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Legislation

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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

I

(Legislative acts)

DECISIONS

DECISION (EU) 2017/2380 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 12 December 2017
amending Directive 2010/40/EU as regards the period for adopting delegated acts
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

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

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

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Directive 2010/40/EU of the European Parliament and of the Council ⁽³⁾ provides for the development of specifications for priority actions within priority areas.
- (2) Since the entry into force of Directive 2010/40/EU, four delegated acts relating to priority actions of that Directive have been adopted by the Commission. They address in particular eCall and data-sharing mechanisms that facilitate electronic data exchange between the relevant public authorities and stakeholders and the relevant intelligent transport systems (ITS) service providers. There is a need for further delegated acts regarding actions that are still to be addressed and that fall within the scope of Directive 2010/40/EU.
- (3) Under Article 12 of Directive 2010/40/EU, the power conferred on the Commission to adopt the delegated acts referred to in Article 7 of the Directive expires on 27 August 2017.
- (4) In order to achieve the objectives of Directive 2010/40/EU, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the specifications necessary to ensure the compatibility, interoperability and continuity for the deployment and operational use of ITS for the priority actions for an additional period of five years starting from 27 August 2017. This period should be tacitly extended for periods of the same duration, unless the European Parliament or the Council oppose such an extension. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations

⁽¹⁾ OJ C 345, 13.10.2017, p. 67.

⁽²⁾ Position of the European Parliament of 15 November 2017 (not yet published in the Official Journal) and decision of the Council of 4 December 2017.

⁽³⁾ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts,

HAVE ADOPTED THIS DECISION:

Article 1

Directive 2010/40/EU is amended as follows:

(1) Article 12 is replaced by the following:

'Article 12

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from 27 August 2017. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

(2) Articles 13 and 14 are deleted;

(3) in Article 17, paragraph 5 is replaced by the following:

'5. In accordance with the advisory procedure referred to in Article 15(2), the Commission shall adopt a working program by 27 February 2011. The working programme shall include objectives and dates for its implementation every year and if necessary shall propose the necessary adaptations.

The Commission shall update the working programme related to the actions under Article 6(3) by 10 January 2019 and before each subsequent five-year extension of the power to adopt delegated acts in accordance with Article 12(2).'

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

Article 2

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

Done at Strasbourg, 12 December 2017.

For the European Parliament
The President
A. TAJANI

For the Council
The President
M. MAASIKAS

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2017/2381

of 5 December 2017

on the signing, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 9 December 2014, the Council authorised the Commission to open negotiations for an agreement with Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax.
- (2) The text of the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax ('the Agreement'), which is the result of the negotiations, duly reflects the negotiating directives issued by the Council.
- (3) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾.
- (4) The Agreement should be signed,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax is hereby authorised, subject to the conclusion of the said Agreement. ⁽²⁾

Article 2

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

⁽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⁾ The text of the Agreement will be published together with the decision on its conclusion.

Article 3

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

Done at Brussels, 5 December 2017.

For the Council
The President
T. TÕNISTE

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2382

of 14 December 2017

laying down implementing technical standards with regard to standard forms, templates and procedures for the transmission of information in accordance with Directive 2014/65/EU of the European Parliament and of the Council

(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 Articles 34(9) and 35(12) thereof,

Whereas:

- (1) It is appropriate to set out common standard forms, procedures and templates for the submission of information required when investment firms, market operators, and, where required by Directive 2014/65/EU, credit institutions wish to provide investment services and perform activities in another Member State under the freedom to provide services or under the right of establishment.
- (2) The provisions in this Regulation should, in view of Articles 34(1) and 35(1) of Directive 2014/65/EU also apply to credit institutions authorised under Directive 2013/36/EU of the European Parliament and of the Council ⁽²⁾ which use tied agents to provide investment services under the right of freedom to provide investment services or by establishing of a branch.
- (3) It is important to establish standard forms covering the language and means of communication of passport notifications which may be used by investment firms, market operators, and, where necessary, credit institutions, and the competent authorities of home and host Member States in order to facilitate the unhindered provision of investment services and activities across Member States and the efficient performance by the competent authorities of their respective tasks and responsibilities.
- (4) An assessment of the accuracy and completeness of the submitted notification by the competent authority of the home Member State is necessary in order to ensure the quality of (i) the information submitted by the investment firm, market operator, or, where necessary, credit institution to the competent authority of the home Member State; and (ii) the information submitted by the competent authority of the home Member State to the competent authority of the host Member State.
- (5) Provisions requiring the competent authority of the home Member State to indicate where the notification is found to be incomplete or incorrect are necessary to ensure clarity in the identification and communication of any missing or incorrect elements and to facilitate the process of addressing such issues and resubmitting the complete and correct information.
- (6) Acknowledgement of receipt of a submitted branch passport notification or tied agent passport notification is necessary to ensure clarity regarding the date of receipt of the relevant notification and the exact date on which the investment firm may establish the branch or make use of a tied agent established in the host Member State.

⁽¹⁾ OJ L 173, 12.6.2014, p. 349.

⁽²⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

- (7) To ensure coherence, specific forms should be used where an investment firm or a market operator, operating a multilateral trading facility or organised trading facility wishes to provide within the territory of another Member State appropriate arrangements so as to facilitate access to and trading on those systems by remote users, members or participants established in that Member State, in order to ensure the adequacy of both the information submitted by the investment firm or market operator to the competent authority of the home Member State and the information submitted by the competent authority of the home Member State to the competent authority of the host Member State.
- (8) For reasons of consistency and in order to ensure the smooth functioning of the financial markets, it is necessary that the provisions laid down in this Regulation and the related national provisions transposing Directive 2014/65/EU apply from the same date.
- (9) This Regulation is based on the draft implementing technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.
- (10) In accordance with Article 15 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽¹⁾, ESMA has conducted open public consultations on such draft implementing technical standards, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation shall apply to investment firms and market operators operating a multilateral trading facility (MTF) or an organised trading facility (OTF).
2. This Regulation shall also apply to credit institutions authorised under Directive 2013/36/EU which provide one or more investment services or perform investment activities under Directive 2014/65/EU, and wish to use tied agents under any of the following rights:
 - (a) the right of freedom to provide investment services and activities in accordance with Article 34(5) of Directive 2014/65/EU;
 - (b) the right of establishment in accordance with Article 35(7) of Directive 2014/65/EU.

Article 2

General requirements

1. Any notification or communication submitted under this Regulation shall be provided in an official Union language accepted by both the competent authority of the home Member State and by the competent authority of the host Member State.

It shall be submitted in paper form or, where accepted by the relevant competent authority, by electronic means.

2. The competent authorities shall make publicly available information on the accepted language(s) and means of submission, including contact details for passport notifications.

Article 3

Submission of the investment services and activities passport notification

1. An investment firm shall submit to the competent authority of the home Member State an investment services and activities passport notification pursuant to Article 34(2) or (5) of Directive 2014/65/EU the form set out in Annex I.

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

2. An investment firm shall submit, for each Member State in which it intends to operate, a separate investment services and activities passport notification to the competent authority of the home Member State pursuant to paragraph 1.
3. An investment firm or a credit institution referred to in Article 1(2)(a) wishing to provide investment services or activities through a tied agent established in the home Member State shall submit an investment services and activities passport notification to the competent authority of the home Member State, by filling in only those parts relevant to the tied agent in the form set out in Annex I.

