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## Legislation

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

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## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2018/219

of 23 January 2018

**on the conclusion of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) In accordance with Council Decision (EU) 2017/2240 <sup>(2)</sup>, the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems (the 'Agreement') was signed on 23 November 2017, subject to its conclusion at a later date.
- (2) Cap and trade systems are policy tools that cost-effectively reduce greenhouse gas emissions. Linking cap and trade systems is expected to result in broader carbon pricing, increasing the availability of reduction opportunities and enhancing the cost-efficiency of emissions trading. The development of a well-functioning international carbon market through bottom-up linking of emissions trading systems ('ETS') is a long term policy goal of the Union and the international community, notably as a means to achieve the climate objectives, including under the Paris Agreement on climate change.
- (3) The Agreement should be approved.
- (4) It is essential that aviation be covered by the Swiss ETS in order to link the Swiss ETS with the Union's ETS. While the Swiss ETS does not yet cover aviation, the Swiss Confederation is working on rules extending its ETS to aviation. The Agreement should not enter into force until those rules are in place and Annex I, Part B of the Agreement is amended to refer to those rules,

HAS ADOPTED THIS DECISION:

*Article 1*

The Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems is hereby approved on behalf of the Union <sup>(3)</sup>.

<sup>(1)</sup> Consent of 12 December 2017 (not yet published in the Official Journal).

<sup>(2)</sup> Council Decision (EU) 2017/2240 of 10 November 2017 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems (OJ L 322, 7.12.2017, p. 1).

<sup>(3)</sup> The Agreement has been published in OJ L 322, 7.12.2017, p. 3, together with the decision on signature.

*Article 2*

1. The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to exchange the instruments of ratification or approval provided for in Article 21 of the Agreement, in order to express the consent of the Union to be bound by the Agreement <sup>(1)</sup>.
2. The instrument of approval of the Union shall only be notified when the Swiss Confederation has brought into force the requisite rules extending its ETS to aviation and Annex I, Part B of the Agreement is amended accordingly.

*Article 3*

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

Done at Brussels, 23 January 2018.

*For the Council*  
*The President*  
V. GORANOV

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<sup>(1)</sup> The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2018/220

of 9 February 2018

### concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 <sup>(2)</sup>, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

#### *Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

*Article 3*

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

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

Done at Brussels, 9 February 2018.

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

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## ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A mechanical appliance (so-called 'manual spreader') consisting of a steel structure, a plastic tank with a canvas lining of a volume of approximately 60 litres, a rotation spreader at the bottom, and two pneumatic tyres.</p> <p>It is designed for distribution (spreading/dispersing through rotation) of fertilisers, sand, seeds, salt etc. The distribution volume can be adjusted by the grip. It is suitable for regular maintenance of large areas.</p> <p>See image (*).</p>	8424 89 70	<p>Classification is determined by general rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, Note 2 to Chapter 84, and by the wording of CN codes 8424, 8424 89 and 8424 89 70.</p> <p>The appliance answers to the description under heading 8424 (dispersing of sand and salt) and to the description under heading 8432 (fertiliser distributor and a seeder). It cannot be classified by virtue of Note 3 to Section XVI as it does not perform one principal function. In accordance with Note 2 to Chapter 84, an appliance which answers to a description in one or more of the headings 8401 to 8424 and at the same time to a description in one or other of the headings 8425 to 8480 is to be classified under the appropriate heading of the former group (heading 8424 in this case).</p> <p>The appliance can be used both as an agricultural or horticultural appliance of subheading 8424 82 and as other appliances of subheading 8424 89. Given its characteristics, neither of those functions is considered to be the principal function of the appliance within the meaning of Note 3 to Section XVI and neither of the two subheadings is considered to provide a more specific description. Consequently, the appliance is to be classified under the subheading that occurs last in numerical order.</p> <p>The appliance is therefore to be classified under CN code 8424 89 70 as other mechanical appliances for projecting, dispersing or spraying liquids or powders.</p>

(\* ) The image is purely for information.



