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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.

INTERINSTITUTIONAL AGREEMENTS

[1] Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/2453

of 8 December 2015

on the conclusion, on behalf of the European Union, of the Amending Protocol to the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 115 in conjunction with Article 218(6)(b) and the second subparagraph of Article 218(8),

Having regard to the proposal from the European Commission,

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

After consultation of the European Data Protection Supervisor,

Whereas:

(1) In accordance with Decision (EU) 2015/1994 ([2]), the Amending Protocol to the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (the 'Amending Protocol') was signed on 28 October 2015, subject to its conclusion at a later date.

(2) The text of the Amending Protocol, which is the result of negotiations, duly reflects the negotiating directive therefor issued by the Council, as it aligns the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments ([3]) (the 'Agreement') with the latest developments at international level concerning the automatic exchange of information, namely, with the global standard for automatic exchange of financial account information in tax matters developed by the Organisation for Economic Cooperation and Development (OECD). The Union, its Member States and the Principality of Liechtenstein have actively participated in the work of the Global Forum of the OECD for supporting the development and implementation of that standard. The text of the Agreement, as amended by the Amending Protocol, is the legal basis for implementing the global standard in relations between the European Union and the Principality of Liechtenstein.

(3) The Amending Protocol should be approved,

([1]) Opinion of 2 December 2015 (not yet published in the Official Journal).
([2]) Council Decision (EU) 2015/1994 of 26 October 2015 on the signing, on behalf of the European Union, of the Amending Protocol to the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (OJ L 290, 6.11.2015, p. 16).
([3]) OJ L 379, 24.12.2004, p. 84.

HAS ADOPTED THIS DECISION:

Article 1

The Amending Protocol to the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments is hereby approved on behalf of the European Union.

The text of the Amending Protocol is attached to this Decision.

Article 2

1. The President of the Council shall, on behalf of the Union, give the notification provided for in Article 2(1) of the Amending Protocol ([1]).

2. The Commission shall notify the Principality of Liechtenstein and the Member States of the notifications given in accordance with Article 1(l)d of the Agreement as resulting from the Amending Protocol.

Article 3

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

Done at Brussels, 8 December 2015.

For the Council
The President
P. GRAMEGNA

([1]) The date of entry into force of the Amending Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AMENDING PROTOCOL

to the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments

THE EUROPEAN UNION,

and

THE PRINCIPALITY OF LIECHTENSTEIN, hereinafter referred to as 'Liechtenstein',

both hereinafter referred to as 'Contracting Party' or, jointly, as 'Contracting Parties',

WITH A VIEW TO implementing the OECD Standard for Automatic Exchange of Financial Account Information, hereinafter referred to as 'Global Standard', within a framework of cooperation which takes account of the legitimate interests of both Contracting Parties,

WHEREAS the Contracting Parties agree that, pursuant to the Global Standard and for the purpose of implementing the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (hereinafter referred to as the 'Agreement') as amended by this Amending Protocol, the Commentaries to the OECD Model Competent Authority Agreement and the Common Reporting Standard should be used as sources of illustration or interpretation and in order to ensure consistency in application;

WHEREAS the Contracting Parties have a longstanding and close relationship with respect to mutual assistance in tax matters, in particular on the application of measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments ([1]), and desire to improve international tax compliance by further building on that relationship;

WHEREAS the Contracting Parties desire to conclude an agreement to improve international tax compliance based on reciprocal automatic exchange of information, subject to certain confidentiality and other protections, including provisions limiting the use of the information exchanged;

WHEREAS Liechtenstein joined the European Economic Area (EEA) in 1995;

WHEREAS the conclusions on a homogenous extended single market and EU relations with Non-EU Western European countries adopted by the Council of the European Union in December 2014 acknowledged the key role played by the Agreement on the European Economic Area throughout the last 20 years in advancing economic relations and internal market integration between the EU and the those EFTA States which are part of the EEA;

WHEREAS the Agreement as amended by this Amending Protocol should remain without prejudice to the rights of Member States on the one hand and Liechtenstein on the other to address bilaterally other matters related to cooperation in fiscal matters, including issues of double taxation, provided that the obligations set forth under the Agreement as amended by this Amending Protocol are not affected;

