selected financial liabilities		
011	of which: ...		

Template D: Accompanying narrative information

Template D — Accompanying narrative information

Narrative information on the impact of the business model on assets encumbrance and the importance of encumbrance to the institution's business model, which provides users with the context of the disclosures required in Template A to C.

ANNEX II

Instructions for completing the disclosure templates

1. Institutions shall disclose the items referred to in Tables 1 to 7 in the same manner as reported pursuant to Annex XVI to Commission Implementing Regulation (EU) No 680/2014, unless otherwise specifically provided in those tables.

The items referred to in point 1 shall be disclosed using median values. Median values shall be rolling quarterly medians over the previous 12 months and shall be determined by interpolation.

When disclosures take place on a consolidated basis, the applicable scope of consolidation shall be the scope of prudential consolidation as defined in Part One, Title II, Chapter 2, Section 2 of Regulation (EU) No 575/2013.

Template A — Encumbered and unencumbered assets

Table 1: Instructions with regard to specific rows of Template A

Rows	Legal references and instructions
010	<p>Assets of the reporting institution (International Accounting Standards (IAS) 1.9(a), Implementation Guidance (IG) 6)</p> <p>Total assets of the institution registered in its balance sheet, with the exception of own debt securities and own equity instruments when the applicable accounting standards allow their recognition on-balance-sheet. The value disclosed in this row shall be the median of the sums of four quarterly end-of-period values over the previous 12 months for rows 030, 040 and 120.</p>
030	<p>Equity instruments</p> <p>The median values of the item 'Equity instruments' as reported in row 030 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014, with the exception of own equity instruments when the applicable accounting standards allow their recognition on-balance sheet.</p>
040	<p>Debt securities</p> <p>The median values of the item 'Debt securities' as reported in row 040 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014, with the exception of own debt securities when the applicable accounting standards allow their recognition on-balance-sheet.</p>
050	<p>of which: covered bonds</p> <p>The median values of the item 'of which: covered bonds' as reported in row 050 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
060	<p>of which: asset-backed securities</p> <p>The median values of the item 'of which: asset-backed securities' as reported in row 060 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
070	<p>of which: issued by general governments</p> <p>The median values of the item 'of which: issued by general governments' as reported in row 070 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
080	<p>of which: issued by financial corporations</p> <p>The median values of the item 'of which: issued by financial corporations' as reported in row 080 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>

Rows	Legal references and instructions
090	<p>of which: issued by non-financial corporations</p> <p>The median values of the item 'of which: issued by non-financial corporations' as reported in row 090 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
120	<p>Other assets</p> <p>The median value of other assets of the institution registered in the balance sheet, other than those disclosed in the above rows and different from own debt securities and own equity instruments that may not be derecognised from the balance sheet by a non-IFRS institution. In this case, own debt instruments shall be included in row 240 of Template B and own equity instruments excluded from the asset encumbrance reporting.</p> <p>Other assets include cash on hand (holding of national and foreign banknotes and coins in circulation that are commonly used to make payments), loans on demand (IAS 1.54(i)) including the balances receivable on demand at central banks and other institutions as reported in row 020 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014. Other assets also include loans and advances other than loans on demand, including mortgage loans as reported in rows 100 and 110 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014. Other assets may also include intangible assets, including goodwill, deferred tax assets, property, plant and other fixed assets, derivative assets, reverse repo and stock borrowing receivables.</p> <p>When underlying assets and cover pool assets of retained asset-backed securities (ABS) and retained covered bonds are loans on demand or loans and advances other than loans on demand, they shall also be included in this row.</p>
121	<p>of which: ...</p> <p>Where relevant in the context of their use of encumbrance in relation to their business model, institutions may identify separately the median value of any component of 'Other assets' in a dedicated 'of which' row.</p>

Table 2: Instructions with regard to specific columns of Template A

Columns	Legal references and instructions
010	<p>Carrying amount of encumbered assets</p> <p>The median value of the carrying amount of the assets held by the institution that are encumbered according to point 1.7 of Annex XVII to Implementing Regulation (EU) No 680/2014. Carrying amount means the amount reported in the asset side of the balance sheet.</p>
030	<p>of which: notionally eligible EHQLA and HQLA</p> <p>The median value of the carrying amount of encumbered assets which are notionally eligible to the qualification of assets of extremely high liquidity and credit quality (EHQLA) and assets of high liquidity and credit quality (HQLA). For the purpose of this Regulation, notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA are those assets listed in Articles 11, 12 and 13 of Commission Delegated Regulation (EU) 2015/61 and that would comply with the general and operational requirements set out in Articles 7 and 8 of that Delegated Regulation, were it not for their status as encumbered assets in accordance with Annex XVII to Implementing Regulation (EU) No 680/2014. Notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA shall also comply with the exposure class-specific requirements set out in Articles 10 to 16 and 35 to 37 of Delegated Regulation (EU) 2015/61. The carrying amount of notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA shall be the carrying amount before the application of the haircuts specified in Articles 10 to 16 of Delegated Regulation (EU) 2015/61.</p>
040	<p>Fair value of encumbered assets</p> <p>The median value of the item 'Fair value of encumbered assets' as reported in column 040 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p> <p>For each exposure class, fair value disclosed is the median value of the different fair values observed at the end of each reporting period considered for the computation of the median.</p>

Columns	Legal references and instructions
050	<p>of which: notionally eligible EHQLA and HQLA</p> <p>The median value of the fair value of encumbered assets that are notionally eligible to the qualification of EHQLA and HQLA. For the purpose of this Regulation, notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA are those assets listed in Articles 11, 12 and 13 of Delegated Regulation (EU) 2015/61 and that would comply with the general and operational requirements set out in Articles 7 and 8 of that Delegated Regulation, were it not for their status as encumbered assets in accordance with Annex XVII to Implementing Regulation (EU) No 680/2014. Notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA shall also comply with the exposure class-specific requirements set out in Articles 10 to 16 and 35 to 37 of Delegated Regulation (EU) 2015/61. The fair value of notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA shall be the fair value before the application of the haircuts specified in Articles 10 to 16 of Delegated Regulation (EU) 2015/61.</p>
060	<p>Carrying amount of unencumbered assets</p> <p>The median value of the item 'Carrying amount of non-encumbered assets' as reported in column 060 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
080	<p>of which: EHQLA and HQLA</p> <p>The median value of the carrying amount of unencumbered EHQLA and HQLA as listed in Articles 11, 12 and 13 of Delegated Regulation (EU) 2015/61 and that comply with the general and operational requirements set out in Articles 7 and 8 of that Delegated Regulation, as well as with the exposure class-specific requirements set out in Articles 10 to 16 and 35 to 37 of that Delegated Regulation. The carrying amount of EHQLA and HQLA shall be the carrying amount before the application of the haircuts specified in Articles 10 to 16 of Delegated Regulation (EU) 2015/61.</p>
090	<p>Fair value of unencumbered assets</p> <p>The median value of the item 'Fair value of non-encumbered assets' as reported in column 090 of Template F 32.01 (AE-ASS) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p> <p>For each exposure class, fair value disclosed is the median value of the different fair values observed at the end of each reporting period considered for the computation of the median.</p>
100	<p>of which: EHQLA and HQLA</p> <p>The median value of the fair value of unencumbered EHQLA and HQLA as listed in Articles 11, 12 and 13 of Delegated Regulation (EU) 2015/61 and that comply with the general and operational requirements set out in Articles 7 and 8 of that Delegated Regulation, as well as with the exposure class-specific requirements set out in Articles 10 to 16 and 35 to 37 of that Delegated Regulation. The fair value of EHQLA and HQLA shall be the fair value before the application of the haircuts specified in Articles 10 to 16 of Delegated Regulation (EU) 2015/61.</p>

Template B — Collateral received

Table 3: Instructions with regard to specific rows of Template B

Rows	Legal references and instructions
130	<p>Collateral received by the reporting institution</p> <p>All classes of collateral received by the institution. All securities received by a borrower institution in any securities borrowing transactions shall be disclosed in this row. The total collateral received by the institution is the median of the sums of four quarterly end of period values over the previous 12 months for rows 140 to 160, 220 and 230.</p>

Rows	Legal references and instructions
140	<p>Loans on demand</p> <p>The median value of collateral received by the institution that comprises loans on demand shall be disclosed in this row (see legal references and instructions regarding row 120 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
150	<p>Equity instruments</p> <p>The median value of collateral received by the institution that comprises equity instruments (see legal references and instructions regarding row 030 of Template A). It includes all securities received by a borrower institution in any securities borrowing transactions.</p>
160	<p>Debt securities</p> <p>The median value of collateral received by the institution that comprises debt securities (see legal references and instructions regarding row 040 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
170	<p>of which: covered bonds</p> <p>The median value of collateral received by the institution that comprises covered bonds (see legal references and instructions regarding row 050 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
180	<p>of which: asset-backed securities</p> <p>The median value of collateral received by the institution that comprises asset-backed securities (see legal references and instructions regarding row 060 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
190	<p>of which: issued by general governments</p> <p>The median value of collateral received by the institution that comprises debt securities issued by general governments (see legal references and instructions regarding row 070 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
200	<p>of which: issued by financial corporations</p> <p>The median value of collateral received by the institution that comprises debt securities issued by financial corporations (see legal references and instructions regarding row 080 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
210	<p>of which: issued by non-financial corporations</p> <p>The median value of collateral received by the institution that comprises debt securities issued by non-financial corporations (see legal references and instructions regarding row 090 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
220	<p>Loans and advances other than loans on demand</p> <p>The median value of collateral received by the institution that comprises loans and advances other than loans on demand (see legal references and instructions regarding row 120 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>