**COMMISSION REGULATION (EU) 2018/221****of 15 February 2018****amending Regulation (EC) No 999/2001 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the European Union reference laboratory for transmissible spongiform encephalopathies****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>(1)</sup>, and in particular Article 23a(m) thereof,Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(2)</sup>, and in particular Article 32(5) thereof,

Whereas:

- (1) Regulation (EC) No 882/2004 lays down the general tasks, duties and requirements for European Union (EU) reference laboratories for food and feed and for animal health. The designated EU reference laboratories are listed in Annex VII to that Regulation, including that responsible for transmissible spongiform encephalopathies (TSEs).
- (2) Regulation (EC) No 999/2001 establishes the EU reference laboratory for TSEs and its specific tasks.
- (3) The designation of the EU reference laboratory for TSEs, currently located in the United Kingdom, will be discontinued on 31 December 2018 as a consequence of the United Kingdom notification in accordance with Article 50 of the Treaty on European Union.
- (4) It is necessary to maintain an EU reference laboratory for TSEs in order to ensure the high quality and reliability of diagnosis techniques for TSEs as well as their uniform application throughout the Union. The Commission therefore launched on 29 May 2017 a call for applications to select and designate an EU reference laboratory for TSEs. Following completion of the selection procedure, the selected consortium between the Istituto Zooprofilattico Sperimentale del Piemonte, Liguria e Valle d'Aosta (IZSPLVA) and the Istituto Superiore di Sanità (ISS), led by the former, should be designated as EU reference laboratory for TSEs.
- (5) Regulations (EC) No 999/2001 and (EC) No 882/2004 should therefore be amended accordingly.
- (6) In order to avoid any disruption of activities of the EU reference laboratory for TSEs and to allow the newly designated EU reference laboratory sufficient time to be fully operational, it is appropriate that the measures provided for in this Regulation apply as from 1 January 2019.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Chapter B of Annex X to Regulation (EC) No 999/2001, point 1 is replaced by the following:

- '1. The EU reference laboratory for TSEs is a consortium between the Istituto Zooprofilattico Sperimentale del Piemonte, Liguria e Valle d'Aosta (IZSPLVA) and the Istituto Superiore di Sanità (ISS), led by IZSPLVA:

Istituto Zooprofilattico Sperimentale del Piemonte, Liguria e Valle d'Aosta (IZSPLVA)  
Via Bologna 148  
10154 Torino  
Italy

<sup>(1)</sup> OJ L 147, 31.5.2001, p. 1.<sup>(2)</sup> OJ L 165, 30.4.2004, p. 1.



Istituto Superiore di Sanità (ISS)  
Viale Regina Elena 299  
00161 Roma  
Italy.

*Article 2*

In Part I of Annex VII to Regulation (EC) No 882/2004, point 13 is replaced by the following:

**'13. EU reference laboratory for transmissible spongiform encephalopathies (TSEs)**

The laboratory referred to in point 1 of Chapter B of Annex X to Regulation (EC) No 999/2001'.

*Article 3*

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

It shall apply from 1 January 2019.

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

Done at Brussels, 15 February 2018.

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

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**COMMISSION REGULATION (EU) 2018/222****of 15 February 2018****amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the European Union reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>, and in particular Article 32(5) and (6) thereof,

Whereas:

- (1) Regulation (EC) No 882/2004 lays down the general tasks and requirements for European Union reference laboratories ('EU reference laboratories') for food and feed and for animal health. The designated EU reference laboratories are listed in Annex VII to that Regulation, including that responsible for monitoring the viral and bacteriological contamination of bivalve molluscs.
- (2) The designation of the EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs, located in the United Kingdom, will be discontinued on 31 December 2018 as a consequence of the United Kingdom notification in accordance with Article 50 of the Treaty on European Union.
- (3) Since *Salmonella*, *Escherichia coli* and viruses represent the main food-borne risks in bivalve molluscs, the EU reference laboratories for the analysis and testing of zoonoses (salmonella), the EU reference laboratory for *Escherichia coli*, including Verotoxigenic *E. coli* (VTEC) and the EU reference laboratory for foodborne viruses should conduct the analytical tests for salmonella, *E. coli* and viruses respectively which were conducted so far by the EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs. The EU reference laboratory for the monitoring of marine biotoxins should take over the activities related to the classification and monitoring of production areas for bivalve molluscs. An EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs is thus no longer needed and should therefore be removed from the list in Annex VII to Regulation (EC) No 882/2004.
- (4) Regulation (EC) No 882/2004 should therefore be amended accordingly.
- (5) In order to avoid any disruption of the activities currently carried out by the EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs, it is appropriate that the measures provided for in this Regulation apply as from 1 January 2019.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Part I of Annex VII to Regulation (EC) No 882/2004, point 4 is deleted.