Article 4

Assessment of completeness and accuracy of the investment services and activities passport notification

1. On receipt of an investment services and activities passport notification pursuant to Article 3, the competent authority of the home Member State shall assess the completeness and accuracy of the information provided.
2. Where the information provided is found to be incomplete or incorrect, the competent authority of the home Member State shall, without undue delay, inform the investment firm or credit institution referred to in Article 1(2)(a) thereof. The competent authority of the home Member State shall indicate in which particular respect the information has been found to be incomplete or incorrect.
3. The 1-month period referred to in Article 34(3) and in the second subparagraph of Article 34(5) of Directive 2014/65/EU shall begin upon receipt of an investment services and activities passport notification containing information that is found to be complete and correct.

Article 5

Communication regarding the investment services and activities passport notification

1. The competent authority of the home Member State shall, within 1 month of receiving a notification pursuant to Article 3, inform the competent authority of the host Member State of that notification, using the form set out in Annex II, together with a copy of the notification.
2. The competent authority of the home Member State shall, without undue delay, inform the investment firm or the credit institution referred to in Article 1(2)(a) about the onward communication pursuant to paragraph 1, including the date of that communication.

Article 6

Submission of the change of investment services and activities particulars notification

1. In the event of a change in any of the particulars of an investment services and activities passport notification, the investment firm or credit institution referred to in Article 1(2)(a) shall submit a notification to the competent authority of the home Member State using the form set out in Annex I.
2. For the purposes of the notification pursuant to paragraph 1 of this Article, the investment firm or credit institution referred to in Article 1(2)(a) shall complete only those parts of the form set out in Annex I relevant to the changes in the particulars of the investment services and activities passport notification.
3. For the purposes of the notification of changes related to the investment services, activities, ancillary services or financial instruments provided, the investment firm or credit institution referred to in Article 1(2)(a) shall list all the investment services, activities, ancillary services or financial instruments that it provides at the time of the notification, or intends to provide in the future.

*Article 7***Communication regarding the change of investment services and activities particulars notification**

1. After receiving a notification pursuant to Article 6, the competent authority of the home Member State shall, without undue delay, communicate the notified changes to the competent authority of the host Member State, using the form set out in Annex III, together with a copy of the notification pursuant to Article 6.
2. In the event that the authorisation of an investment firm or credit institution is withdrawn or cancelled, the competent authority of the home Member State shall notify the competent authority of the host Member State, using the form set out in Annex III.

*Article 8***Submission of the notification for the provision of arrangements to facilitate access to an MTF or an OTF**

An investment firm or a market operator operating an MTF or OTF that intends to provide, within the territory of another host Member State, appropriate arrangements to facilitate access to and trading on those systems by remote users, members or participants established in that host Member State shall notify to the competent authority of the home Member State the details of the host Member State in which it intends to provide such arrangements, using the form set out in Annex IV.

*Article 9***Communication regarding the notification for the provision of arrangements to facilitate access to an MTF or an OTF**

1. The competent authority of the home Member State shall, within 1 month of receiving the notification pursuant to Article 8, inform the competent authority of the host Member State of that notification, using the form set out in Annex V, together with a copy of the notification.
2. The competent authority of the home Member State shall, without undue delay, inform the investment firm or the market operator operating an MTF or an OTF about the onward communication pursuant to paragraph 1, including the date of that communication.

*Article 10***Submission of the change of particulars for the provision of arrangements to facilitate access to an MTF or an OTF notification**

1. In case of a change in any of the particulars of a notification for the provision of arrangements to facilitate access to an MTF or an OTF, the investment firm or the market operator operating an MTF or an OTF shall submit a notification to the competent authority of the home Member State using the form set out in Annex IV.
2. For the purposes of the notification pursuant to paragraph 1, the investment firm or the market operator operating an MTF or an OTF shall complete only those parts of the form set out in Annex IV relevant to the changes in the particulars of the notification for the provision of arrangements to facilitate access to an MTF or an OTF.

*Article 11***Communication regarding the change of particulars for the provision of arrangements to facilitate access to an MTF or an OTF notification**

After receiving a notification pursuant to Article 10(1), the competent authority of the home Member State shall, without undue delay, communicate the notified changes to the competent authority of the host Member State, using the form set out in Annex III, together with a copy of the notification.

*Article 12***Submission of the branch passport notification**

An investment firm wishing to establish a branch within the territory of another Member State shall submit to the competent authority of the home Member State the information as required by Article 35(2) of Directive 2014/65/EU, using the form set out in Annex VI.

*Article 13***Submission of the tied agent passport notification**

1. An investment firm or a credit institution referred to in Article 1(2)(b) wishing to use a tied agent established in another Member State shall submit to the competent authority of the home Member State the information as required by Article 35(2) of Directive 2014/65/EU, using the form set out in Annex VII.
2. Where an investment firm or credit institution referred to in Article 1(2)(b) wishes to use more than one tied agents in another Member State it shall complete a separate notification in respect of each tied agent it intends to use.
3. An investment firm wishing to establish a branch which intends to use tied agents shall submit to the competent authority of the home Member State a separate tied agent passport notification in respect of each tied agent by completing the form set out in Annex VII.

*Article 14***Assessment of completeness and accuracy of the branch passport notification or tied agent passport notification**

1. Upon receipt of a notification pursuant to Article 12 or 13, the competent authority of the home Member State shall assess the completeness and accuracy of the information provided.
2. Where the information provided is found to be incomplete or incorrect, the competent authority of the home Member State shall, without undue delay, inform the investment firm or the credit institutions referred to in Article 1(2)(b) thereof. The competent authority of the home Member State shall indicate in which particular respect the information has been found to be incomplete or incorrect.
3. The 3-month period provided for in Article 35(3) and in the second subparagraph of Article 35(7) of Directive 2014/65/EU shall begin upon receipt of a branch passport notification or tied agent passport notification containing information that is found to be complete and correct.

*Article 15***Communication regarding the branch passport notification**

1. The competent authority of the home Member State shall, within 3 months of receiving the branch passport notification pursuant to Article 12, inform the competent authority of the host Member State of that notification, using the form set out in Annex VIII, together with a copy of the notification.
2. The competent authority of the home Member State shall, without undue delay, inform the investment firm about the onward communication pursuant to paragraph 1, including the date of that communication.
3. The competent authority of the host Member State shall acknowledge receipt of the notification both to the competent authority of the home Member State and the investment firm.

*Article 16***Communication regarding the tied agent passport notification**

1. The competent authority of the home Member State shall, within 3 months of receiving the tied agent passport notification pursuant to Article 13, inform the competent authority of the host Member State of that notification, using the form set out in Annex IX, together with a copy of the notification.
2. The competent authority of the home Member State shall, without undue delay, inform the investment firm or credit institution about the onward communication pursuant to paragraph 1, including the date of that communication.

3. The competent authority of the host Member State shall acknowledge receipt of the notification both to the competent authority of the home Member State and the investment firm or credit institution referred to in Article 1(2)(b).
4. The tied agent shall not commence its proposed investment services or activities before it is registered in the public register in the Member State where that tied agent is established, in accordance with Article 29(3) of Directive 2014/65/EU.
5. The tied agent shall not commence its proposed investment services or activities before it has received the communication from the competent authority of the host Member State.
6. Where such a communication is not made, the tied agent can commence its proposed investment services and activities 2 months after the date of submission of the communication by the competent authority of the home Member State, as referred to in paragraph 2.