Rows	Legal references and instructions
230	<p>Other collateral received</p> <p>The median value of collateral received by the institution that comprises other assets (see legal references and instructions regarding row 120 of Template A). It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
231	<p>of which: ...</p> <p>Where relevant in the context of their use of encumbrance in relation to their business model, institutions may identify separately the median value of any component of 'Other collateral' in a dedicated 'of which' row. It includes all securities received by a borrower institution in any securities borrowing transaction.</p>
240	<p>Own debt securities issued other than own covered bonds or asset-backed securities (ABS)</p> <p>The median value of the item 'Own debt securities issued other than own covered bonds or ABSs' as reported in row 240 of Template F 32.02 (AE-COL) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
241	<p>Own covered bonds and asset-backed securities issued and not yet pledged</p> <p>The median value of the item 'Own covered bonds and asset-backed securities issued and not yet pledged' as reported in row 010 of Template F 32.03 (AE-NPL) of Annex XVI to Implementing Regulation (EU) No 680/2014. To avoid double counting, the following applies in relation to own covered bonds and asset-backed securities issued and retained by the reporting institution:</p> <p>(a) where those securities are pledged, the amount of the cover pool/underlying assets that are backing them shall be disclosed in Template A as encumbered assets. The source of funding in the event of pledging own covered bonds and asset-backed securities is the new transaction in which the securities are being pledged (central bank funding or other type of secured funding) and not the original issuance of covered bonds or asset-backed securities;</p> <p>(b) where those securities are not yet pledged, the amount of the cover pool/underlying assets that are backing those securities shall be reported in Template A as unencumbered assets.</p>
250	<p>Total assets, collateral received and own debt securities issued</p> <p>All assets of the institution registered in its balance sheet, all classes of collateral received by the institution and own debt securities issued retained by the institution that are not own covered bonds issued or own asset-backed securities issued.</p> <p>This row is the median of the sums of four quarterly end-of-period values over the previous 12 months for row 010 in Template A and rows 130 and 240 in Template B.</p>

Table 4: Instructions with regard to specific columns of Template B

Columns	Legal references and instructions
010	<p>Fair value of encumbered collateral received or own debt securities issued</p> <p>The median of the fair value of the collateral received, including in any securities borrowing transaction, or own debt securities issued held/retained by the institution that are encumbered according to Article 100 of Regulation (EU) No 575/2013.</p> <p>The fair value of a financial instrument is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date (see IFRS 13 Fair Value Measurement). For each item of collateral, fair value disclosed is the median value of the different fair values observed at the end of each reporting period considered for the computation of the median.</p>

Columns	Legal references and instructions
030	<p>of which: notionally eligible EHQLA and HQLA</p> <p>The median value of the fair value of the encumbered collateral received, including in any securities borrowing transaction, or own debt securities issued held/retained by the institution that are notionally eligible to the qualification of EHQLA and HQLA. For the purpose of this Regulation, notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA are items of collateral received or own debt securities issued held/retained by the institution listed in Articles 11, 12 and 13 of Delegated Regulation (EU) 2015/61 and that would comply with the general and operational requirements set out in Articles 7 and 8 of that Delegated Regulation, were it not for their status as encumbered assets in accordance with Annex XVII to Implementing Regulation (EU) No 680/2014. Notionally eligible encumbered EHQLA and encumbered HQLA shall also comply with the exposure class-specific requirements set out in Articles 10 to 16 and 35 to 37 of Delegated Regulation (EU) 2015/61. The fair value of notionally eligible encumbered EHQLA and notionally eligible encumbered HQLA shall be the fair value before the application of the haircuts specified in Articles 10 to 16 of Delegated Regulation (EU) 2015/61.</p>
040	<p>Fair value of collateral received or own debt securities issued available for encumbrance</p> <p>The median of the fair value of the collateral received, including in any securities borrowing transaction, by the institution that are unencumbered but are available for encumbrance since the institution is permitted to sell or re-pledge it in absence of default by the owner of the collateral. It also includes the fair value of own debt securities issued, other than own covered bonds or securitisation positions, that are unencumbered but available for encumbrance. For each item of collateral, fair value disclosed is the median value of the different fair values observed at the end of each reporting period considered for the computation of the median.</p>
060	<p>of which: EHQLA and HQLA</p> <p>The median value of the fair value of the unencumbered collateral received or own debt securities issued held/retained by the institution other than own covered bonds or securitisation positions available for encumbrance which qualify as EHQLA and HQLA as listed in Articles 11, 12 and 13 of Delegated Regulation (EU) 2015/61 and that comply with the general and operational requirements set out in Articles 7 and 8 of that Delegated Regulation, as well as with the exposure class-specific requirements set out in Articles 10 to 16 and 35 to 37 of that Delegated Regulation. The fair value of EHQLA and HQLA shall be the fair value before the application of the haircuts specified in Articles 10 to 16 of Delegated Regulation (EU) 2015/61.</p>

Template C — Sources of encumbrance

Table 5: Instructions with regard to specific rows of Template C

Rows	Legal references and instructions
010	<p>Carrying amount of selected financial liabilities</p> <p>The median value of the item 'Carrying amount of selected financial liabilities' as reported in row 010 of Template F 32.04 (AE-SOU) of Annex XVI to Implementing Regulation (EU) No 680/2014.</p>
011	<p>of which: ...</p> <p>Where relevant in the context of their use of encumbrance in relation to their business model, institutions may identify separately the median value of any component of 'Carrying amount of selected financial liabilities' in a dedicated 'of which' row, especially if part of the encumbrance of assets is associated with liabilities and another part is not.</p>

Table 6: instructions with regard to specific columns of Template C

Columns	Legal references and instructions
010	<p>Matching liabilities, contingent liabilities or securities lent</p> <p>The median values of the item 'Matching liabilities, contingent liabilities or securities lent' as reported in column 010 of Template F 32.04 (AE-SOU) of Annex XVI to Implementing Regulation (EU) No 680/2014. Fair value disclosed is the median value of the different fair values observed at the end of each reporting period considered for the computation of the median.</p> <p>Liabilities without any associated funding, such as derivatives, shall be included.</p>
030	<p>Assets, collateral received and own securities issued other than covered bonds and asset-backed securities encumbered</p> <p>The amount of the assets, collateral received and own securities issued other than covered bonds and asset-backed securities that are encumbered as a result of the different types of transactions hereby reported.</p> <p>To ensure consistency with the criteria in Templates A and B, assets of the institution registered in the balance sheet shall be disclosed at the median value of their carrying amount, whereas re-used collateral received and encumbered own securities issued other than covered bonds and asset-backed securities shall be disclosed at the median value of their fair value. Fair value disclosed is the median value of the different fair values observed at the end of each reporting period considered for the computation of the median.</p> <p>Assets encumbered without matching liabilities shall also be included.</p>

Template D — Accompanying narrative information

Table 7: Specific instructions with regard to Template D

Legal references and instructions

In order to complete Template D, institutions shall disclose the information referred to in points 1 and 2.

1. General narrative information on asset encumbrance, including the following:
 - (a) an explanation of any difference between the regulatory consolidation scope used for the purpose of the disclosures on asset encumbrance and the scope retained for the application of the liquidity requirements on a consolidated basis as defined in Part Two, Chapter 2 of Regulation (EU) No 575/2013, which is used to define (E)HQLA eligibility;
 - (b) an explanation of any difference between, on the one hand, pledged and transferred assets in accordance with the applicable accounting frameworks and as applied by the institution and, on the other hand, encumbered assets and an indication of any difference of treatment of transactions, such as when some transactions are deemed to lead to pledge or transfer of assets but not to encumbrance of assets, or vice versa;
 - (c) the exposure value used for the purposes of disclosure and an explanation of how median exposure values are derived.
2. Narrative information relating to the impact of the institution's business model on its level of encumbrance and the importance of encumbrance on the institution's funding model, including the following:
 - (a) the main sources and types of encumbrance, detailing, where applicable, encumbrance due to significant activities with derivatives, securities lending, repos, covered bonds issuance and securitisation;
 - (b) the structure of encumbrance between entities within a group, and especially whether the encumbrance level of the consolidated group stems from particular entities and whether there is significant intragroup encumbrance;
 - (c) information on over-collateralisation, especially regarding covered bonds and asset-backed securities, and the incidence of over-collateralisation on the levels of encumbrance;
 - (d) additional information on encumbrance of assets, collateral and off-balance-sheet items and the sources of encumbrance by any significant currencies other than the reporting currency as referred to in Article 415(2) of Regulation (EU) No 575/2013;

- (e) a general description of the proportion of items included in column 060 'Carrying amount of unencumbered assets' in Template A of Annex I that the institution would not deem available for encumbrance in the normal course of its business (e.g. intangible assets, including goodwill, deferred tax assets, property, plant and other fixed assets, derivative assets, reverse repo and stock borrowing receivables);
 - (f) the amount of underlying assets and of cover pool assets of retained asset-backed securities and retained covered bonds, and whether those underlying and cover pool assets are encumbered or unencumbered, along with the amount of associated retained asset-backed securities and retained covered bonds;
 - (g) where relevant for explaining the impact of the institution's business model on its level of encumbrance, details (including quantitative information if relevant) on each of the following:
 - (i) the types and amounts of encumbered and unencumbered assets included in row 120 of Template A, where quantitative information shall be provided in row 121 of Template A;
 - (ii) the amounts and types of encumbered assets and off-balance-sheet items included in row 010 of Template C that are not associated with any liabilities, where quantitative information shall be provided in row 011 of Template C.
-

COMMISSION REGULATION (EU) 2017/2296
of 4 December 2017
establishing a prohibition of fishing for ling in Union waters of IV by vessels flying the flag of Denmark

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2017.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2017 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

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

Done at Brussels, 4 December 2017.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General
Directorate-General for Maritime Affairs and Fisheries*

ANNEX

No	20/TQ127
Member State	Denmark
Stock	LIN/04-C.
Species	Ling (<i>Molva molva</i>)
Zone	Union waters of IV
Closing date	10.10.2017

COMMISSION REGULATION (EU) 2017/2297**of 4 December 2017****establishing a prohibition of fishing for Norway lobster in areas VIIIa, VIIIb, VIIIc and VIIE by vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2017.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2017 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

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

Done at Brussels, 4 December 2017.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General
Directorate-General for Maritime Affairs and Fisheries*