*Article 2*The EU reference laboratories for the analysis and testing of zoonoses (salmonella), the EU reference laboratory for *Escherichia coli*, including Verotoxigenic *E. coli* (VTEC) and the EU reference laboratory for foodborne viruses, shall take over the activities carried out so far by the EU reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs as regards the analytical tests for salmonella, *E. coli* and viruses respectively.<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

The EU reference laboratory for the monitoring of marine biotoxins shall take over the activities related to the classification and monitoring of production areas for bivalve molluscs.

*Article 3*

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

It shall apply from 1 January 2019.

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

Done at Brussels, 15 February 2018.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2018/223**  
**of 15 February 2018**  
**amending Council Regulation (EC) No 314/2004 concerning restrictive measures in respect of Zimbabwe**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe <sup>(1)</sup>, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 314/2004 lists the persons and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) Council Decision 2011/101/CFSP <sup>(2)</sup>, identifies the natural and legal persons to whom restrictions are to apply as provided for in Article 5 of that Decision, and Regulation (EC) No 314/2004 gives effect to that Decision to the extent that action at Union level is required.
- (3) On 15 February 2018, the Council decided to update the entry for one person in the Annex to Decision 2011/101/CFSP listing the persons and entities to whom the restrictions should apply. This designated person was identified by the Council as former President of Zimbabwe, responsible for activities that seriously undermine democracy, respect of human rights and the rule of law.
- (4) Annex III to Regulation (EC) No 314/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex III to Regulation (EC) No 314/2004 is amended as 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, 15 February 2018.

*For the Commission,*  
*On behalf of the President,*  
*Head of the Service for Foreign Policy Instruments*

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<sup>(1)</sup> OJ L 55, 24.2.2004, p. 1.

<sup>(2)</sup> Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe (OJ L 42, 16.2.2011, p. 6).

## ANNEX

Annex III to Regulation (EC) No 314/2004 is amended as follows:

The entry of the following natural person under heading 'I. **Persons**':

Name (and any aliases)	Identifying information	Grounds for designation
'(1) Mugabe, Robert Gabriel	President, born 21.2.1924; Passport AD001095	Head of Government and responsible for activities that seriously undermine democracy, respect for human rights and the rule of law.'

is replaced by the following:

Name (and any aliases)	Identifying information	Grounds for designation
'(1) Mugabe, Robert Gabriel	born 21.2.1924; Passport AD001095	Former President and responsible for activities that seriously undermine democracy, respect for human rights and the rule of law.'

# DECISIONS

## COUNCIL DECISION (CFSP) 2018/224

of 15 February 2018

### amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 15 February 2011, the Council adopted Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe <sup>(1)</sup>.
- (2) The Council has carried out a review of Decision 2011/101/CFSP, taking into account political developments in Zimbabwe. Considering the number and significance of the uncertainties characterising the current transition following the change in leadership in December 2017, the Council takes the view that restrictive measures should remain in place until the situation becomes clearer.
- (3) The restrictive measures against Zimbabwe should therefore be extended until 20 February 2019. The Council should keep the restrictive measures under constant review in the light of political and security developments in Zimbabwe.
- (4) The restrictive measures should be maintained for the seven persons and the one entity listed in Annex I to Decision 2011/101/CFSP. The suspension of the restrictive measures should be renewed for the five persons listed in Annex II to Decision 2011/101/CFSP.
- (5) Decision 2011/101/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Article 10 of Decision 2011/101/CFSP is replaced by the following:

#### *'Article 10*

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall apply until 20 February 2019.
3. The measures referred to in Article 4(1) and Article 5(1) and (2), in so far as they apply to persons listed in Annex II, shall be suspended until 20 February 2019.
4. This Decision shall be kept under constant review and shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.'