Article 17

Submission of the change of branch particulars notification

1. In the event of a change in the particulars of a branch passport notification, the investment firm shall submit to the competent authority of the home Member State a notification using the form set out in Annex VI.

The investment firm or credit institution shall complete only those parts of the form set out in Annex VI relevant to the changes in the particulars of the branch passport notification.

2. Where the investment firm or credit institution intends to make changes to the investment services, activities, ancillary services or financial instruments provided through tied agents, it shall notify, using the form set out in Annex VI, a list of all the investment services, activities, ancillary services or financial instruments that it provides through tied agents at the time of that notification or intends to provide through tied agents in the future.
3. Changes to the particulars of a branch passport notification concerning the termination of the operation of the branch shall be notified using the form set out in Annex X.

Article 18

Submission of the change in the tied agent particulars notification

1. In the event of a change in any of the particulars of a tied agent passport notification, the investment firm or the credit institution referred to in Article 1(2)(b) shall submit to the competent authority of the home Member State a notification, using the form set out in Annex VII.

The investment firm or credit institution shall only complete those parts of the form set out in Annex VII relevant to the changes in the particulars of the tied agent passport notification.

2. Where the investment firm intends to make changes to the investment services, activities, or financial instruments subject to a tied agent passport notification, it shall notify, in the form set out in Annex VI, a list of all the investment services, activities, or financial instruments that it provides through the tied agent at the time of notification or intends to provide in the future.
3. Changes to the particulars of a tied agent passport notification concerning the cessation of the use of a tied agent established in another Member State shall be notified using the form set out in Annex X.

*Article 19***Communication regarding the change of branch particulars notification**

1. After receiving a notification pursuant to Article 17(1), the competent authority of the home Member State shall, without undue delay, communicate the notified changes to the competent authority of the host Member State, using the form set out in Annex XI, together with a copy of the notification.
2. After receiving a notification pursuant to Article 17(3), the competent authority of the home Member State shall, without undue delay, communicate the notified changes to the competent authority of the host Member State, using the form set out in Annex XIII, together with a copy of the notification.

*Article 20***Communication regarding the change of tied agent particulars notification**

1. After receiving a notification pursuant to Article 18(1), the competent authority of the home Member State shall, without undue delay, communicate the notified changes to the competent authority of the host Member State, using the form set out in Annex XII, together with a copy of the notification.
2. After receiving a notification pursuant to Article 18(3), the competent authority of the home Member State shall, without undue delay, communicate the notified changes to the competent authority of the host Member State, using the form set out in Annex XIII, together with a copy of the notification.

*Article 21***Entry into force and application**

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

It shall apply from 3 January 2018.

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

Done at Brussels, 14 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Form for the investment services and activities passport notification and the change of investment services and activities particulars notification ⁽¹⁾

(Articles 3 and 6 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Part 1 — Contact Information

Type of notification: Investment services and activities passport notification/
change of investment services and activities particulars notification

Member State in which the investment firm/credit institution intends to operate:

Name of investment firm/credit institution:

Trading name

Address:

Telephone number:

Email:

Name of the contact person at the investment firm/credit institution:

Home Member State

Authorisation Status: Authorised by [Home Member State Competent Authority]

Authorisation Date:

Part 2 — Programme of operations

Intended investment services, activities and ancillary services (*)

	Investment services and activities										Ancillary services						
		A1	A2	A3	A4	A5	A6	A7	A8	A9	B1	B2	B3	B4	B5	B6	B7
Financial Instruments	C1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) Please place an (x) in the appropriate boxes.

⁽¹⁾ For the purposes of a change of investment services and activities particulars notification please complete only the parts of the form which are relevant to the notified changes. If the intention is to make changes to the investment services, activities, ancillary services or financial instruments, please list all the investment services, activities, ancillary services or financial instruments the firm will provide.

Details of Tied Agent located in the home Member State (*)

Name of the tied agent	Address	Telephone	Email	Contact

(*) Please provide separate matrices with the intended investment services for each tied agent the investment firm intends to use.

Intended investment services to be provided by the tied agent (*)

		Investment services and activities									Ancillary services						
		A1	A2	A3	A4	A5	A6	A7	A8	A9	B1	B2	B3	B4	B5	B6	B7
Financial Instruments	C1	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C2	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C3	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C4	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C5	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C6	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C7	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C8	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C9	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C10	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C11	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									

(*) Please place an (x) in the appropriate box(es). If you intend to make changes to the investment services, activities or financial instruments provided by the tied agent, please list all investment services, activities or financial instruments the tied agent will provide.

ANNEX II

Form for the communication regarding an investment services and activities passport notification by the competent authority of the home Member State to the competent authority of the host Member State

(Article 5 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 34(3) of Directive 2014/65/EU ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 34(3) of the Directive 2014/65/EU, we wish to inform you that **[Name of firm]**, (1) an investment firm authorised by [name of the competent authority of the home Member State], intends to provide the investment services and/or investment activities as well as ancillary services listed in the attached passport notification for the first time in the exercise of the right of freedom to provide investment services or activities; or (2) a credit institution authorised by [name of the competent authority of the home Member State] intends to provide, through the use of a tied agent, the investment services or activities listed in the attached passport notification for the first time, in the exercise of the right of freedom to provide investment services and activities.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

(¹) Please amend as appropriate.

ANNEX III

Form for the communication of a change in the particulars of an investment services and activities passport notification or in a notification for the provision of arrangements to facilitate access to an MTF or OTF by the competent authority of the home Member State to the competent authority of the host Member State

(Articles 7 and 8 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 34(4) or Article 34(7) of Directive 2014/65/EU ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 34(4) of the Directive 2014/65/EU, we wish to inform you that **[Name of firm]**, an investment firm/credit institution/market operator authorised/supervised by [name of the competent authority of the home Member State], has:

- (a) amended the investment services and activities/ancillary services/financial instruments that intends to carry on in your territory on a cross-border basis
- (b) changed its name from [old name] to [new name] with effect [date of change]
- (c) moved to the following address with effect [date of change]
- (d) changed its other contact information to as follows [add any changes made to the contact information of Part 1 in Annex I] with effect [date of change]
- (e) engaged an additional in [name of the home Member State] registered tied agent in providing its investment services and activities in your territory on a cross-border basis
- (f) amended the arrangements provided in [name of the host Member State] in order to facilitate the access to and trading of the [name of the MTF or OTF]
- (g) ceased to provide investment services and/or perform investment activities due to the withdrawal/cancellation of its authorisation with effect [date of withdrawal/cancellation].

Please find attached a copy of the change of [investment services and activities particulars notification/particulars for the provision of arrangements to facilitate access to an MTF or OTF notification] with the relevant changes. If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

(1) Please amend as appropriate in accordance with the changes to be notified.