ANNEX

No	21/TQ127
Member State	Belgium
Stock	NEP/8ABDE.
Species	Norway lobster (<i>Nephrops norvegicus</i>)
Zone	VIIIa, VIIIb, VIIIc and VIIf
Closing date	10.10.2017

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2298**of 12 December 2017****amending Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin****(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 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 ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 8 of Regulation (EC) No 669/2009 provides that the competent authority at the designated point of entry is to carry out identity and physical checks on consignments of a product listed in Annex I thereto. However, pursuant to Article 9(2) of that Regulation, the decision to list a new product in Annex I may provide under certain conditions that the competent authority of the place of destination is to carry out those checks where the highly perishable nature of the product or the specific characteristics of the packaging are such that the performance of sampling operations at the designated point of entry would inevitably result in a serious risk to food safety or in the product being damaged to an unacceptable extent. Entries in Annex I may include a range of products and the assessment as to the highly perishable nature of the products covered may evolve after listing in Annex I. In addition, the characteristics of the packaging may change for products that are already listed. It is therefore appropriate to amend Article 9(2) of Regulation (EC) No 669/2009 to provide that the derogation referred to therein may be applied in respect of products which have already been listed as well as new products to be listed in Annex I.
- (3) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least biannually, taking into account at least the sources of information referred to in that Article.
- (4) The occurrence and relevance of recent food incidents notified through the Rapid Alert System for Food and Feed, the findings of audits to third countries carried out by the Directorate for Health and Food Audits and Analysis of the Commission Directorate-General for Health and Food Safety, as well as the biannual reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.
- (5) In particular, for consignments of peppers (*Capsicum* spp.) from India and Pakistan the relevant sources of information indicate the emergence of new risks requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.
- (6) In addition, the scope of certain entries in the list should be amended to include forms of the product other than the ones currently listed, where those other forms present the same risk. It is therefore appropriate to amend the existing entries concerning pistachios from the United States and peppers (*Capsicum* spp.) from Thailand and Vietnam to include respectively roasted pistachios and frozen peppers.
- (7) Furthermore, the list should be amended so as to clarify that the entries concerning dried grapes, falling under Combined Nomenclature (CN) Code 0806 20, also cover dried grapes which have been cut or crushed into a paste without any further treatment ⁽³⁾.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

⁽³⁾ Harmonised System Explanatory Notes of the World Customs Organization in relation to Chapter 8 of the Nomenclature established under the International Convention on the Harmonized Commodity Description and Coding System.

- (8) The list should also be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entries in the list concerning table grapes from Egypt and aubergines from Thailand should therefore be deleted.
- (9) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.
- (10) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (11) 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

Regulation (EC) No 669/2009 is amended as follows:

- (1) In Article 9, paragraph 2 is replaced by the following:

‘2. By way of derogation from Article 8(1), under exceptional circumstances, the Commission may provide in respect of a product listed in Annex I, that identity and physical checks on consignments of such products can be carried out by the competent authority of the place of destination as indicated in the CED, if appropriate at the premises of the feed and food business operator if the conditions laid down in paragraph 1 (b) and (c) are satisfied, provided that the following conditions are met:

- (a) the highly perishable nature of the product or the specific characteristics of the packaging are such that the performance of sampling operations at the DPE would inevitably result in a serious risk to food safety or in the product being damaged to an unacceptable extent;
- (b) appropriate cooperation arrangements are put in place by the competent authorities at the DPE and the competent authorities performing the physical checks to ensure that:
 - (i) the consignment cannot be tampered with in any manner throughout all checks;
 - (ii) the reporting requirements laid down in Article 15 are fully met.’

- (2) Annex I to Regulation (EC) No 669/2009 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2018.

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

Done at Brussels, 12 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'ANNEX I

Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Pineapples (Food — fresh or chilled)	0804 30 00		Benin (BJ)	Pesticide residues ⁽²⁾ ⁽³⁾	20
— Groundnuts (peanuts), in shell	— 1202 41 00		Bolivia (BO)	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> , <i>vigna unguiculata</i> spp. <i>unguiculata</i>) (Food — fresh, chilled or frozen vegetables)	ex 0708 20 00; ex 0710 22 00	10 10	Cambodia (KH)	Pesticide residues ⁽²⁾ ⁽⁴⁾	50
Chinese celery (<i>Apium graveolens</i>) (Food — fresh or chilled herb)	ex 0709 40 00	20	Cambodia (KH)	Pesticide residues ⁽²⁾ ⁽⁵⁾	50
Brassica oleracea (other edible Brassica, 'Chinese Broccoli') ⁽⁶⁾ (Food — fresh or chilled)	ex 0704 90 90	40	China (CN)	Pesticide residues ⁽²⁾	20
Tea, whether or not flavoured (Food)	0902		China (CN)	Pesticide residues ⁽²⁾ ⁽⁷⁾	10
— Sweet peppers (<i>Capsicum annuum</i>)	— 0709 60 10; 0710 80 51		Dominican Republic (DO)	Pesticide residues ⁽²⁾ ⁽⁸⁾	20
— Peppers (other than sweet) (<i>Capsicum</i> spp.)	— ex 0709 60 99; ex 0710 80 59	20 20			
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> , <i>vigna unguiculata</i> spp. <i>unguiculata</i>) (Food — fresh, chilled or frozen)	— ex 0708 20 00; ex 0710 22 00	10 10			
Strawberries (Food — fresh or chilled)	0810 10 00		Egypt (EG)	Pesticide residues ⁽²⁾ ⁽⁹⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Sweet peppers (<i>Capsicum annuum</i>)	— 0709 60 10; 0710 80 51		Egypt (EG)	Pesticide residues ⁽²⁾ ⁽¹⁰⁾	10
— Peppers (other than sweet) (<i>Capsicum</i> spp.)	— ex 0709 60 99; ex 0710 80 59	20 20			
(Food — fresh, chilled or frozen)					
— Groundnuts (peanuts), in shell	— 1202 41 00		Gambia (GM)	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
— Hazelnuts, in shell	— 0802 21 00		Georgia (GE)	Aflatoxins	20
— Hazelnuts, shelled	— 0802 22 00				
(Food)					
Palm oil (Food)	1511 10 90; 1511 90 11; ex 1511 90 19; 1511 90 99	90	Ghana (GH)	Sudan dyes ⁽¹¹⁾	50
Peppers (other than sweet) (<i>Capsicum</i> spp.)	ex 0709 60 99; ex 0710 80 59	20 20	India (IN)	Pesticide residues ⁽²⁾ ⁽¹²⁾	10
(Food — fresh, chilled or frozen)					
Dried grapes (including dried grapes cut or crushed into a paste, without any further treatment) (Food)	0806 20		Iran (IR)	Ochratoxin A	5
Peas with pods (unshelled) (Food — fresh or chilled)	ex 0708 10 00	40	Kenya (KE)	Pesticide residues ⁽²⁾ ⁽¹³⁾	5
— Groundnuts (peanuts), in shell	— 1202 41 00		Madagascar (MG)	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Sesamum seeds (Food — fresh or chilled)	1207 40 90		Nigeria (NG)	Salmonella ⁽¹⁴⁾	50
Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Pakistan (PK)	Pesticide residues ⁽²⁾	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Senegal (SN)	Aflatoxins	50
Raspberries (Food — frozen)	0811 20 31; ex 0811 20 11; ex 0811 20 19	10 10	Serbia (RS)	Norovirus	10
Watermelon (<i>Egusi</i> , <i>Citrullus</i> spp.) seeds and derived products (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
Peppers (sweet or other than sweet) (<i>Capsicum</i> spp.) (Food — dried, roasted, crushed or ground)	ex 2008 99 99; 0904 21 10; ex 0904 21 90; ex 0904 22 00	79 20 11; 19	Sri Lanka (LK)	Aflatoxins	20
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Sudan (SD)	Aflatoxins	50
Sesamum seeds (Food — fresh or chilled)	1207 40 90		Sudan (SD)	Salmonella ⁽¹⁴⁾	50
Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	ex 0709 60 99; ex 0710 80 59	20 20	Thailand (TH)	Pesticide residues ⁽²⁾ ⁽¹⁵⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> , <i>vigna unguiculata</i> spp. <i>unguiculata</i>) (Food — fresh, chilled or frozen vegetables)	ex 0708 20 00; ex 0710 22 00	10 10	Thailand (TH)	Pesticide residues ⁽²⁾ ⁽¹⁶⁾	20
Dried grapes (including dried grapes cut or crushed into a paste, without any further treatment) (Food)	0806 20		Turkey (TR)	Ochratoxin A	5
— Dried apricots — Apricots, otherwise prepared or preserved (Food)	— 0813 10 00 — 2008 50 61		Turkey (TR)	Sulphites ⁽¹⁷⁾	20
Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) (Food — fresh, chilled or dried)	0805 50 10		Turkey (TR)	Pesticide residues ⁽²⁾	20
Sweet Peppers (<i>Capsicum annuum</i>) (Food — fresh, chilled or frozen)	0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁸⁾	10
Vine leaves (Food)	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁹⁾	50
Pomegranates (Food — fresh or chilled)	ex 0810 90 75	30	Turkey (TR)	Pesticide residues ⁽²⁾ ⁽²⁰⁾	20
— Aubergines (<i>Solanum melongena</i>) — Ethiopian eggplant (<i>Solanum aethiopicum</i>) (Food — fresh, chilled or frozen vegetables)	— 0709 30 00; ex 0710 80 95 — ex 0709 99 90; ex 0710 80 95	72 80 73	Uganda (UG)	Pesticide residues ⁽²⁾	20
Sesamum seeds (Food — fresh or chilled)	1207 40 90		Uganda (UG)	Salmonella ⁽¹⁴⁾	50
— Pistachios, in shell — Pistachios, shelled — Pistachios, roasted (Food)	— 0802 51 00 — 0802 52 00 — ex 2008 19 13; ex 2008 19 93	20 20	United States (US)	Aflatoxins	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Dried apricots	— 0813 10 00		Uzbekistan (UZ)	Sulphites ⁽¹⁷⁾	50
— Apricots, otherwise prepared or preserved	— 2008 50 61				
(Food)					
— Coriander leaves	— ex 0709 99 90	72	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²¹⁾	50
— Basil (holy, sweet)	— ex 1211 90 86	20			
— Mint	— ex 1211 90 86	30			
— Parsley	— ex 0709 99 90	40			
(Food — fresh or chilled herbs)					
Okra (Food — fresh or chilled)	ex 0709 99 90	20	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²¹⁾	50
Peppers (other than sweet) (<i>Capsicum</i> spp.)	ex 0709 60 99; ex 0710 80 59	20 20	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²¹⁾	50
(Food — fresh, chilled or frozen)					
Pitahaya (dragon fruit) (Food — fresh or chilled)	ex 0810 90 20	10	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²¹⁾	10

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

⁽²⁾ Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).