<sup>(1)</sup> Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe (OJ L 42, 16.2.2011, p. 6).

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*Article 2*

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

Done at Brussels, 15 February 2018.

*For the Council*  
*The President*  
K. VALCHEV

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**COUNCIL DECISION (CFSP) 2018/225**  
**of 15 February 2018**  
**amending Decision (CFSP) 2017/346 extending the mandate of the European Union Special Representative for Human Rights**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 25 July 2012 the Council adopted Decision 2012/440/CFSP <sup>(1)</sup> appointing Mr Stavros LAMBRINIDIS as the European Union Special Representative (EUSR) for Human Rights.
- (2) On 27 February 2017, the Council adopted Decision (CFSP) 2017/346 <sup>(2)</sup>, extending the mandate of the European Union Special Representative for Human Rights. The EUSR's mandate is to expire on 28 February 2019.
- (3) Decision (CFSP) 2017/346 provided the EUSR with the financial reference amount covering the period from 1 March 2017 to 28 February 2018. A new financial reference amount for the period from 1 March 2018 to 28 February 2019 should be established.
- (4) Decision (CFSP) 2017/346 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 5(1) of Decision (CFSP) 2017/346, the following subparagraph is added:

‘The financial reference amount intended to cover the expenditure related to the EUSR's mandate for the period from 1 March 2018 to 28 February 2019 shall be EUR 894 178’.

*Article 2*

This Decision shall enter into force on the date of its adoption. It shall apply from 1 March 2018.

Done at Brussels, 15 February 2018.

*For the Council*

*The President*

K. VALCHEV

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<sup>(1)</sup> Council Decision 2012/440/CFSP of 25 July 2012 appointing the European Union Special Representative for Human Rights (OJ L 200, 27.7.2012, p. 21).

<sup>(2)</sup> Council Decision (CFSP) 2017/346 of 27 February 2017 extending the mandate of the European Union Special Representative for Human Rights (OJ L 50, 28.2.2017, p. 66).



**COUNCIL DECISION (CFSP) 2018/226**  
**of 15 February 2018**  
**amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia**  
**(EUCAP Somalia)**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 16 July 2012, the Council adopted Decision 2012/389/CFSP <sup>(1)</sup> on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR).
- (2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2240 <sup>(2)</sup> amending Decision 2012/389/CFSP. The name of the mission was changed to EUCAP Somalia, its mandate was extended until 31 December 2018 and the period covered by the intended financial reference amount was extended until 28 February 2017.
- (3) On 27 February 2017, the Council adopted Decision (CFSP) 2017/349 <sup>(3)</sup> amending Decision 2012/389/CFSP and providing for a financial reference amount for the period from 1 March 2017 to 28 February 2018.
- (4) Decision 2012/389/CFSP should be amended to provide for a financial reference amount for the period from 1 March 2018 to 31 December 2018,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 13(1) of Decision 2012/389/CFSP, the following subparagraph is added:

‘The financial reference amount intended to cover the expenditure related to EUCAP Somalia for the period from 1 March 2018 to 31 December 2018 shall be EUR 27 335 900.’.

*Article 2*

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

Done at Brussels, 15 February 2018.

*For the Council*

*The President*

K. VALCHEV

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<sup>(1)</sup> Council Decision 2012/389/CFSP of 16 July 2012 on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) (OJ L 187, 17.7.2012, p. 40).

<sup>(2)</sup> Council Decision (CFSP) 2016/2240 of 12 December 2016 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 337, 13.12.2016, p. 18).

<sup>(3)</sup> Council Decision (CFSP) 2017/349 of 27 February 2017 amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) (OJ L 50, 28.2.2017, p. 80).

**COUNCIL IMPLEMENTING DECISION (CFSP) 2018/227**  
**of 15 February 2018**  
**implementing Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe <sup>(1)</sup>, and in particular Article 6(1) thereof,

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

Whereas:

- (1) On 15 February 2011, the Council adopted Decision 2011/101/CFSP.
- (2) The entry for one person in Annex I to Decision 2011/101/CFSP should be updated.
- (3) Decision 2011/101/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex I to Decision 2011/101/CFSP is amended in accordance with the Annex to this Decision.