WHEREAS Article 10 of the Agreement in the form prior to its amendment by this Amending Protocol, which currently provides for exchange of information upon request limited to conduct constituting tax fraud and the like should be aligned to the OECD standard on transparency and exchange of information in tax matters in the version current at the time of signature of this Amending Protocol. That alignment should be without prejudice to the possibilities to raise, independently from negotiations provided for in Article 10(4) of the Agreement in the form prior to its amendment, other taxation issues, including issues related to the elimination or reduction of double taxation of income, as foreseen in the Memorandum of Understanding to the Agreement in the form prior to its amendment by this Amending Protocol. In this respect, the EU and its Member States will take into account Liechtenstein's decision to provide for measures equivalent to those laid down in EU legislation on the automatic exchange of financial account information to improve international tax compliance;

([1]) OJ EU L 157, 26.6.2003, p. 38.

WHEREAS Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([1]) lays down specific data protection rules which apply also to the exchanges of information covered by this Amending Protocol,

WHEREAS Liechtenstein has implemented Directive 95/46/EC by means of the Data Protection Act of 14 March 2002 ([2]);

WHEREAS the Member States and Liechtenstein have in place (i) appropriate safeguards to ensure that the information received pursuant to the Agreement as amended by this Amending Protocol remains confidential and is used solely for the purposes of, and by the persons or authorities concerned with, the assessment, or collection or recovery of, the enforcement or prosecution in respect of, or the determination of appeals in relation to taxes, or the oversight of these, as well as for other authorised purposes, and (ii) the infrastructure for an effective exchange relationship (including established processes for ensuring timely, accurate, secure and confidential information exchanges, effective and reliable communications, and capabilities to promptly resolve questions and concerns about exchanges or requests for exchanges and to administer the provisions of Article 4 of the Agreement as amended by this Amending Protocol);

WHEREAS Reporting Financial Institutions, sending Competent Authorities and receiving Competent Authorities, as data controllers, should retain information processed in accordance with the Agreement as amended by this Amending Protocol for no longer than necessary to achieve the purposes thereof. Given the differences in Member States' and Liechtenstein's legislation, the maximum retention period should be set by reference to the statute of limitations provided by each data controller's domestic tax legislation.

WHEREAS the categories of Reporting Financial Institutions and Reportable Accounts covered by the Agreement as amended by this Amending Protocol are designed to limit the opportunities for taxpayers to avoid being reported by shifting assets to Financial Institutions or investing in financial products that are outside the scope of the Agreement as amended by this Amending Protocol. However, certain Financial Institutions and accounts that present a low risk of being used to evade tax should be excluded from the scope. Thresholds should not be generally included as they could easily be circumvented by splitting accounts into different Financial Institutions. The financial information which is required to be reported and exchanged should concern not only all relevant income (interests, dividends and similar types of income) but also account balances and sale proceeds from Financial Assets, in order to address situations where a taxpayer seeks to hide capital that in itself represents income or assets with regard to which tax has been evaded. Therefore, the processing of information under the Agreement as amended by this Amending Protocol is necessary for and proportionate to the purpose of enabling Member States' and Liechtenstein's tax administrations to correctly and unequivocally identify the taxpayers concerned, to administer and enforce their tax laws in cross-border situations, to assess the likelihood of tax evasion being perpetrated and to avoid unnecessary further investigations,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments (hereinafter referred to as the 'Agreement') shall be amended as follows:

(1) The title shall be replaced by:

'Agreement between the European Union and the Principality of Liechtenstein on the automatic exchange of financial account information to improve international tax compliance'

(2) Articles 1 to 21 shall be replaced by:

'*Article 1*

Definitions

1. For the purposes of this Agreement,

(a) "European Union" means the Union as established by the Treaty on European Union and includes the territories in which the Treaty on the Functioning of the European Union is applied under the conditions laid down in that latter Treaty.

(b) "Member State" means a Member State of the European Union.

([1]) OJ EU L 281, 23.11.1995, p. 31.
([2]) Liechtensteinisches Landesgesetzblatt 2002 Nr. 55 (Liechtenstein Law Gazette 2002 No 55).

(c) "Liechtenstein" means the Principality of Liechtenstein.

