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## Legislation

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

# EN

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

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



## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION (EU) 2018/404

of 13 March 2018

**on the signing, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 515/2014 of the European Parliament and of the Council <sup>(1)</sup> provides that the countries associated with the implementation, application and development of the Schengen *acquis* participate in the instrument for financial support for external borders and visa, and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors.
- (2) On 14 July 2014, the Council authorised the Commission to open negotiations with the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein for an Agreement on the modalities of their participation in the Internal Security Fund – Borders and Visa for the period 2014 to 2020. The negotiations with the Swiss Confederation were successfully concluded by the initialling of the Agreement on 21 April 2017.
- (3) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(2)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(3)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

<sup>(1)</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>(2)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(3)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

(6) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020 <sup>(1)</sup> is hereby authorised, subject to the conclusion of the said Agreement.

*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.

*Article 3*

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

Done at Brussels, 13 March 2018.

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

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<sup>(1)</sup> The text of the Agreement will be published together with the decision on its conclusion.

# REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2018/405

of 21 November 2017

**correcting certain language versions of Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012<sup>(1)</sup>, and in particular Article 456(1)(j) thereof,

Whereas:

- (1) The Dutch language version of Regulation (EU) No 575/2013 contains an error in the third subparagraph of Article 429a(3) inserted by Commission Delegated Regulation (EU) 2015/62<sup>(2)</sup> consisting in a wrong reference, thus reducing the scope of the conditions to be fulfilled by the operators. The other language versions are not affected.
- (2) The Czech language version of Regulation (EU) No 575/2013 contains an error in Article 429b(4) inserted by Delegated Regulation (EU) 2015/62 giving the condition governing the use of the financial collateral simple method the meaning opposite to that in the other language versions. The other language versions are not affected.
- (3) The Lithuanian language version of Regulation (EU) No 575/2013 contains an error in Article 429b(4) inserted by Delegated Regulation (EU) 2015/62 as regards the determination of the add-on. The other language versions are not affected.
- (4) Regulation (EU) No 575/2013 should therefore be corrected accordingly.
- (5) For reasons of legal certainty, this Regulation should apply from the date of entry into force of Delegated Regulation (EU) 2015/62,

HAS ADOPTED THIS REGULATION:

*Article 1*

*(does not concern the English language)*

*Article 2*

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 18 January 2015.

<sup>(1)</sup> OJ L 176, 27.6.2013, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2015/62 of 10 October 2014 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the leverage ratio (OJ L 11, 17.1.2015, p. 37).

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

Done at Brussels, 21 November 2017.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2018/406****of 2 March 2018****entering a name in the register of protected designations of origin and protected geographical indications ('Amêndoa Coberta de Moncorvo' (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Portugal's application to register the name 'Amêndoa Coberta de Moncorvo' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Amêndoa Coberta de Moncorvo' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Amêndoa Coberta de Moncorvo' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 2.3. — bread, pastry, cakes, confectionery, biscuits and other baker's wares, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 2 March 2018.

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

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 391, 18.11.2017, p. 11.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/407**  
**of 14 March 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 Article 57(4) and Article 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 3 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 3 months from the date of entry into force of this Regulation.

*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*.

<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).



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

Done at Brussels, 14 March 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 goods	Classification (CN Code)	Reasons										
(1)	(2)	(3)										
<p>A product named 'brown fused alumina slag' which is a by-product obtained during the production of ordinary electro-corundum in electric furnaces.</p> <p>The product is composed of the following ingredients (% by weight):</p> <table data-bbox="177 593 659 784"> <tr> <td>— iron</td> <td>75</td> </tr> <tr> <td>— silicon</td> <td>15</td> </tr> <tr> <td>— titanium</td> <td>5</td> </tr> <tr> <td>— aluminium</td> <td>3</td> </tr> <tr> <td>— other metals</td> <td>2</td> </tr> </table> <p>The product is used for concentrating metal ores by selective flotation in the gravimetric separation process.</p>	— iron	75	— silicon	15	— titanium	5	— aluminium	3	— other metals	2	7202 29 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3(a) to Chapter 26, Note 1(c) to Chapter 72, Subheading note 2 to Chapter 72 and by the wording of CN codes 7202, 7202 29 and 7202 29 90.</p> <p>Classification under heading 2620 is excluded because the product does not fulfil the requirements of Note 3(a) to Chapter 26.</p> <p>The chemical composition of this product fulfils the requirements of note 1(c) to Chapter 72, defining ferro-alloys, and of sub-heading note 2 to Chapter 72, defining ferro-alloys of heading 7202.</p> <p>The two essential characteristics of this product, which are in line with description of ferro-alloys, are that this product is used in gravimetric separation of metal ores and is prepared in electric furnaces (see also the Harmonized System Explanatory Notes to heading 7202, the fourth and sixth paragraphs).</p> <p>Because of the chemical composition of the product which allows its use in the gravimetric separation of metal ores by selective flotation, the product is to be classified under heading 7202 as a ferro-alloy.</p> <p>The product is therefore to be classified in CN code 7202 29 90 as other ferro-silicon alloy.</p>
— iron	75											
— silicon	15											
— titanium	5											
— aluminium	3											
— other metals	2											

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/408**

**of 15 March 2018**

**amending Implementing Regulation (EU) 2017/1758 laying down form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the EAGF and the EAFRD as well as for monitoring and forecasting purposes**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(1)</sup>, and in particular Article 104 thereof,

Whereas:

- (1) Annex IV to Commission Implementing Regulation (EU) 2017/1758 <sup>(2)</sup> sets out the structure of the European Agricultural Fund for Rural Development ('the EAFRD') budget codes for the programming period 2014 to 2020.
- (2) Regulation (EU) 2017/2393 <sup>(3)</sup> of the European Parliament and of the Council has amended several provisions of Regulation (EU) No 1305/2013 of the European Parliament and of the Council <sup>(4)</sup>, including those concerning an additional allocation and a new category of derogation of the EAFRD contribution rate. Therefore, Implementing Regulation (EU) 2017/1758 should reflect the amendments to the relevant provisions of Regulation (EU) No 1305/2013.
- (3) Implementing Regulation (EU) 2017/1758 should therefore be amended accordingly.
- (4) This Regulation should apply from the same day as Regulation (EU) 2017/2393.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Funds Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The third table, under point 1.2 'budget code structure', defining the second digit of the combination of articles used to establish the maximum EAFRD contribution rate 'RRR' in Annex IV to Implementing Regulation (EU) 2017/1758, is amended as follows:

- (1) the line for code 6 is replaced by the following:

'6	59(4)(f)	Additional allocation for Ireland, Portugal and Cyprus'
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- (2) the following line is added:

'8	59(4)(h)	Contribution rate referred to in Article 39a(13) of Regulation (EU) No 1303/2013 for the financial instrument referred to in point (c) of Article 38(1) of that Regulation'
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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2017/1758 of 27 September 2017 laying down form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the EAGF and the EAFRD as well as for monitoring and forecasting purposes (OJ L 250, 28.9.2017, p. 1).

<sup>(3)</sup> Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common agricultural policy, (EU) No 1307/2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material (OJ L 350, 29.12.2017, p. 15).

<sup>(4)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

*Article 2*

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

It shall apply from 1 January 2018.

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

Done at Brussels, 15 March 2018.

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

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