*Article 2*

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

Done at Brussels, 15 February 2018.

*For the Council*  
*The President*  
K. VALCHEV

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<sup>(1)</sup> OJ L 42, 16.2.2011, p. 6.

## ANNEX

The entry for the following person set out in Annex I to Decision 2011/101/CFSP is replaced by the entry below.

	Name (and any aliases)	Identifying information	Grounds for designation
'1.	Mugabe, Robert Gabriel	Born 21.2.1924 Passport AD001095	Former President and responsible for activities that seriously undermine democracy, respect for human rights and the rule of law.'

**DECISION (EU) 2018/228 OF THE EUROPEAN CENTRAL BANK****of 13 February 2018****amending Decision (EU) 2017/936 nominating heads of work units to adopt delegated fit and proper decisions (ECB/2018/6)**

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 thereof,

Having regard to Decision (EU) 2017/933 of the European Central Bank of 16 November 2016 on a general framework for delegating decision-making powers for legal instruments related to supervisory tasks (ECB/2016/40) <sup>(1)</sup>, and in particular Articles 4 and 5 thereof,

Having regard to Decision (EU) 2017/935 of the European Central Bank of 16 November 2016 on delegation of the power to adopt fit and proper decisions and the assessment of fit and proper requirements (ECB/2016/42) <sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank <sup>(3)</sup>, and in particular Article 10 thereof,

Whereas:

- (1) Decision (EU) 2017/936 of the European Central Bank (ECB/2017/16) <sup>(4)</sup> provides that delegated decisions pursuant to Article 2 of Decision (EU) 2017/935 (ECB/2016/42) must be adopted by the Deputy Director General of Directorate General Microprudential Supervision IV responsible for fit and proper decisions and by other heads of work units.
- (2) On 1 February 2018 an organisational change in ECB Banking Supervision took place, comprising the transfer of three divisions, including the Authorisation Division, from the Directorate General Microprudential Supervision IV to the Directorate General Secretariat to the Supervisory Board. The Deputy Director General of Directorate General Microprudential Supervision IV will not be responsible for fit and proper decisions anymore.
- (3) The Chair of the Supervisory Board has been consulted on the heads of work units to whom the power to adopt fit and proper decisions should be delegated.
- (4) Therefore, Decision (EU) 2017/936 of the European Central Bank (ECB/2017/16) should be amended accordingly to reflect the transfer of responsibility for fit and proper decisions to the Directorate General Secretariat to the Supervisory Board,

HAS ADOPTED THIS DECISION:

*Article 1***Amendments**

Article 1 of Decision (EU) 2017/936 (ECB/2017/16) is replaced by the following:

*'Article 1***Delegated fit and proper decisions**

Delegated decisions pursuant to Article 2 of Decision (EU) 2017/935 (ECB/2016/42) shall be adopted by the Director General or the Deputy Director General of Directorate General Secretariat to the Supervisory Board responsible for fit and proper decisions, or if they are unavailable, by the Head of the Authorisation Division, and one of the following heads of work units:

- (a) the Director General of Directorate General Microprudential Supervision I, if supervision of the relevant supervised entity or group is carried out by Directorate General Microprudential Supervision I;

<sup>(1)</sup> OJ L 141, 1.6.2017, p. 14.

<sup>(2)</sup> OJ L 141, 1.6.2017, p. 21.

<sup>(3)</sup> OJ L 80, 18.3.2004, p. 33.

<sup>(4)</sup> Decision (EU) 2017/936 of the European Central Bank of 23 May 2017 nominating heads of work units to adopt delegated fit and proper decisions (ECB/2017/16) (OJ L 141, 1.6.2017, p. 26).

- (b) the Director General of Directorate General Microprudential Supervision II, if supervision of the relevant supervised entity or group is carried out by Directorate General Microprudential Supervision II; or
- (c) if a Director General is unavailable, their Deputy Director General.’.

*Article 2*

**Entry into force**

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

Done at Frankfurt am Main, 13 February 2018.

*The President of the ECB*  
Mario DRAGHI

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