⁽³⁾ Residues of Ethephon.

⁽⁴⁾ Residues of Chlorbufam.

⁽⁵⁾ Residues of Phenthoate.

⁽⁶⁾ Species of *Brassica oleracea* L. convar. Botrytis (L) Alef var. Italica Plenck, cultivar alboglabra. Also known as 'Kai Lan', 'Gai Lan', 'Gailan', 'Kailan', 'Chinese kale', 'Jie Lan'.

⁽⁷⁾ Residues of Trifluralin.

⁽⁸⁾ Residues of Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Amitraz (amitraz including the metabolites containing the 2,4 -dimethylaniline moiety expressed as amitraz), Diafenthiuron, Dicofol (sum of p, p' and o,p' isomers), Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb).

⁽⁹⁾ Residues of Hexaflumuron, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Phenthoate and Thiophanate-methyl.

⁽¹⁰⁾ Residues of Dicofol (sum of p, p' and o,p' isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Thiophanate-methyl and Triforine.

⁽¹¹⁾ For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).

⁽¹²⁾ Residues of Carbofuran.

⁽¹³⁾ Residues of Acephate and Diafenthiuron.

⁽¹⁴⁾ Reference method EN/ISO 6579-1 or a method validated against it in accordance with the most recent version of EN/ISO 16140 or other internationally accepted similar protocols.

⁽¹⁵⁾ Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.

⁽¹⁶⁾ Residues of Acephate, Dicrotophos, Prothiofos, Quinalphos and Triforine.

⁽¹⁷⁾ Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.

⁽¹⁸⁾ Residues of Diafenthiuron, Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)) and Thiophanate-methyl.

⁽¹⁹⁾ Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Metrafenone.

⁽²⁰⁾ Residues of Prochloraz.

⁽²¹⁾ Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2299**of 12 December 2017**

concerning the authorisation of a preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for pigs for fattening, minor porcine species (weaned and for fattening), chickens for fattening, minor poultry species for fattening and minor poultry species for laying, the authorisation of that feed additive for use in water for drinking and amending Regulations (EC) No 2036/2005, (EC) No 1200/2005 and Implementing Regulation (EU) No 413/2013 (holder of authorisation Danstar Ferment AG represented by Lallemand SAS)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC ⁽²⁾.
- (2) The preparation of *Pediococcus acidilactici* CNCM MA 18/5M was authorised without a time limit in accordance with Directive 70/524/EEC as a feed additive for chickens for fattening by Commission Regulation (EC) No 1200/2005 ⁽³⁾, and as a feed additive for pigs for fattening by Commission Regulation (EC) No 2036/2005 ⁽⁴⁾. That preparation was subsequently entered in the Register of feed additives as an existing product, in accordance with Article 10(1)(b) of Regulation (EC) No 1831/2003. That preparation was authorised for the use in water for drinking for weaned piglets, pigs for fattening, laying hens and chickens for fattening by Commission Implementing Regulation (EU) No 413/2013 ⁽⁵⁾.
- (3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 thereof, an application was submitted for the re-evaluation of the preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for chickens for fattening and for pigs for fattening and, in accordance with Article 7 of that Regulation, for the authorisation for use for minor porcine species (weaned), minor porcine species for fattening, minor avian species for fattening and minor avian species reared for laying and for the use in water for drinking, requesting that additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 20 April 2016 ⁽⁶⁾ that, under the proposed conditions of use, the preparation of *Pediococcus acidilactici* CNCM MA 18/5M does not have an adverse effect on animal health, human health or the environment. The Authority further concluded that the use of the preparation in feed and in water for drinking has the potential to improve the zootechnical performance of pigs for fattening and chickens for fattening. It considered that since the mechanism of action of the additive is presumed to be the same, the preparation has also the potential to improve the zootechnical performance of minor porcine species (weaned), minor porcine species for fattening, minor avian species for fattening and minor

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (OJ L 270, 14.12.1970, p. 1).

⁽³⁾ Commission Regulation (EC) No 1200/2005 of 26 July 2005 concerning the permanent authorisation of certain additives in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs (OJ L 195, 27.7.2005, p. 6).

⁽⁴⁾ Commission Regulation (EC) No 2036/2005 of 14 December 2005 concerning the permanent authorisations of certain additives in feedingstuffs and the provisional authorisation of a new use of certain additives already authorised in feedingstuffs (OJ L 328, 15.12.2005, p. 13).

⁽⁵⁾ Commission Implementing Regulation (EU) No 413/2013 of 6 May 2013 concerning the authorisation of a preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for use in water for weaned piglets, pigs for fattening, laying hens and chickens for fattening (holder of authorisation Lallemand SAS) (OJ L 125, 7.5.2013, p. 1).

⁽⁶⁾ EFSA Journal 2016; 14(6):4483.

avian species reared for laying. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of the preparation of *Pediococcus acidilactici* CNCM MA 18/5M shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in Annex I to this Regulation.
- (6) As a consequence of the granting of a new authorisation under Regulation (EC) No 1831/2003, Regulations (EC) No 1200/2005, (EC) No 2036/2005 and Implementing Regulation (EU) No 413/2013 should be amended accordingly.
- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

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

Article 2

Amendment to Regulation (EC) No 1200/2005

In Annex II to Regulation (EC) No 1200/2005, entry E1712 on *Pediococcus acidilactici* CNCM MA 18/5M is deleted.

Article 3

Amendment to Regulation (EC) No 2036/2005

In Annex I to Regulation (EC) No 2036/2005, entry E1712 on *Pediococcus acidilactici* CNCM MA 18/5M is deleted.

Article 4

Amendment to Implementing Regulation (EU) No 413/2013

The Annex to Implementing Regulation (EU) No 413/2013 is replaced by Annex II to this Regulation.

Article 5

Transitional measures

The preparation specified in the Annex I and feed containing that preparation, which are produced and labelled before 2 July 2018 in accordance with the rules applicable before 2 January 2018 may continue to be placed on the market and used until the existing stocks are exhausted.

*Article 6***Entry into force**

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

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

Done at Brussels, 12 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %		CFU/l of water for drinking			
Category of zootechnical additives. Functional group: gut flora stabilisers											
4d1712	Danstar Ferment AG represented by Lallemand SAS	<i>Pediococcus acidilactici</i> CNCM MA 18/5M	<p><i>Additive composition</i></p> <p>Preparation of <i>Pediococcus acidilactici</i> CNCM MA 18/5M containing a minimum of 1×10^{10} CFU/g</p> <p>Solid not-coated and coated forms</p> <p><i>Characterisation of the active substance</i></p> <p>Viable cells of <i>Pediococcus acidilactici</i> CNCM MA 18/5M</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Enumeration of the active substance in feed additive, premixtures, feedingstuffs and water: spread plate method (EN 15786:2009).</p> <p>Identification: Pulsed Field Gel Electrophoresis (PFGE) method.</p>	<p>Pigs for fattening</p> <p>Minor porcine species (weaned and for fattening)</p> <p>Chickens for fattening and minor avian species for fattening and for laying</p>	—	1×10^9	—	5×10^8	—	<ol style="list-style-type: none"> 1. In the directions for use of the additive, premixture and compound feed, the storage conditions and stability to heat treatment and stability in drinking water shall be indicated. 2. For use of the additive in water for drinking the homogeneous dispersion of the additive shall be ensured. 3. The use is permitted in feed containing the following authorised coccidiostats: decoquinat, halofuginone, diclazuril, and nicarbazin. 	2.1.2028

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %		CFU/l of water for drinking			
										<p>4. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.</p> <p>5. The additive may be used in water for drinking.</p>	

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

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/l of water for drinking			

Category of zootechnical additives. Functional group: gut flora stabilisers

4d1712	Lallemand SAS	<i>Pediococcus acidilactici</i> CNCM MA 18/5M	<p><i>Additive composition</i></p> <p>Preparation of <i>Pediococcus acidilactici</i> CNCM MA 18/5M containing a minimum of 1×10^{10} CFU/g additive</p> <p><i>Characterisation of active substance</i></p> <p>Viable cells of <i>Pediococcus acidilactici</i> CNCM MA 18/5 M</p> <p><i>Analytical methods</i> ⁽¹⁾</p> <p>Enumeration: spread plate method using MRS agar (EN 15786:2009)</p> <p>Identification: Pulsed Field Gel Electrophoresis (PFGE)</p>	Piglets (weaned) Laying hens	—	5×10^8	—	<ol style="list-style-type: none"> 1. In the directions for use of the additive, the storage conditions and stability heat treatment and stability in drinking water shall be indicated 2. For piglets (weaned) up to 35 kg. 3. For safety: breathing protection, glasses and gloves shall be used during handling. 4. The additive shall be mixed with other feed additives or feed materials in order to allow its complete homogeneous dispersion in water for drinking. 	27.5.2023
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⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2300**of 12 December 2017****initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Implementing Regulation (EU) 2015/82 on imports of citric acid originating in the People's Republic of China by imports of citric acid consigned from Cambodia, whether declared as originating in Cambodia or not, and making such imports subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Articles 13(3) and 14(5) thereof,

After having informed the Member States,

Whereas:

A. REQUEST

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036 ('the basic Regulation') to investigate the possible circumvention of the anti-dumping measures imposed on imports of citric acid originating in the People's Republic of China and to make imports of citric acid consigned from Cambodia, whether declared as originating in Cambodia or not, subject to registration.
- (2) The request was lodged on 30 October 2017 by the European industry manufacturing citric acid.