(d) "Competent Authorities of Liechtenstein" and "Competent Authorities of the Member States" means the authorities listed in Annex III, under (a) and under (b) to (ac) respectively. Annex III shall form an integral part of this Agreement. The list of Competent Authorities in Annex III may be amended by simple notification of the other Contracting Party by Liechtenstein for the authority referred to in (a) therein and by the European Union for the authorities referred to in (b) to (ac) therein.

(e) "Member State Financial Institution" means (i) any Financial Institution that is resident in a Member State, excluding any branch of that Financial Institution that is located outside that Member State, and (ii) any branch of a Financial Institution that is not resident in that Member State, if that branch is located in that Member State.

(f) "Liechtenstein Financial Institution" means (i) any Financial Institution that is resident in Liechtenstein, excluding any branch of that Financial Institution that is located outside Liechtenstein, and (ii) any branch of a Financial Institution that is not resident in Liechtenstein, if that branch is located in Liechtenstein.

(g) "Reporting Financial Institution" means any Member State Financial Institution or Liechtenstein Financial Institution, as the context requires, that is not a Non-Reporting Financial Institution.

(h) "Reportable Account" means a Member State Reportable Account or a Liechtenstein Reportable Account, as the context requires, provided it has been identified as such pursuant to due diligence procedures, consistent with Annexes I and II, in place in that Member State or Liechtenstein.

(i) "Member State Reportable Account" means a Financial Account that is maintained by a Liechtenstein Reporting Financial Institution and held by one or more Member State Persons that are Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Member State Reportable Person.

(j) "Liechtenstein Reportable Account" means a Financial Account that is maintained by a Member State Reporting Financial Institution and held by one or more Liechtenstein Persons that are Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Liechtenstein Reportable Person.

(k) "Member State Person" means an individual or Entity that is identified by a Liechtenstein Reporting Financial Institution as resident in a Member State pursuant to due diligence procedures consistent with Annexes I and II, or an estate of a decedent that was a resident of a Member State.

(l) "Liechtenstein Person" means an individual or Entity that is identified by a Member State Reporting Financial Institution as resident in Liechtenstein pursuant to due diligence procedures consistent with Annexes I and II, or an estate of a decedent that was a resident of Liechtenstein.

2. Any capitalised term not otherwise defined in this Agreement will have the meaning that it has at that time, (i) for Member States, under Council Directive 2011/16/EU on administrative cooperation in the field of taxation [1] or, where applicable, the domestic law of the Member State applying the Agreement, and (ii) for Liechtenstein, under its domestic law, such meaning being consistent with the meaning set forth in Annexes I and II.

Any term not otherwise defined in this Agreement or in Annexes I or II will, unless the context otherwise requires or the Competent Authority of a Member State and the Competent Authority of Liechtenstein agree to a common meaning as provided for in Article 7 (as permitted by domestic law), have the meaning that it has at that time under the law of the jurisdiction concerned applying this Agreement, (i) for Member States, under Council Directive 2011/16/EU on administrative cooperation in the field of taxation or, where applicable, the domestic law of the Member State concerned, and (ii) for Liechtenstein, under its domestic law, any meaning under the applicable tax laws of the jurisdiction concerned (being a Member State or Liechtenstein) prevailing over a meaning given to the term under other laws of that jurisdiction.

Article 2

Automatic Exchange of Information with Respect to Reportable Accounts

1. Pursuant to the provisions of this Article and subject to the applicable reporting and due diligence rules consistent with Annexes I and II, which shall form an integral part of this Agreement, the Competent Authority of Liechtenstein will annually exchange with each of the Member States' Competent Authorities and each of the Member States' Competent Authorities will annually exchange with the Competent Authority of Liechtenstein on an automatic basis the information obtained pursuant to such rules and specified in paragraph 2.

[1] OJ EU L 64, 11.3.2011, p. 1.