ANNEX IV

Form for the notification for the provision of arrangements to facilitate access to an MTF or OTF

(Articles 8 and 10 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Part 1 — Contact Information:

Type of notification:

Provision of arrangements to facilitate access to an MTF/OTF/changes to the particulars of the notification for the provision of arrangements to facilitate access to an MTF/OTF

Member State(s) in which the investment firm/market operator intends to provide arrangements:

Name of investment firm/market operator:

Address:

Telephone number:

Email:

Name of the contact person at the investment firm/market operator:

Home Member State

Authorisation Status (of the investment firm)/Applicable Law (of the market operator):

Authorised/Licensed/Supervised by [Home Member State Competent Authority]

Authorisation Date (for investment firms):

Name of the MTF/OTF:

Date from which the arrangements will be provided:

With immediate effect

Part 2 — Description of [name of the MTF/OTF] business model:

[Please include at least the following information]

Type of traded financial instruments:

[to be completed by investment firm/market operator]

Type of trading participants:

[to be completed by investment firm/market operator]

Type of appropriate arrangements:

[to be completed by investment firm/market operator]

Marketing:

[to be completed by investment firm/market operator]

ANNEX V

Form for the communication regarding a notification for the provision of arrangements to facilitate access to an MTF or OTF by the competent authority of the home Member State to the competent authority of the host Member State

(Article 9 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 34(7) of the Directive 2014/65/EU ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 34(7) of the Directive 2014/65/EU, we wish to inform you that the [name of the Market Operator/Investment Firm] which operates the [name of the MTF or OTF] under the [name of the applicable national law] in [name of the home Member State], intends to provide arrangements in [name of the Member State in which intends to provide arrangements] in order to facilitate access to and trading on [name of the MTF/OTF] by remote users, members or participants established in [name of the Member State in which intends to provide arrangements], according to the attached notification.

If you have any queries, do not hesitate to contact us.

Yours sincerely,

[Signature]

⁽¹⁾ Please amend accordingly.

ANNEX VI

Form for the branch passport notification and change of branch particulars notification ⁽¹⁾

(Articles 12, 17 and 19 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Part 1 — Contact Information

Type of notification: Branch passport notification/change of branch particulars notification

Member State in which the investment firm intends to establish a branch ⁽²⁾:

Name of the investment firm:

Address of the investment firm:

Telephone number of the investment firm:

Email of the investment firm:

Name of the contact person at the investment firm:

Name of the branch:

Address of the branch:

Telephone number of the branch:

Email of the branch:

Name(s) of those responsible for the management of the branch:

Home Member State:

Authorisation Status: Authorised by [Home Member State Competent Authority]

Authorisation Date:

⁽¹⁾ For the purposes of a changes of branch particulars notification please complete only the parts of the forms which are relevant to the notified changes. When the investment firm intends to make changes to the investment services, activities, ancillary services or financial instruments provided by the branch, the firm shall list all investment services, activities ancillary services or financial instruments the branch will provide.

⁽²⁾ Please note that national corporate law may require the previous registration to a commercial registry prior to the commencement of operations by the branch.

Part 2 — Programme of operations**Intended investment services, activities and ancillary services provided by the branch (*)**

	Investment Services and activities										Ancillary services						
		A1	A2	A3	A4	A5	A6	A7	A8	A9	B1	B2	B3	B4	B5	B6	B7
Financial Instruments	C1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	C11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) Please place an (x) in the appropriate box(es).

Business Plan and structural organisation of the branch

Business plan

1. How will the branch contribute to the strategy of the firm/group?
2. What will the main functions of the branch be?
3. Describe the main objectives of the branch;

Commercial Strategy

1. Describe the types of clients/counterparties the branch will be dealing with;
2. Describe how the firm will obtain and deal with these clients;

Organisational structure

1. Briefly describe how the branch fits into the corporate structure of the firm/group? (This may be facilitated by attaching an organisational chart)
2. Set out the organisational structure of the branch, showing functional, geographical and legal reporting lines;
3. Identify who will be responsible for the branch operations on a day to day basis? Provide details of professional experience of the persons responsible for the management of the branch (Please attach CV);
4. Identify who will be responsible for the internal control functions at the branch?
5. Identify who will be responsible for dealing with complaints in relation to the branch?
6. Explain how will the branch report to the head office?
7. Detail any critical outsourcing arrangements

Tied Agents (*)

1. Will the branch use tied agent?
2. What is the identity of the tied agent?

Name

Address

Telephone

Email

Contact point

reference or hyperlink to the public register where the tied agent is registered

Systems & Controls

Provide a brief summary of arrangements for:

1. safeguarding client money and assets;
4. compliance with the conduct of business and other obligations that fall under the responsibility of the Competent Authority of the host Member State according to Art 35(8) and record keeping under Art 16(6);
5. staff code of Conduct, including personal account dealing;
6. anti-money laundering;
7. monitoring and control of critical outsourcing arrangements (if applicable);
8. the name, address and contact details of the accredited compensation scheme of which the investment firm is a member;

Financial forecast

Attach a forecast statement for profit and loss and cash flow, both over an initial period of thirty six month period;

(*) The investment firm shall submit a separate passport notification in respect of each tied agent the branch intends to use.

ANNEX VII

Form for the tied agent passport notification and change of tied agent particulars notification ⁽¹⁾

(Articles 13, 14 and 18 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Part 1 — Contact Information

Type of notification:

Tied agent passport notification/change of tied agent
particulars notificationMember State in which the investment firm/credit institution
intends to use a tied agent established in the host Member
State(s):

Name of investment firm/credit institution:

Address of the investment firm/credit institution:

Name of the contact person at the investment firm/credit
institution:

Telephone number of the investment firm/credit institution

Email of the investment firm/credit institution

Name of the tied agent:

Address of the tied agent:

Telephone number of the tied agent:

Email of the tied agent:

Name(s) of those responsible for the management of the
tied agent:

Home Member State:

Authorisation Status:

Authorised by [Home Member State Competent Authority]

Authorisation Date:

Reference or hyperlink to the public register where the tied
agent is registered

⁽¹⁾ For the purposes of a change in the tied agent particulars notification, please complete only the parts of the forms relevant to the notified changes. Where changes have been made to the investment services, activities or financial instruments, the firm shall list all investment services, activities or financial instruments to be provided by the tied agent.

Part 2 — Programme of operations**Intended investment services or activities to be provided by the tied agent (*):**

		Investment services and activities									Ancillary services						
		A1	A2	A3	A4	A5	A6	A7	A8	A9	B1	B2	B3	B4	B5	B6	B7
Financial Instruments	C1	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C2	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C3	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C4	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C5	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C6	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C7	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C8	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C9	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C10	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									
	C11	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>									

(*) Please place an (x) in the appropriate box(es).

Business plan and structural organisation of the tied agent*Business plan*

1. Explain how the tied agent will contribute to the strategy of the firm/group.
2. Describe what the main functions of the tied agent will be.
3. Describe the main objectives of the tied agent.

Commercial Strategy

1. Describe the types of clients/counterparties the tied agent will be dealing with.
2. Describe how the firm will obtain and deal with these clients.

Organisational structure

1. Briefly describe how the tied agent fits into the corporate structure of the firm/group. (This may be facilitated by attaching an organisational chart)
2. Set out the organisational structure of the tied agent, showing both functional and legal reporting lines.
3. Identify who will be responsible for the tied agent operations on a day to day basis? Provide details of professional experience of the persons responsible for the management of the tied agent (Please attach CV).
4. Identify who will be responsible for the internal control functions at the tied agent.
5. Identify who will be responsible for dealing with complaints in relation to the tied agent.
6. Identify how will the tied agent report to the head office.
7. Detail any critical outsourcing arrangements.