B. PRODUCT

- (3) The product concerned by the possible circumvention is citric acid (including trisodium citrate dihydrate), falling within CN ex codes 2918 14 00 (TARIC code 2918 14 00 90) and ex 2918 15 00 (TARIC code 2918 15 00 19) and originating in the People's Republic of China ('the product concerned').
- (4) The product under investigation is the same as that defined in the previous recital, but consigned from Cambodia, whether declared as originating in Cambodia or not, currently falling within the same CN codes as the product concerned ('the product under investigation').

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Commission Implementing Regulation (EU) 2015/82 ⁽²⁾ on the product concerned ('the existing measures').

D. GROUNDS

- (6) The request contains sufficient evidence that the anti-dumping measures imposed on the product concerned are being circumvented by imports of the product under investigation consigned from Cambodia.
- (7) The evidence submitted is as follows:
- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and Cambodia to the Union has taken place following the imposition of measures on the product concerned, without sufficient due cause or economic justification for such a change other than the imposition of the duty.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2015/82 of 21 January 2015 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 and of partial interim reviews pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 15, 22.1.2015, p. 8).

- (9) This change appears to stem from the transshipment, with or without minor processing operations, of the product concerned originating in the People's Republic of China via Cambodia to the Union.
- (10) Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (11) Finally, the request contains sufficient evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.
- (12) Should circumvention practices via Cambodia covered by Article 13 of the basic Regulation, other than transshipment, be identified in the course of the investigation, the investigation may also cover these practices.
- (13) The request further explains that registration under Article 14(5) of the basic Regulation becomes necessary in order to ensure the effective protection of the anti-dumping in place is not unduly diminished.

E. PROCEDURE

- (14) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the products under investigation subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (15) In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers in Cambodia and to the known associations of exporters/producers in Cambodia, to the known importers and to the known associations of importers in the Union and to the authorities of Cambodia and the People's Republic of China. Information, as appropriate, may also be sought from the Union industry.
- (16) In any event, all interested parties should contact the Commission, but not later than the time limit set in Article 3 of this Regulation, and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (17) The authorities of Cambodia and the People's Republic of China will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (18) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption from registration of imports or measures

- (19) In accordance with Article 13(4) of the basic Regulation, imports of the products under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

- (20) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the products under investigation in Cambodia that can show that they are not related ⁽¹⁾ to any producer subject to the measures ⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Article 13(1) and (2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

- (21) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports was imposed.

G. TIME-LIMITS

- (22) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - producers in Cambodia may request exemption from registration of imports or measures,
 - interested parties may make a written request to be heard by the Commission.
- (23) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (24) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (25) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (26) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.
- (27) Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

⁽¹⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558), two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China, an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

I. SCHEDULE OF THE INVESTIGATION

- (28) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of entry into force of this Regulation.

J. PROCESSING OF PERSONAL DATA

- (29) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾.

K. HEARING OFFICER

- (30) Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (31) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request.
- (32) For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is initiated pursuant to Article 13(3) of Regulation (EU) 2016/1036, in order to determine if imports into the Union of citric acid (including trisodium citrate dihydrate), currently falling within CN codes ex 2918 14 00 (TARIC code 2918 14 00 20) and ex 2918 15 00 (TARIC code 2918 15 00 13) consigned from Cambodia, whether declared as originating in Cambodia or not, are circumventing the measures imposed by Implementing Regulation (EU) 2015/82.

Article 2

The Customs authorities shall, pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption from registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

- (1) Interested parties must make themselves known by contacting the Commission and requesting the relevant questionnaires from the Commission within 15 days from the date of entry into force of this Regulation.

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

- (2) Interested parties, if their representations are to be taken into account during the investigation, must present their views in writing and submit questionnaire replies or any other information within 37 days from the date of receipt of the questionnaire, unless otherwise specified.
- (3) Producers in Cambodia requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time limit.
- (4) Interested parties may also apply to be heard by the Commission within the same 37-day time limit.
- (5) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their right of defence.
- (6) All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾. The parties submitting information in the course of this investigation are invited to provide reasons for asking confidential treatment. If the party submitting information fails to show good cause for a confidential treatment request, the Commission may treat such information as non-confidential.
- (7) Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of Regulation (EU) 2016/1036, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.
- (8) Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1040 Brussels
BELGIUM
Email: TRADE-CITRIC-ACID-DUMPING@ec.europa.eu

Article 4

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

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Regulation (EU) 2016/1036 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

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

Done at Brussels, 12 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

COUNCIL DECISION (EU) 2017/2301

of 4 December 2017

on the position to be adopted on behalf of the European Union within the ACP-EU Committee of Ambassadors as regards the implementation of Article 68 of the ACP-EU Partnership Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 209(2), in conjunction with Article 218(9) thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part ⁽¹⁾,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States ('ACP') of the one part, and the European Community and its Member States, of the other part ('the ACP-EU Partnership Agreement'), was signed in Cotonou on 23 June 2000. The ACP-EU Partnership Agreement entered into force on 1 April 2003.
- (2) Pursuant to Article 100 of the ACP-EU Partnership Agreement, Annexes Ia, II, III, IV and VI thereto may be revised, reviewed and/or amended by the ACP-EU Council of Ministers on the basis of a recommendation from the ACP-EU Development Finance Cooperation Committee.
- (3) Pursuant to Article 15(4) of the ACP-EU Partnership Agreement, the ACP-EU Council of Ministers may delegate powers to the ACP-EU Committee of Ambassadors.
- (4) The ACP-EU Council of Ministers decided to grant a delegation of powers to the ACP-EU Committee of Ambassadors in Dakar during the Joint Ministerial Council meeting of 6 May 2017, for the purpose of taking a decision on the implementation of Article 68 of the ACP-EU Partnership Agreement before 31 December 2017.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the ACP-EU Committee of Ambassadors as the Decision will be binding on the Union.
- (6) The Decision will apply to Annex II Chapter 3 of the ACP-EU Partnership Agreement and aims at improving the functioning of the system of financing for support in case of exogenous shocks,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf in the ACP-EU Committee of Ambassadors regarding the implementation of Article 68 of the ACP-EU Partnership Agreement shall be based on the draft Decision of the ACP-EU Committee of Ambassadors attached to this Decision.
2. Minor changes to the draft Decision may be agreed by the representatives of the Union in the ACP-EU Committee of Ambassadors without further decision of the Council.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

Article 2

After its adoption, the Decision of the ACP-EU Committee of Ambassadors shall be published in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Commission.

Done at Brussels, 4 December 2017.

For the Council
The President
U. PALO

DRAFT

DECISION No .../2017 OF THE ACP-EU COMMITTEE OF AMBASSADORS
of ...
regarding the implementation of Article 68 of the ACP-EU Partnership Agreement

THE ACP-EU COMMITTEE OF AMBASSADORS,

Having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States of the other part ⁽¹⁾, and in particular Article 100 thereof, in conjunction with its Articles 15(4) and 16(2),

Whereas:

- (1) Article 68 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States ('ACP') of the one part, and the European Community and its Member States, of the other part ('the ACP-EU Partnership Agreement') stipulates that a system of additional support mechanism is to be put in place in order to mitigate the short-term adverse effects resulting from exogenous shocks affecting the economy of ACP States. Paragraph 4 of that Article sets out that the modalities of the support mechanism are laid down in Annex II to the ACP-EU Partnership Agreement.
- (2) The mechanism as currently defined in Annex II to the ACP-EU Partnership Agreement needs to be adapted to reflect the needs of the Parties and to ensure a flexible and rapid delivery of assistance.
- (3) Article 100 of the ACP-EU Partnership Agreement stipulates that Annexes Ia, II, IV, and VI to the Agreement in question may be revised, reviewed and/or amended by the ACP-EU Council of Ministers on the basis of a recommendation from the ACP-EU Development Finance Cooperation Committee.
- (4) Article 15(4) of the ACP-EU Partnership Agreement stipulates that the ACP-EU Council of Ministers may delegate powers to the ACP-EU Committee of Ambassadors.
- (5) Article 16(2) of the ACP-EU Partnership Agreement stipulates that the ACP-EU Committee of Ambassadors shall carry out any mandate entrusted to it by the Council.
- (6) The ACP-EU Council of Ministers meeting of 5 May 2017 mandated that the ACP-EU Committee of Ambassadors adopt a decision on the implementation of Article 68 of the ACP-EU Partnership Agreement regarding exogenous shocks and amending Annex II, Chapter 3.
- (7) A decision on the implementation of Article 68 of the ACP-EU Partnership Agreement should be adopted,

HAS ADOPTED THIS DECISION:

Article 1

The financial support to ACP countries in the event of macroeconomic instability resulting from exogenous shocks, provided for in Article 68 of the ACP-EU Partnership Agreement, is governed by the provisions of this Decision.

Article 2

1. Additional financial support may be mobilised from the 11th European Development Fund reserve for unforeseen needs, in order to mitigate the short term adverse effects resulting from exogenous shocks, including the effects on export earnings, and safeguard the socioeconomic reforms and policies jeopardised by the drop in revenue.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

2. ACP countries, struck by exogenous shocks, shall address a request for financial support to the European Commission for this purpose, which will be examined through a needs oriented case by case approach in the multi-annual financial framework of cooperation under the ACP-EU Partnership Agreement.

3. Assistance shall be administered and implemented under procedures permitting operations that are rapid, flexible and effective. The European Commission will report periodically to the ACP-EU Development, Finance Cooperation Committee.

Article 3

The Contracting Parties to the Agreement, the European Commission and the ACP Secretariat shall be informed of the practical implementation modalities of Article 68.

Article 4

Annex II, Chapter 3 of the ACP-EU Partnership Agreement shall be applied in accordance with this Decision.