Systems & Controls

Provide a brief summary of arrangements for:

1. safeguarding client money and assets (where applicable);
2. compliance with the conduct of business and other obligations that fall under the responsibility of the Competent Authority of the host Member State according to Article 35(8) and record keeping under Article 16(6);
3. staff code of Conduct, including personal account dealing;
4. anti-money laundering;
5. monitoring and control of critical outsourcing arrangements (where applicable);
6. the name, address and contact details of the accredited compensation scheme of which the investment firm or credit institution is a member.

Financial forecast

Attach a forecast statement for profit and loss and cash flow, both over an initial period of thirty six month period.

ANNEX VIII

Form for the communication regarding a branch passport notification by the competent authority of the home Member State to the competent authority of the host Member State

(Article 15 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 35(3) of Directive 2014/65/EU ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 35(3) of Directive 2014/65/EU, we wish to inform you that **[Name of firm]**, an investment firm authorised by [Competent Authority of the home Member State], intends to establish a branch located in [name of the host Member State] to provide the investment services or activities as well as ancillary services listed in the attached passport notification.

[Name of investment firm] is a participant in the [name of the home Member State accredited compensation scheme], which provides cover for eligible investors as required by the [name of the home Member State] legislation in respect of investment services and activities carried on by the firm from an establishment in [name of the home Member State] and through its branch in the European Economic Area.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

(¹) Please amend accordingly.

ANNEX IX

Form for the communication regarding a tied agent passport notification by the competent authority of the home Member State to the competent authority of the host Member State

(Article 16 of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 35(3) or Article 35(7) of Directive 2014/65/EU ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 34(3)/Article 35(7) of Directive 2014/65/EU, we wish to notify you that [Name of firm], an investment firm/credit institution authorised by [name of the competent authority of the home Member State], intends to use a tied agent located in [name of the host Member State] to provide the investment services or activities listed in the attached passport notification.

[Name of investment firm/credit institution] is a participant in the [name of the home Member State accredited compensation scheme], which provides cover for eligible investors as required by the [name of the home Member State] legislation in respect of investment services and activities carried on by the firm from an establishment in [name of the home Member State] and through its tied agent in the European Economic Area.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

⁽¹⁾ Please amend accordingly.

ANNEX X

Form for a change in the tied agent particulars notification concerning the termination of the operation of a branch or the cessation of the use of a tied agent established in another Member State

(Articles 17(3) and 18(3) of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Notification in accordance with Article 35(10) of Directive 2014/65/EU regarding the termination of the operation of a branch/the cessation of the use of a tied agent established in another Member State ⁽¹⁾**Part 1 — Contact Information**

Type of notification: Termination of the operation of a branch/the use of a tied agent

Member State in which the branch/tied agent is established:

Name of the investment firm/credit institution:

Address of the investment firm/credit institution:

Telephone number of the investment firm/credit institution:

Email of the investment firm/credit institution:

Name of the contact person responsible for the termination of the operations of the branch/tied agent:

Name of the branch/tied agent in the territory of the host Member State:

Home Member State:

Home Member State competent authority:

Authorisation Status: Authorised by [name of the home Member State competent authority]

Authorisation Date:

Date from which the termination will be effective:

⁽¹⁾ Please amend accordingly.

Description of the schedule for the planned termination:

[to be completed by the investment firm/credit institution]

Information on the process of winding down the business operations, including details regarding the manner in which client interests are going to be protected, complaints resolved and any outstanding liabilities discharged:

[to be completed by the investment firm/credit institution]

ANNEX XI

Form for the communication on a change of branch particulars notification by the competent authority of the home Member State to the competent authority of the host Member State

(Article 19(1) of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 35(10) of Directive 2014/65/EU (1)

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 35(10) of Directive 2014/65/EU, we wish to inform you that [Name of firm], an investment firm authorised by [Competent Authority of the home Member State], has:

- (a) amended the investment services and activities/ancillary services being provided by the [name of the branch] established in [name of the host Member State].
- (b) changed its branch name from [add old name of the branch] to [add new name] with effect [date of change]
- (c) changed its branch other contact information to as follows [add any changes to the contact information notified under Part 1 of the form set out in Annex VI to Commission Implementing Regulation (EU) 2017/2382] with effect [date of change]
- (d) engaged an additional tied agent located in [name of the host Member State] and provide an updated programme of operations
- (e) changed its own name/address/contact details from [old name/address/contact details of the investment firm] to [new name/address/contact details of the investment firm] with effect [date of change].

Please find attached a copy of the change of investment services and activities particulars notification with the relevant changes.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

(1) Please amend accordingly.

ANNEX XII

Form for the communication on a change of tied agent particulars notification by the competent authority of the home Member State to the competent authority of the host Member State

(Article 20(1) of Commission Implementing Regulation (EU) 2017/2382)

Reference number:

Date:

Communication in accordance with Article 35(10) of Directive 2014/65/EU ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 35(10) of Directive 2014/65/EU, we wish to inform you that [Name of firm], an investment firm/credit institution authorised by [name of the competent authority of the home Member State], has:

- (a) amended the investment services and activities being provided by [name of the tied agent].
- (b) changed its tied agent name from [add old name of the tied agent] to [add new name] with effect [date of change]
- (c) changed its tied agent's other contact information to as follows [add any changes to the contact information notified under Part 1 of the form set out in Annex VII to Commission Implementing Regulation (EU) 2017/2382] with effect [date of change]
- (d) changed its own name/address/contact details from [old name/address/contact details of the investment firm/credit institution] to [new name/address/contact details of the investment firm/credit institution] with effect [date of change].

Please find attached a copy of the change of investment services and activities particulars notification with the relevant changes.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

⁽¹⁾ Please amend accordingly.

ANNEX XIII

Form for the communication by the competent authority of the home Member State to the competent authority of the host Member State on the termination of the operation of a branch or of the cessation of the use of a tied agent established in a Member State outside its home Member State

(Articles 19(2) and 20(2) of Commission Implementing Regulation (EU) 2017/2382)

Reference number: ...

Date:

Communication in accordance with Article 35(10) of Directive 2014/65/EU regarding the termination of the operation of a branch/the use of a tied agent established in a Member State outside its home Member State ⁽¹⁾

FROM:

Member State:

Competent authority of the home Member State:

Address:

Designated contact point:

Telephone number:

Email:

TO:

Member State:

Competent Authority of the host Member State:

Address:

Designated contact point:

Telephone number:

Email:

In accordance with Article 35(10) of Directive 2014/65/EU, we wish to inform you that [Name of firm], an investment firm/credit institution authorised by [name of the competent authority of the home Member State], has notified us the intention to terminate the operation of the branch/the use of the tied agent established in your territory with effect [date of termination].

Please find attached a copy of the notification regarding the termination of the operation of [name of the branch]/the cessation of the use of the [name of the tied agent].

If you have any queries, please do not hesitate to contact us.