Article 5

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

Done at ...,

*For the ACP-EU Committee of Ambassadors
The President*

COUNCIL DECISION (CFSP) 2017/2302**of 12 December 2017****in support of the OPCW activities to assist clean-up operations at the former chemical weapons storage site in Libya in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) and Article 31(1) thereof,

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

Whereas:

- (1) On 20 July 2016, the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) adopted Decision EC-M-52/DEC.1 on the Destruction of Libya's Remaining Chemical Weapons and requested the Director-General of the OPCW to assist Libya in developing a modified plan for the destruction of Libya's Category 2 chemical weapons.
- (2) On 22 July 2016, the United Nations Security Council adopted Resolution 2298, welcoming and endorsing Decision EC-M-52/DEC.1 and requesting the Director-General of the OPCW to report to the Security Council on a regular basis until the destruction is complete and has been verified.
- (3) On 27 July 2016, the OPCW Executive Council adopted Decision EC-M-52/DEC.2 on the Detailed Requirements for the Destruction of Libya's Remaining Category 2 Chemical Weapons.
- (4) On 12 December 2003, the European Council adopted the EU Strategy against proliferation of Weapons of Mass Destruction (the Strategy), which underlines the crucial roles of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) and of the OPCW in creating a world free of chemical weapons.
- (5) The Union is actively implementing the Strategy, and is giving effect to the measures listed in Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions such as the OPCW.
- (6) On 1 August 2016, the OPCW Director-General issued a Note calling for voluntary contributions to the new trust fund for support to Libya (S/1400/2016).
- (7) On 29 September 2017, the OPCW requested the European Union to consider timely assistance with funding of the cleaning-up of Libya's destruction and storage facilities.
- (8) The Union has been a strong and consistent supporter of the OPCW in the implementation of its mandate. The EU Declaration of 7 April 2017 states that the Union will continue to support the efforts and work of the OPCW.
- (9) The technical implementation of this Decision should be entrusted to the OPCW. The projects as supported by the Union can only be financed through voluntary contributions to the OPCW Technical Secretariat. Such contributions to be provided by the Union will be instrumental in enabling the OPCW to continue fulfilling the tasks as indicated in the relevant OPCW Executive Council Decisions.
- (10) The supervision of the proper implementation of the Union's financial contribution should be entrusted to the Commission,

HAS ADOPTED THIS DECISION:

Article 1

1. The Union shall support the OPCW in the complete destruction of Libya's chemical weapons stockpile subject to the verification measures provided for in the CWC.

2. The project supported through this Council Decision shall contribute to costs associated with the clean-up operations of the OPCW at the former chemical weapons storage site Ruwagha in Libya.

A detailed description of the project is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) shall be responsible for the implementation of this Decision.

2. The technical implementation of the activities referred to in Article 1(2) shall be entrusted to the OPCW. It shall perform this task under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with the OPCW.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1(2) shall be EUR 3 035 590,80.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the OPCW. The financing agreement shall stipulate that the OPCW is to ensure visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the OPCW. Those reports shall form the basis for the evaluation by the Council.

2. The Commission shall provide the Council with information on the financial aspects of the implementation of the project referred to in Article 1(2).

Article 5

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

2. It shall expire 20 months after the date of the conclusion of the financing agreement between the Commission and the OPCW referred to in Article 3(3), or it shall expire six months after its entry into force if that financing agreement has not been concluded by that time.

Done at Brussels, 12 December 2017.

For the Council
The President
S. MIKSER

ANNEX

1. Background

In February 2014, Libya completed the destruction of Category 1 chemical weapons (CW) at the Ruwagha facility, Al Jufra province. The destruction process resulted in the filling of 24 transport containers with toxic waste and the filling of three containers with brine solutions. In 2016, Libya was able to decant Category 2 Chemical Weapons (precursors), which were stored in 45 deteriorating tanks, into new International Standards Organisation (ISO) containers. In accordance with an OPCW Executive Council decision (EC-M-52/DEC.2, dated 27 July, 2016), the new ISO containers were transported to the Misrata Harbour for shipment to Germany for disposal at a specialised facility. During the decanting, one tank experienced an exothermic reaction. Due to the unknown nature and high viscosity of the material remaining in the tank, German authorities could not consent to accept the tank for destruction. The original 45 decanted tanks are still stored at the Ruwagha facility. These tanks are in various states of decay, and many still contain remnants of the chemicals that are clinging to the walls or that were unable to be completely pumped. In addition, approximately 350 tons of effluents from the hydrolysis of HD (distilled sulphur mustard) are also stored at the Ruwagha site. Many of the containers are believed to have been filled with reaction mass containing highly acidic and hazardous chemicals that had not been stabilised. Several of the containers are leaking and corroded and require additional treatment for proper disposal.

In the report of its 83rd Session (dated 11 November 2016), the OPCW Executive Council requested the OPCW Technical Secretariat to take samples when the security situation in Libya allowed, but the security situation has not allowed this to happen to date. A sampling of the area could be adapted to the security situation through a live video feed.

In its Decision EC-M-53/DEC.1, dated 26 August 2016, the OPCW Executive Council – in operative paragraph 2, where it was welcoming voluntary financial contributions and pledges from a variety of States Parties in support of destruction operations – acknowledged that the European Union, pending approval within the Union, had notified the Technical Secretariat of its intent to provide funding for the destruction of the remaining decanted tanks and environmental clean-up at Ruwagha. The Union's attention to this timely issue will allow Libya to divest itself fully from the past chemical weapons programmes in an environmentally appropriate manner, thus highlighting the Union's contribution to the region with both short and long term effects.

2. Overall Objectives

The overall objective of the Action is to contribute to the elimination and complete destruction of chemical weapons stockpile in Libya.

The specific objectives are as follows:

- to complete the full clean-up operations at the former chemical weapons storage site at Ruwagha (Al Jufra province), in an environmentally compliant manner, subject to the verification measures provided for in the Chemical Weapons Convention (CWC);
- to increase the capacity of the Libyan National Authority (LNA), as designated pursuant to Article VII(4) of the CWC, and those engaged in destruction, decontamination, and disposal of chemical materials in Libya.
- to train those engaged in these efforts to collect, record, and transport soil samples in and around the Ruwagha tank farm in accordance with OPCW standards, with the use of live video feeds and sealed OPCW cameras, for compliance with the report of the Eighty-Third Session of the Executive Council.

3. Description of activities

The OPCW Technical Secretariat will provide assistance to the Libyan National Authority, which will hold the end-responsibility for the full completion of clean-up operations.

The OPCW Technical Secretariat will establish a Contribution Agreement with the United Nations Office of Project Services (UNOPS) to hire a Libyan expert company to implement the project and to provide payment to the Libyan firm. The OPCW, in partnership with the Libyan National Authority, will oversee and validate the work being performed.

Activity 1: Coordination meetings between the OPCW Technical Secretariat, Libyan National Authority, Consultants and experts as well as technical visits

Planned activities are as follows:

- Technical consultation meetings between the OPCW Technical Secretariat, Libyan representatives, and the technical project advisor to the Libyan National Authority. Due to security restrictions, meetings will be held in Tunisia;
- Visits by representatives of UNOPS and Libya to manufacturing companies, transportation, sales and service companies.

Timeline: throughout the duration of the project.

Activity 2: Contracting of Services

Planned activities are as follows:

- Engagement of a technical consultant for the Libyan National Authority;
- Contracting with an engineering company for the design of evaporation lagoon;
- Contracting of local staff for clean-up activities;
- Communication equipment in support of live video feeds for sampling.

Timeline: Months 1 through 6 of the project.

Activity 3: Technical and Sampling Training for Libyan National Authority

Planned activities are as follows:

- Training of Libyan representatives by OPCW inspector training teams on sample collection, sealing and chain of custody;
- Delivery and training of Libyan representatives on camera and live video feeds in Tunis. On-site training cannot be done due to lack of United Nations Department of Safety and Security support as well as high costs of insurance for contracted individuals in a hazard zone;
- Conduct of sampling by the trained Libyan representatives.

Timeline: Months 1 through 3 of the project.

Activity 4: Rental and procurement of equipment and materials, including replacement, maintenance and repair cost

Rental and procurement of equipment in support of building of the evaporation lagoons. All efforts will be made to rent equipment to the extent possible, rather than take title to it; however some equipment will be considered contaminated and not returnable. As such, at the conclusion of the project, title to that equipment will vest with the Libyan National Authority, which will retain the equipment. Chemicals for the neutralisation process as well as piping and tubing will be a part of the consumables of the project. All equipment needed for the major construction; e.g. cranes, bulldozers, forklifts, will be rented.

Procurement and rental of equipment and materials from Libyan companies will be conducted by UNOPS. However, some items, dependent upon expediency and cost, may be procured by the OPCW.

Timeline: throughout the duration of the project, as and when equipment and services are required.

Activity 5: Procurement of Protective equipment and detection systems as well as medical supplies and support

Personnel protective equipment (PPE) is required for use around hazardous chemicals. It is expected that all PPE will be contaminated and must be destroyed in country. Unused equipment will become the property of the Libyan National Authority to the Chemical Weapons Convention.

Procurement of the equipment and materials will be specified between OPCW and UNOPS.

Timeline: throughout the duration of the project.

Activity 6: Project Implementation

The OPCW Technical Secretariat will provide program management oversight; this is to include development of milestones, internal reviews, oversight of contractual agreements, and financial management. Funds will not be released by UNOPS to Libyan firms until the Libyan National Authority confirms in writing to the OPCW program manager that the work has been completed to its satisfaction. Anticipated activities include:

- Procurement of external services or Special Services Agreement for technical assistance in implementing the project.
- Payment of management fees for procurement and contracting services conducted by the United Nations Office for Project Services.

Timeline: throughout the duration of the project.

4. Indicative Action Plan

The activities to be implemented in this Action will consist of a preparatory phase followed by three operational phases.

Preparatory Phase:

An expert company will be hired to provide training to the Libyan National Authority on sampling and to provide technical advice and support throughout the duration of the project. A Contribution Agreement will be established between the OPCW and UNOPS for the hiring of local companies for the design of an evaporation lagoon, for the provision of medical emergency support, for the procurement and rental of the required goods and for execution of the clean-up work.