Yours sincerely,

[Signature]

(¹) Please amend accordingly.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2383**of 19 December 2017****extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for the 'volantina' trawlers fishing in the territorial waters of Slovenia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears within 3 nautical miles of the coast or within the 50 metres isobath where that depth is reached at a shorter distance from the coast.
- (2) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and(9) are fulfilled.
- (3) On 8 February 2013 the Commission received a request from Slovenia for a derogation from the first subparagraph of Article 13(1) of Regulation (EC) No 1967/2006, for the use of 'volantina' trawls in the territorial waters of Slovenia, at less than 50 meters depth, in the area between 1,5 and 3 nautical miles from the coast.
- (4) The derogation requested by Slovenia complied with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006 and was granted until 23 March 2017 by Commission Implementing Regulation (EU) No 277/2014 ⁽²⁾.
- (5) On 20 June 2016 the Commission received a request from Slovenia to extend the derogation beyond 23 March 2017. Slovenia provided up-to-date information justifying the extension of the derogation, in light of the requirements of Regulation (EC) No 1967/2006. The request concerns vessels with a track record in the fishery of more than five years and which operate under a management plan adopted by Slovenia on 13 February 2014 ⁽³⁾ in accordance with Article 19(2) of Regulation (EC) No 1967/2006. Those vessels are included on a list communicated to the Commission in line with the requirements of Article 13(9) of Regulation (EC) No 1967/2006.
- (6) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the derogation requested by Slovenia and the related draft management plan at its 52nd plenary session held from 4 to 8 July 2016.
- (7) In light of the STECF evaluation, Slovenia submitted to the Commission additional scientific data and reports on 7 September 2016 and, on 27 December 2016, an updated management plan.
- (8) STECF assessed the derogation requested by Slovenia and the additional documents at its 54th plenary session held from 27 to 31 March 2017. STECF highlighted need for clarifications on track record of authorised vessels, fishing gears used and bycatches. Slovenia provided adequate clarifications to the Commission and ensured the development of additional scientific study on catches and efforts to increase the selectivity of the gears.
- (9) The derogation requested by Slovenia complies with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006.

⁽¹⁾ OJ L 36, 8.2.2007, p. 6.

⁽²⁾ Commission Implementing Regulation (EU) No 277/2014 of 19 March 2014 derogating from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for the 'volantina' trawlers fishing in the territorial waters of Slovenia (OJ L 82, 20.3.2014, p. 1).

⁽³⁾ Decision No 34200-2/2014/4 of 13.2.2014.

- (10) In particular, there are specific geographical constraints, as the territorial waters of Slovenia do not at any point reach a depth of 50 meters. In the absence of a derogation, volantina trawlers could therefore only operate beyond 3 nautical miles from the coast, where fishing grounds are significantly limited by an area devoted to commercial shipping routes.
- (11) The management plan sets out all relevant definitions on the fisheries concerned and guarantees no future increase in the fishing effort, as fishing authorisations will be issued only to specified 12 vessels that are already authorised to fish by Slovenia.
- (12) The 'volantina' trawl fishery cannot be undertaken with other gears, has no significant impact on marine environment, including protected habitats, and does not interfere with gears other than trawls, seines or similar towed nets.
- (13) The derogation requested by Slovenia affects a limited number of only 12 vessels. The registration numbers of these vessels are specified in the management plan.
- (14) The fishing activities concerned fulfil the requirements of Article 4(1) of Regulation (EC) No 1967/2006 which, by way of derogation, allows fishing above protected habitats if fishing is operated without touching the seagrass bed under certain conditions.
- (15) The requested derogation complies with Article 8(1)(h) of Regulation (EC) No 1967/2006 since it relates to trawlers operating with mesh sizes not smaller than 40 mm.
- (16) The fishing activities concerned fulfil the requirements of Article 9(3) of Regulation (EC) No 1967/2006. 'Volantina' trawlers do not target cephalopods.
- (17) The Slovenian management plan includes measures for the monitoring of fishing activities, as provided for in the third subparagraph of Article 13(9) of Regulation (EC) No 1967/2006 and in Articles 14 and 15 of Council Regulation (EC) No 1224/2009 ⁽¹⁾.
- (18) The requested derogation should therefore be granted.
- (19) Slovenia should report to the Commission in due time and in accordance with the monitoring plan provided for in the Slovenian management plan.
- (20) A limitation in duration of the derogation should be established in order to allow prompt corrective management measures in case the report to the Commission shows a poor conservation status of the exploited stock while providing scope to improve the scientific basis for an improved management plan.
- (21) Since the derogation granted by Implementing Regulation (EU) No 277/2014 expired on 23 March 2017, this Regulation should apply from 24 March 2017.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply in territorial waters of Slovenia, irrespective of the depth, between 1,5 and 3 nautical miles from the coast, to 'volantina' trawls which are used by vessels:

- (a) bearing the registration number mentioned in the Slovenian management plan adopted by Slovenia in accordance with Article 19(2) of Regulation (EC) No 1967/2006;

⁽¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (b) having a track record in the fishery of more than five years and not involving any future increase in the fishing effort deployed; and
- (c) holding a fishing authorization and operating under the management plan.

Article 2

Monitoring plan and reporting

Slovenia shall communicate to the Commission, within three years following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the management plan referred to in Article 1.

Article 3

Entry into force and period of application

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 24 March 2017 until 27 March 2020.

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

Done at Brussels, 19 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2384**of 19 December 2017****specifying the technical characteristics of the 2019 ad hoc module on work organisation and working time arrangements as regards the labour force sample survey pursuant to Council Regulation (EC) No 577/98****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, and in particular Article 7a(5) thereof,

Whereas:

- (1) The European employment strategy, the employment guidelines ⁽²⁾ and the European Pillar of Social Rights ⁽³⁾, in particular its principles on secure and adaptable employment, work-life balance and well-adapted work environment, express the need for greater adaptability of both enterprises and workers in Europe and highlight the need to collect data with a large-scale European survey on the application of various forms of new practices in work organisation and working time arrangements and the experiences of workers with those practices and arrangements.
- (2) Commission Delegated Regulation (EU) 2016/1851 ⁽⁴⁾ specifies and gives a description of the areas on which more detailed information is to be provided, namely the ad hoc sub-modules, and which should be included in the 2019 ad hoc module on work organisation and working time arrangements as regards the labour force sample survey pursuant to Council Regulation (EC) No 577/98.
- (3) Therefore, the technical characteristics, the filters, the codes and the deadline for the transmission of data by Member States under the ad hoc module on work organisation and working time arrangements should be specified.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The technical characteristics of the 2019 ad hoc module on work organisation and working time arrangements, the filters, the codes to be used and the deadline by which Member States shall send the results to the Commission are laid down in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.

⁽²⁾ Council Decision (EU) 2015/1848 of 5 October 2015 on guidelines for the employment policies of the Member States for 2015 (OJ L 268, 15.10.2015, p. 28).

⁽³⁾ https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en

⁽⁴⁾ Commission Delegated Regulation (EU) 2016/1851 of 14 June 2016 adopting the programme of ad hoc modules, covering the years 2019, 2020 and 2021, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 (OJ L 284, 20.10.2016, p. 1).

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

Done at Brussels, 19 December 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

This Annex sets out the technical characteristics, filters and codes to be used in the ad hoc module on work organisation and working time arrangements scheduled to be carried out in 2019. It also sets the dates for submission of data by the Member States to the Commission.

Deadline for transmission of the results to the Commission: 31 March 2020.

Filters and codes to be used for sending data: as set out in Annex III to Commission Regulation (EC) No 377/2008 ⁽¹⁾.

Columns reserved for optional weighting factors, to be used in cases of subsampling or non-response: columns 226-229 containing whole numbers and columns 230-231 containing decimal places.

(1) **Sub-module 'Flexibility of working times'**

Name/Column	Code	Description	Filter
VARIWT		Variable working times	WSTATOR = 1,2
211		<i>How is determined the start and end of the working time in the main job</i>	
	1	Worker can fully decide working time	
	2	Worker can decide working time with certain restrictions	
	3	Employer or organisation mainly decides working time	
	9	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	
FREEHOUR		Freedom to take hours off	VARIWT = 2,3,blank
212		<i>Possibility to take one or two hours off in the main job for personal or family matters within one working day</i>	
	1	Very easy	
	2	Quite easy	
	3	Quite difficult	
	4	Very difficult	
	9	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	
FREELEAV		Freedom in taking leave	WSTATOR = 1,2
213		<i>Possibility to take in the main job one or two days of leave within three working days</i>	
	1	Very easy	
	2	Quite easy	

⁽¹⁾ Commission Regulation (EC) No 377/2008 of 25 April 2008 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community as regards the codification to be used for data transmission from 2009 onwards, the use of a subsample for the collection of data on structural variables and the definition of the reference quarters (OJ L 114, 26.4.2008, p. 57).

Name/Column	Code	Description	Filter
FLEXWT 214	3	Quite difficult	WSTATOR = 1,2
	4	Very difficult	
	9	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	
	Expected flexibility in working times		
	<i>Frequency to which the worker has to face unforeseen demands for changed working time in the main job</i>		
	1	At least once a week	
	2	Less than every week but at least every month	
	3	Less than every month or never	
	9	Not applicable (not included in the filter)	
AVAIFREE 215	Blank	No answer/Don't know	WSTATOR = 1,2
	Available for work in free time		
	<i>Worker was contacted during leisure time in the last two months to take action before the next working day for the main job</i>		
	1	Was not contacted in the last 2 months	
	2	Was contacted on a few occasions	
	3	Was contacted several times and expected to act before the next working day	
	4	Was contacted several times and not expected to act before the next working day	
	9	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	

(2) Sub-module 'Methods at work'

Name/Column	Code	Description	Filter
RECHOURS 216-217	Recording of presence or working hours		STAPRO = 3
	<i>Method of recording the presence or working hours in the main job</i>		
	01	Presence and hours are not recorded	
	02	Presence is recorded manually by one-self	
	03	Presence is recorded manually by supervisor/colleague	
04	Presence is recorded automatically (clocking system, at log-in)		

Name/Column	Code	Description	Filter
	05	Presence is recorded with another method	
	06	Hours are recorded manually by one-self	
	07	Hours are recorded manually by supervisor/colleague	
	08	Hours are recorded automatically (clocking system, at log-in)	
	09	Hours are recorded with another method	
	99	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	
PRESSURE		Working under time pressure	WSTATOR = 1,2
218		<i>Frequency to which the person works under time pressure in the main job</i>	
	1	Always	
	2	Often	
	3	Sometimes	
	4	Never	
	9	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	
JOBAUTON		Job autonomy	WSTATOR = 1,2
219-220		<i>Possibility to influence order and content of tasks in the main job</i>	
	11	Large influence on order and content	
	12	Large influence on order and some on content	
	13	Large influence on order and little or none on content	
	21	Some influence on order and a large one on content	
	22	Some influence on order and on content	
	23	Some influence on order and little or none on content	
	31	Large influence on content and little or none on order	
	32	Some influence on content and a little or none on order	
	33	Little or no influence on order and content	
	99	Not applicable (not included in the filter)	
	Blank	No answer/Don't know	

(3) Sub-module 'Place of work'

Name/Column	Code	Description	Filter
PLACEWK 221		<p style="text-align: center;">Main place of work</p> <p><i>Place where activities for main job are primarily carried out</i></p> <p>1 Employers' or own premises</p> <p>2 Home</p> <p>3 Clients' place</p> <p>4 Non-fixed place (vehicle, delivery service, etc.)</p> <p>5 Other</p> <p>9 Not applicable (not included in the filter)</p> <p>Blank No answer/Don't know</p>	WSTATOR = 1,2
COMMUTM 222-224		<p style="text-align: center;">Commuting time</p> <p><i>Time to get from home to work for the main job (one way)</i></p> <p>Minutes</p> <p>000-240</p> <p>999 Not applicable (not included in the filter)</p> <p>Blank No answer/Don't know</p>	PLACEWK≠2
OTHERLOC 225		<p style="text-align: center;">Working on other locations</p> <p><i>Works in more than one location for the main job</i></p> <p>1 Daily</p> <p>2 Not daily but at least every week</p> <p>3 Less than every week but at least every month</p> <p>4 Less than every month or never</p> <p>9 Not applicable (not included in the filter)</p> <p>Blank No answer/Don't know</p>	PLACEWK = 1-5

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2385**of 19 December 2017****establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2017 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2018 under the tariff quotas opened by Regulation (EC) No 533/2007 in the poultrymeat sector**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 533/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 December 2017 for the subperiod from 1 January to 31 March 2018 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 December 2017 for the subperiod from 1 January to 31 March 2018 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2018 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 533/2007, to be added to the subperiod from 1 April to 30 June 2018, are set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector (OJ L 125, 15.5.2007, p. 9).⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

Done at Brussels, 19 December 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-General for Agriculture and Rural Development*

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2018 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2018 (kg)
09.4067	1,404135	—
09.4068	0,138103	—
09.4069	0,118836	—
09.4070	—	1 335 750

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2386**of 19 December 2017****establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2017 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2018 under the tariff quotas opened by Regulation (EC) No 1385/2007 in the poultrymeat sector**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 1385/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 December 2017 for the subperiod from 1 January to 31 March 2018 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 December 2017 for the subperiod from 1 January to 31 March 2018 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 1385/2007 for the subperiod from 1 January to 31 March 2018 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 1385/2007, to be added to the subperiod from 1 April to 30 June 2018, are set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

Done at Brussels, 19 December 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-General for Agriculture and Rural Development*

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2018 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2018 (kg)
09.4410	0,121815	—
09.4411	0,124054	—
09.4412	0,124223	—
09.4420	4,646057	—
09.4421	—	175 000
09.4422	0,803288	—

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2387**of 19 December 2017****determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2018 under the tariff quota opened by Regulation (EC) No 536/2007 for poultrymeat originating in the United States of America**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 536/2007 ⁽²⁾ opened an annual tariff quota for imports of poultrymeat products originating in the United States of America.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 December 2017 for the subperiod from 1 January to 31 March 2018 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 536/2007, to be added to the subperiod from 1 April to 30 June 2018, are set out in the Annex to this Regulation.

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

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

Done at Brussels, 19 December 2017.

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

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America (OJ L 128, 16.5.2007, p. 6).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2018 (kg)
09.4169	15 643 542

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2388**of 19 December 2017****determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2018 under the tariff quotas opened by Regulation (EC) No 1384/2007 for poultrymeat originating in Israel**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 1384/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Israel.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 December 2017 for the subperiod from 1 January to 31 March 2018 are less than those available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficiency of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 1384/2007, to be added to the subperiod from 1 April to 30 June 2018, are set out in the Annex to this Regulation.

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

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

Done at Brussels, 19 December 2017.