Phase 1:

The soil around the leaking containers will be sampled with real time video monitoring. This will include a live feed to the operations centre for OPCW inspectors to monitor the sample collection, and packaging. The containers that were previously decanted prior to shipment of the chemicals will be rinsed with decontaminant and water, followed by shipment of the empty containers to a smelter for destruction. The rinsing water will be collected in containers already available on-site while awaiting the construction of the evaporation lagoon.

Phase 2:

Two evaporation lagoons will be designed and built for receiving of the material collected from Phase 1 and the previously neutralised contents of Tank 24 for natural evaporation of water and land burial of non-hazardous salts. The tanks used for neutralisation of the content of the 24 contaminated tanks will be transported to a smelter for destruction.

Phase 3:

Approximately 350 tons of effluent from the hydrolysis of HD (distilled sulphur mustard) currently stored at the Ruwagha site will be analysed and treated as necessary, and then pumped into the lagoons for neutralization, stabilization, evaporation and land burial.

5. Expected results

The expected results of the Action are as follows:

- Complete the elimination of the Libyan chemical weapons programme;
- Deliver a full clean-up of the former chemical weapons storage facility at Ruwagha, Libya, including through the full destruction of the 45 decanted containers to include shipment to a smelter and stabilisation and destruction of the 350 tons of HD effluent;

- Deliver technical and sample training to the Libyan CWC National Authority;
- Completion, under the direction of the OPCW, of sampling and shipment of the soil around the leaking containers.

6. Estimated duration

The duration of the project is envisaged to be 20 months.

7. Union Visibility

Visibility of EU Funding at OPCW events or meetings: the financial support of the European Union will be acknowledged in reports of the OPCW Director-General and of the Executive Council referring to activities in Libya. An EU flag will be displayed on all project documentation.

Visibility of EU Funding on equipment: the OPCW will request the Libyan National Authority to display appropriate acknowledgement on all equipment purchased using EU funds that is not consumable, including the display of the EU logo. The OPCW will also request the UNOPS to apply such provisions regarding visibility of the financial support of the European Union. Where such display could jeopardise the OPCW privileges and immunities or the safety of the Organisation's staff or of the final beneficiaries, appropriate alternative arrangements will be made.

8. Steering Committee

The Steering Committee for this project will be composed of representatives of the EEAS and of the OPCW. The Steering Committee will review the implementation of this Decision regularly, at least once every 6 months, including by the use of electronic means of communication.

9. Reporting

The OPCW will provide a narrative progress report every six months to review progress towards the completion of project results. The OPCW will submit a final narrative and financial report within six months of the end of the implementation period.

COUNCIL DECISION (CFSP) 2017/2303**of 12 December 2017****in support of the continued implementation of UN Security Council Resolution 2118 (2013) and OPCW Executive Council decision EC-M-33/DEC.1 on the destruction of Syrian chemical weapons, in the framework of the implementation of the EU Strategy against proliferation of weapons of mass destruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 27 September 2013, during its EC-M-33 session, the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) adopted a decision on the destruction of Syrian chemical weapons ('EC-M-33/DEC.1').
- (2) On 27 September 2013 the United Nations Security Council adopted Resolution ('UNSCR') 2118 (2013), endorsing EC-M-33/DEC.1.
- (3) On 12 December 2003 the European Council adopted the EU Strategy against proliferation of weapons of mass destruction (the 'Strategy'), which underlines the crucial role of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and of the OPCW in creating a world free of chemical weapons.
- (4) The Union is actively implementing the Strategy and is giving effect to the measures listed in Chapter III thereof, in particular by releasing financial resources to support specific projects conducted by multilateral institutions such as the OPCW.
- (5) On 9 December 2013 the Council adopted Decision 2013/726/CFSP ⁽¹⁾, supporting the provision of situation-awareness products related to the security of the OPCW-UN Joint Mission on the elimination of Syrian chemical weapons through the delivery to the OPCW of satellite imagery and related information products of the European Union Satellite Centre (SatCen). Decision 2013/726/CFSP expired on 30 September 2015.
- (6) On 30 November 2015 the Council adopted Decision (CFSP) 2015/2215 ⁽²⁾, in support of the OPCW and the OPCW-UN Joint Investigative Mechanism established pursuant to UNSCR 2235 (2015).
- (7) On 10 July 2017 the Technical Secretariat of the OPCW requested the re-establishment of the provision by the Union of satellite imagery products to the benefit of their operations in Syria. According to the OPCW, this service has proven extremely useful for the deployment in Syria of the OPCW Fact-Finding Mission (the 'FFM') and other teams, such as the Declarations Assessment Team, with regard to staff safety and the sound carrying out of the missions.
- (8) The Union has been a strong and consistent supporter of the OPCW in the implementation of its mandate. The Union Declaration of 7 April 2017 states that the Union will continue to support the efforts and work of the OPCW, in particular in Syria, including the FFM and the OPCW-UN Joint Investigative Mechanism, with regard to the investigation of the use of chemical weapons.
- (9) The technical implementation of this Decision should be entrusted to the OPCW. The projects supported by the Union can only be financed through voluntary contributions to the Technical Secretariat of the OPCW. Such contributions to be provided by the Union will be instrumental in enabling the OPCW to continue fulfilling the tasks indicated in the relevant OPCW Executive Council decisions and in UNSCR 2118 (2013).

⁽¹⁾ Council Decision 2013/726/CFSP of 9 December 2013 in support of the UNSCR 2118 (2013) and OPCW Executive Council EC-M-33/Dec.1 in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (OJ L 329, 10.12.2013, p. 41).

⁽²⁾ Council Decision (CFSP) 2015/2215 of 30 November 2015 in support of UNSCR 2235 (2015), establishing an OPCW-UN joint investigative mechanism to identify the perpetrators of chemical attacks in the Syrian Arab Republic (OJ L 314, 1.12.2015, p. 51).

- (10) The supervision of the proper implementation of the Union's financial contribution should be entrusted to the Commission,

HAS ADOPTED THIS DECISION:

Article 1

1. The Union shall support the activities of the OPCW by contributing to costs associated with the inspection and verification of the destruction of Syrian chemical weapons, as well as costs associated with activities complementary to the core mandated tasks in support of UNSCR 2118 (2013) and EC-M-33/DEC.1 and subsequent related resolutions and decisions.
2. The project supported through this Decision is the provision of situation-awareness products related to the security of the FFM, including the status of the road network through the delivery to OPCW of SatCen satellite imagery products.

A detailed description of the project is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'HR') shall be responsible for the implementation of this Decision.
2. The technical implementation of the project referred to in Article 1(2) shall be entrusted to the OPCW. It shall perform this task under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with the OPCW.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1(2) shall be EUR 1 003 717,00.
2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.
3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the OPCW. The financing agreement shall stipulate that the OPCW is to ensure visibility of the Union's contribution, appropriate to its size.
4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the OPCW. Those reports shall form the basis for the evaluation by the Council.
2. The Commission shall provide the Council with information on the financial aspects of the implementation of the project referred to in Article 1(2).

Article 5

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

2. This Decision shall expire 12 months after the date of the conclusion of the financing agreement between the Commission and the OPCW referred to in Article 3(3), or it shall expire six months after its entry into force if that financing agreement has not been concluded by that time.

Done at Brussels, 12 December 2017.

For the Council

The President

S. MIKSER

ANNEX

1. Background

Following an alleged use of chemical weapons in the Ghouta area of Damascus in August 2013, diplomatic efforts to eliminate the chemical weapons programme of the Syrian Arab Republic led to the Framework for Elimination of Syrian Chemical Weapons dated 14 September 2013, agreed upon between the Russian Federation and the United States of America.

On 27 September 2013 the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) adopted a historic decision on the destruction of Syrian chemical weapons ('EC-M-33/DEC.1'), setting out an accelerated programme for achieving the elimination of Syrian chemical weapons. Syria officially became a State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction on 14 October 2013. The OPCW-UN Joint Mission on the elimination of Syrian chemical weapons (the 'Joint Mission') was formally established on 16 October 2013, with the main mission of overseeing the timely elimination of the Syrian chemical weapons programme in the safest and most secure manner possible. The Union contributed EUR 12 million to the specifically established OPCW Syrian Special Trust Fund to finance the activities for the complete destruction of Syrian chemical material stockpiles.

As a result of the Joint Mission, in cooperation with the Syrian government, all of the chemical weapons declared by Syria were removed and destroyed outside of Syrian territory by August 2014. The Joint Mission completed its mandate and its operations drew to a close on 30 September 2014. However, despite these efforts, the alleged use of chemical weapons in Syria has continued to be reported, and the OPCW has maintained its remaining inspection and verification activities.

On 29 April 2014 the OPCW Director-General created an OPCW fact-finding mission (FFM) mandated to establish the facts surrounding allegations of the use of toxic chemicals for hostile purposes in the Syrian Arab Republic. The FFM supports the Joint Investigative Mechanism established by UN Security Council Resolution ('UNSCR') 2235 (2015) to identify perpetrators, organisers, sponsors or those otherwise involved in the use of chemicals as weapons in the Syrian Arab Republic. At the same time, as questions were raised as to whether Syria's declaration about its chemical weapons programme to the OPCW was complete and correct, the OPCW Director-General established a team of experts – known as the Declaration Assessment Team (the 'DAT') – to engage the relevant Syrian authorities to resolve the identified gaps and inconsistencies in the Syrian declaration. Both the DAT's and the FFM's activities are still ongoing. The OPCW's missions in Syria continue as incidents of the alleged use of chemical weapons are still being reported and will require imagery support for visual awareness and security assessments, prior to team deployments.

In the framework of the EU Strategy against proliferation of weapons of mass destruction, the Union has provided support to the OPCW's missions in Syria through Council Decision 2013/726/CFSP, in support of UNSCR 2118 (2013) and EC-M-33/DEC.1. Decision 2013/726/CFSP supported the provision of situation-awareness products related to the security of the Joint Mission, including the status of the road network through the delivery to OPCW of satellite imagery and related information products of the European Union Satellite Centre (SatCen). SatCen provided satellite imagery support to the OPCW until 30 September 2015. This service has proven extremely useful for the deployment of the FFM and other teams in Syria (e.g. the DAT) with regard to staff safety and the sound carrying out of the missions.