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

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1384/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel (OJ L 309, 27.11.2007, p. 40).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2018 (in kg)
09.4091	140 000
09.4092	1 000 000

DECISIONS

COUNCIL DECISION (EU) 2017/2389

of 5 December 2017

establishing that no effective action has been taken by Romania in response to the Council Recommendation of 16 June 2017

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽¹⁾, and in particular Article 10(2), fourth subparagraph, thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 16 June 2017 the Council decided in accordance with Article 121(4) of the Treaty on the Functioning of the European Union ("TFEU") that a significant observed deviation from the adjustment path toward the medium-term budgetary objective existed in Romania.
- (2) In view of the established significant deviation, the Council on 16 June 2017 issued a recommendation for Romania to take the necessary measures to ensure that the nominal growth rate of net primary government expenditure ⁽²⁾ does not exceed 3,3 % in 2017, corresponding to an annual structural adjustment of 0,5 % of GDP. It recommended that Romania use any windfall gains for deficit reduction, while budgetary consolidation measures should ensure a lasting improvement in the general government structural balance in a growth-friendly manner. The Council established a deadline of 15 October 2017 for Romania to report on action taken in response to the recommendation.
- (3) On 26 and 27 September 2017, the Commission undertook an enhanced surveillance mission in Romania for the purpose of on-site monitoring under Article -11(2) of Council Regulation (EC) No 1466/97. After having transmitted its provisional findings to the Romanian authorities for comments, the Commission reported its findings to the Council on 24 October 2017. These findings were subsequently made public. The Commission report finds that the Romanian authorities do not intend to act upon the Council Recommendation of 16 June 2017. The authorities stated that their target for 2017 remains a headline deficit of 3 % of GDP. Given the positive and increasing output gap, this would amount to a deterioration of the structural deficit in 2017, contrary to what is set out in the Council Recommendation. This reflects a clearly expansionary fiscal policy.
- (4) On 13 October 2017, the Romanian authorities submitted a report on action taken in response to the Council Recommendation of 16 June 2017. In the report, the authorities reiterated that their target for 2017 remains a headline deficit of 3 % of GDP. The only measure listed in the report with a significant budgetary impact in 2017 is an increase of excise duties for energy products back to their 2016 level (namely, a reversal of a previously adopted excise duties cut which entered into force in January 2017). Thus, the fiscal impact of the reported measures falls significantly short of the requirement set out in the Council Recommendation.
- (5) Based on the Commission autumn 2017 forecast, the structural balance is set to deteriorate by 1,1 % of GDP, reaching a deficit of 3,3 % in 2017. This is the opposite of the recommended structural improvement of 0,5 % of GDP relative to 2016. The corresponding growth of net primary government expenditure amounted to 4,9 %, well above the expenditure benchmark of 3,3 %. This deterioration compared to 2016 was driven by cuts to

⁽¹⁾ OJ L 209, 2.8.1997, p. 1.

⁽²⁾ Net government expenditure is comprised of total government expenditure excluding interest expenditure, expenditure on Union programmes fully matched by Union funds revenue and non-discretionary changes in unemployment benefit expenditure. Nationally financed gross fixed capital formation is smoothed over a four-year period. Discretionary revenue measures or revenue increases mandated by law are factored in. One-off measures on both the revenue and expenditure sides are netted out.

indirect taxes, in particular to VAT and excise duties, which entered into force at the beginning of the year and increases to public wages and social benefits introduced through the year. Since the Council Recommendation of 16 June 2017, the increase of excise duties for energy products back to their 2016 level, as well as a cut in public investment in the budgetary rectification of September 2017, had a positive impact on the public deficit, although their effect was largely offset by increases to public wages also contained in the budget rectification.

- (6) This leads to the conclusion that the response of Romania to the Council Recommendation of 16 June 2017 has been insufficient. The fiscal effort falls short of the annual structural adjustment of 0,5 % of GDP for 2017 which corresponds to a nominal growth rate of net primary government expenditure that does not exceed 3,3 % in 2017,

HAS ADOPTED THIS DECISION:

Article 1

Romania has not taken effective action in response to the Council Recommendation of 16 June 2017.

Article 2

This Decision is addressed to Romania.

Done at Brussels, 5 December 2017.

For the Council
The President
T. TÕNISTE

COMMISSION IMPLEMENTING DECISION (EU) 2017/2390**of 15 December 2017****on the compliance of the unit rate for the charging zone of Switzerland for 2017 under Article 17 of Implementing Regulation (EU) No 391/2013***(notified under document C(2017) 8498)***(Only the German, French and Italian texts are authentic)**

THE EUROPEAN COMMISSION,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport ⁽¹⁾ (the Agreement),

Having regard to Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the service provision Regulation) ⁽²⁾, and in particular Article 16(1) thereof, and to Commission Implementing Regulation (EU) No 391/2013 of 3 May 2013 laying down a common charging scheme for air navigation services ⁽³⁾, and in particular Article (17)(1)(e) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 391/2013 lays down a common charging scheme for air navigation services. The common charging scheme is an integral element in reaching the objectives of the performance scheme as established under Article 11 of Regulation (EC) No 549/2004 of the European Parliament and of the Council ⁽⁴⁾ and Commission Implementing Regulation (EU) No 390/2013 ⁽⁵⁾.
- (2) Commission Implementing Decision 2014/132/EU ⁽⁶⁾ sets the Union-wide performance targets, including a cost-efficiency target for *en route* air navigation services expressed in determined unit costs for the provision of those services, for the second reference period, which covers the years 2015 to 2019 inclusive.
- (3) Pursuant to Article 17(1)(b) and (c) of Implementing Regulation (EU) No 391/2013, the Commission is to assess the unit rates for charging zones for 2017 submitted by the Member States to the Commission by 1 June 2016 following the requirements of Article 9(1) and 9(2) of that Regulation. That assessment concerns the compliance of those unit rates with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.
- (4) The Commission has carried out its assessment of the unit rates with the support of Eurocontrol's Performance Review Unit, using the data and additional information provided by the Member States by 1 November 2016. The Commission assessment also took into account the explanations given and corrections made before the consultation meeting on the unit rates for 2017 for *en route* services that was held on 23 November 2016 in application of Article 9(1) of Implementing Regulation (EU) No 391/2013, as well as the corrections made by Member States to the unit rates following subsequent contacts with the Commission.
- (5) On the basis of that assessment, the Commission has found, in accordance with Article 17(1)(d) of Implementing Regulation (EU) No 391/2013, that the unit rates for *en route* charging zones for 2017 submitted by Switzerland are in compliance with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.
- (6) The finding and notification that unit rates for charging zones are in compliance with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 is without prejudice to Article 16 of Regulation (EC) No 550/2004.
- (7) In accordance with the last paragraph of Article 17(1), unit rates are set in national currency. The unit rates contained in this Decision are therefore presented in Swiss Franc.

⁽¹⁾ OJ L 114, 30.4.2002, p.73.

⁽²⁾ OJ L 96, 31.3.2004, p. 10.

⁽³⁾ OJ L 128, 9.5.2013, p. 31.

⁽⁴⁾ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 390/2013 of 3 May 2013 laying down a performance scheme for air navigation services and network functions (OJ L 128, 9.5.2013, p. 1).

⁽⁶⁾ Commission Implementing Decision 2014/132/EU of 11 March 2014 setting the Union-wide performance targets for the air traffic management network and alert thresholds for the second reference period 2015-19 (OJ L 71, 12.3.2014, p. 20).

(8) The Commission has consulted Switzerland on this Decision, in accordance with Article 19(2) of the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

The 2017 unit rate of 113.86 for the *en route* charging zone of Switzerland is in compliance with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

Article 2

This Decision is addressed to the Swiss Confederation.

Done at Brussels, 15 December 2017.

For the Commission
Violeta BULC
Member of the Commission

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