On 10 July 2017 the OPCW requested the reestablishment of the provision of Union satellite imagery as a follow-up to Decision 2013/726/CFSP.

2. Overall objectives of the project

The general objective of the project is to support OPCW missions related to the Syrian Arab Republic, including the FFM and the DAT.

Specific objectives of the project are as follows:

- to assess the status of the road network, in particular to identify roadblocks and areas of road-movement difficulties;

- to verify the accuracy of Syrian reports to the OPCW;
- to assess the facilities and site surroundings;
- to reinforce situation awareness in the field with regard to the security of the field mission and the permanent mission deployed in the Syrian Arab Republic and with regard to locations to be visited/inspected.

3. Description of activities

Ad-hoc tasking of SatCen, in compliance with Council Decision 2014/401/CFSP, within the Area of Interest (AOI) (locations of interest within the sovereign state of Syria) and within the mandate of the EEAS – including the associated management and reporting – with regard to the following:

- imagery intelligence (IMINT) and geospatial intelligence (GEOINT) products and services, as described in the SatCen Products and Services Portfolio ⁽¹⁾, for crisis response, situation assessment, detailed analysis, contingency planning and mapping, such as:
 - First Impression Reports (FIRs) in response to crisis situations;
 - Briefing Notes (BNs) over a Location of Interest (LOI) ⁽²⁾;
 - Reports (Rs) over LOIs with the support of descriptive text, collateral information, vector information, sources, and one or several images describing the object/facility and its environments;
 - Dossiers (Ds) providing intelligence reporting documents over more complex areas composed of LOIs;
 - Feasibility Studies (FSs) necessary to make a pre-assessment of products;
 - Geospatial Contingency Support Package (GCSP) focusing on evacuation activities using satellite imagery, collateral sources and, if possible, supported information from the terrain as primary inputs;
 - Image Maps (IMs) providing relevant and up-to-date thematic information over a specific LOIs;
 - Orthoimage Maps (OMs) providing gridded image maps, including a satellite image over specific LOIs;
 - City Maps (CMs) providing complete base-layer information over a city at a detailed scale;
 - Map Books (MBs) resulting from geographic information system (GIS) analysis techniques, terrain analysis, location of services in urban areas, etc.;
 - Map Coverage (MC) providing complete base-layer information over large areas.
- support to OPCW field mission staff: imagery derived products for planned routes (e.g. route-analysis products assessing the status of the road network).
- training of OPCW staff at SatCen's premises: technical GEOINT training, ArcGIS software training and IMINT product exploitation training. Training at OPCW premises can also be considered when deemed feasible.

Support will be provided to SatCen through the delivery of up to five FIRs (or equivalent effort ⁽³⁾) per week for the total duration of the project as specified in point 8.

4. Expected results

Expected results of the project are as follows:

- status of the road network assessed and, in particular, roadblocks and areas of road-movement difficulties identified;
- increased route security for deployed inspection and verification teams;

⁽¹⁾ SatCen Products and Services Portfolio, Version 2.4 – 5 April 2017

⁽²⁾ The typical maximum geographical extension of an LOI is 100 km²

⁽³⁾ The SatCen products have been 'transformed or translated' into equivalent units based on the direct cost for data and workload needed to make a product with respect to a FIR. Note to Board Members: 'COST RECOVERY historical and proposal for modification of Implementation Procedures' of 30 March 2017.

- Syrian reports verified;
- facilities and site surroundings assessed;
- increased situational awareness provided to deployed inspection and verification teams;
- support to the DAT and the FFM provided;
- increased ability to assess specific facilities and site surroundings;
- reinforced capacity of OPCW staff in conducting imagery product exploitation, managing an imagery database, and using ArcGIS to produce OPCW-specific products derived from imagery analysis.

5. Project beneficiaries

The OPCW will be the beneficiary of the project for visual awareness and security assessments prior to team deployments to Syria.

The OPCW-UN Joint Investigative Mechanism, as it relies on the work of the FFM, will also benefit from the project.

6. Project implementation team

The project will be implemented by the OPCW in cooperation with SatCen, based in Torrejon de Ardoz, Spain.

The project implementation team will consist of an OPCW substantive officer and a SatCen project officer. The project implementation team will be responsible for the management of the entire project cycle, including establishing the legal, managerial, monitoring and verification frameworks, for effective achievement of the project results and for reporting.

7. Union visibility

Visibility of Union funding at OPCW events or meetings: the financial support of the Union will be acknowledged in reports of the OPCW Director-General and of the Executive Council referring to the abovementioned activities. The flag of the Union will be displayed on all project documentation. Where such display could jeopardise the OPCW privileges and immunities or the safety of the OPCW's staff or of the final beneficiaries, appropriate alternative arrangements will be made.

8. Estimated duration

The duration of the project is envisaged to be 12 months.

9. Steering committee

The steering committee for this project will be composed of representatives of the EEAS, the OPCW and SatCen. The steering committee will review the implementation of this Decision regularly, at least once every six months, including by the use of electronic means of communication.

10. Reporting

The OPCW will provide a narrative progress report after six months to review progress towards the completion of project results. The OPCW will submit a final narrative and financial report within six months of the end of the implementation period.

COMMISSION IMPLEMENTING DECISION (EU) 2017/2304**of 12 December 2017****concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5 in the Netherlands***(notified under document C(2017) 8719)***(Only the Dutch 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 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(3) 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(3) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.
- (4) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza.
- (5) The Netherlands notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5 in a holding on its territory in the province of Flevoland where poultry or other captive birds are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones.
- (6) The Commission has examined those measures in collaboration with the Netherlands, and it is satisfied that the borders of the protection and surveillance zones, established by the competent authority in that Member State, are at a sufficient distance to the actual holding where the outbreak was confirmed.
- (7) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe the protection and surveillance zones established in relation to highly pathogenic avian influenza in the Netherlands at Union level.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

- (8) Accordingly, pending the next meeting of the Standing Committee on Plants, Animals, Food and Feed, the protection and surveillance zones in the Netherlands, where the animal health control measures as laid down in Directive 2005/94/EC are applied, should be listed in the Annex to this Decision and the duration of that regionalisation fixed.
- (9) This Decision is to be reviewed at the next meeting of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed in Parts A and B of the Annex to this Decision.

Article 2

This Decision shall apply until 10 January 2018.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 12 December 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

ISO Country Code	Member State	Name
NL	The Netherlands	<p>Area comprising:</p> <p>Biddinghuizen</p> <ul style="list-style-type: none"> — Vanaf kruising Swifterweg (N710) met Hoge Vaart (water), Hoge Vaart volgen in noordoostelijke richting tot aan Oosterwoldertocht (water). — Oosterwoldertocht volgen in zuidoostelijke richting tot aan Elburgerweg (N309). — Elburgerweg (N309) volgen tot aan de brug in Flevoweg over het Veluwemeer. — Veluwemeer volgen in zuidwestelijke richting tot aan Bijsselseweg. — Bijsselseweg volgen in noordelijke richting tot aan de Spijkweg (N306). — Spijkweg (N306) volgen in noordelijke richting tot aan Strandgaperweg. — Strandgaperweg volgen in westelijke richting tot aan Bremerbergweg (N708) — Bremerbergweg volgen in noordelijke richting tot aan Oldebroekerweg, Oldebroekerweg volgen in noordwestelijke richting tot aan Baan. — Baan volgen in westelijke richting overgaand in Swifterweg (N710) — Swifterweg (N710) volgen in noordelijke richting tot aan Hoge Vaart (water).

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Name
NL	The Netherlands	<p>Area comprising:</p> <p>Biddinghuizen</p> <ul style="list-style-type: none"> — Vanaf brug Biddingweg (N710) Lage vaart, Biddingweg volgen in noordelijke richting tot aan Elandweg. — Elandweg volgen in oostelijke richting tot aan Dronerringweg (N307). — Dronerringweg (N307) volgen in zuidoostelijke richting tot aan Rendierweg. — Rendierweg volgen in noordoostelijke richting tot aan Swifterraart (water). — Swifterraart volgen in oostelijke richting tot aan Lage vaart. — Lage vaart volgen in noordelijke richting tot aan Ketelmeer (water). — Ketelmeer volgen in zuidoostelijke overgaand in Vossemeer overgaand in Drontermeer volgen ter hoogte van Geldersesluis. — Geldersesluis volgen in oostelijke richting tot aan Buitendijks. — Buitendijks volgen in zuidoostelijke richting overgaand in Groote Woldweg tot aan Naalderweg. — Naalderweg volgen in oostelijke richting tot aan Kleine Woldweg. — Kleine Woldweg volgen in zuidelijke richting tot aan Zwarteweg.

ISO Country Code	Member State	Name
		<ul style="list-style-type: none">— Zwarteweg volgen in oostelijke richting overgaand in Wittensteinse Allee tot aan Oosterweg.— Oosterweg volgen in zuidelijke richting tot aan Zuiderzeestraatweg (N308).— Zuiderzeestraatweg volgen in westelijke richting tot aan Mheneweg Zuid.— Mheneweg Zuid in zuidelijke richting overgaand in Bongersweg overgaand in Ottenweg tot aan A28.— A28 volgen in zuidwestelijke richting tot aan Ceintuurbaan (N302).— Ceintuurbaan volgen in noordelijke richting overgaand in Knardijk (N302) overgaand in Ganzenweg tot aan Futenweg.— Futenweg volgen in oostelijke richting tot aan Larserweg (N302).— Larserweg (N302) volgen in noordelijke richting Zeebiesweg.— Zeebiesweg volgen in oostelijke richting tot aan Larserringweg.— Larserringweg volgen in noordelijke richting tot aan Lisdoddeweg.— Lisdoddeweg volgen in oostelijke richting tot aan Wiertocht.— Wiertocht volgen in noordelijke richting tot aan Dronterweg.— Dronterweg volgen in oostelijke richting tot aan Biddingweg (N710)

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