2. The information to be exchanged is, in the case of a Member State with respect to each Liechtenstein Reportable Account, and in the case of Liechtenstein with respect to each Member State Reportable Account:

(a) the name, address, TIN and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is an Account Holder and that, after application of due diligence procedures consistent with Annexes I and II, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, and TIN of the Entity and the name, address, TIN and date and place of birth of each Reportable Person;

(b) the account number (or functional equivalent in the absence of an account number);

(c) the name and identifying number (if any) of the Reporting Financial Institution;

(d) the account balance or value (including, in the case of a Cash Value Insurance Contract or Annuity Contract, the Cash Value or surrender value) as of the end of the relevant calendar year or other appropriate reporting period or, if the account was closed during such year or period, the closure of the account;

(e) in the case of any Custodial Account:

(i) the total gross amount of interest, the total gross amount of dividends, and the total gross amount of other income generated with respect to the assets held in the account, in each case paid or credited to the account (or with respect to the account) during the calendar year or other appropriate reporting period; and

(ii) the total gross proceeds from the sale or redemption of Financial Assets paid or credited to the account during the calendar year or other appropriate reporting period with respect to which the Reporting Financial Institution acted as a custodian, broker, nominee, or otherwise as an agent for the Account Holder;

(f) in the case of any Depository Account, the total gross amount of interest paid or credited to the account during the calendar year or other appropriate reporting period; and

(g) in the case of any account not described in subparagraph 2(e) or (f), the total gross amount paid or credited to the Account Holder with respect to the account during the calendar year or other appropriate reporting period with respect to which the Reporting Financial Institution is the obligor or debtor, including the aggregate amount of any redemption payments made to the Account Holder during the calendar year or other appropriate reporting period.

Article 3

Time and Manner of Automatic Exchange of Information

1. For the purposes of the exchange of information in Article 2, the amount and characterisation of payments made with respect to a Reportable Account may be determined in accordance with the principles of the tax laws of the jurisdiction (being a Member State or Liechtenstein) exchanging the information.

2. For the purposes of the exchange of information in Article 2, the information exchanged shall identify the currency in which each relevant amount is denominated.

3. With respect to paragraph 2 of Article 2, information is to be exchanged between Liechtenstein on one side and all Member States, except Austria, on the other, with respect to the first year as from the entry into force of the Amending Protocol signed on 28 October 2015 and all subsequent years and will be exchanged within nine months after the end of the calendar year to which the information relates. Information is to be exchanged between Liechtenstein on one side and Austria, on the other, with respect to the second year as from he entry into force of the Amending Protocol signed on 28 October 2015 and all subsequent years and will be exchanged within nine months after the end of the calendar year to which the information relates.

Notwithstanding the first subparagraph, Liechtenstein Financial Institutions shall apply the reporting and due diligence rules consistent with Annexes I and II with regard to Reportable Persons from all Member States, including Austria, according to the timelines foreseen therein.

4. The Competent Authorities will automatically exchange the information described in Article 2 in a common reporting standard schema in Extensible Markup Language.

5. The Competent Authorities will agree on one or more methods for data transmission including encryption standards.

Article 4

Cooperation on Compliance and Enforcement

The Competent Authority of a Member State will notify the Competent Authority of Liechtenstein and the Competent Authority of Liechtenstein will notify the Competent Authority of a Member State when the first-mentioned (notifying) Competent Authority has reason to believe that an error may have led to incorrect or incomplete information reporting under Article 2 or there is non-compliance by a Reporting Financial Institution with the applicable reporting requirements and due diligence procedures consistent with Annexes I and II. The notified Competent Authority will take all appropriate measures available under its domestic law to address the errors or non-compliance described in the notice.

Article 5

Exchange of Information upon Request

1. Notwithstanding the provisions of Article 2 and of any other agreement providing for information exchange upon request between Liechtenstein and any Member State, the Competent Authority of Liechtenstein and the Competent Authority of any Member State shall exchange upon request such information as is foreseeably relevant for carrying out this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of Liechtenstein and the Member States, or of their political subdivisions or local authorities, in so far as the taxation under such domestic laws is not contrary to an applicable double taxation agreement between Liechtenstein and the Member State concerned.

2. In no case shall the provisions of paragraph 1 of this Article and of Article 6 be construed so as to impose on Liechtenstein or on a Member State the obligation:

(a) to carry out administrative measures at variance with the laws and administrative practice of Liechtenstein or that Member State, respectively;

(b) to supply information which is not obtainable under the laws or in the normal course of the administration of Liechtenstein or that Member State, respectively;

(c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).

3. If information is requested by a Member State or by Liechtenstein acting as the requesting jurisdiction in accordance with this Article, Liechtenstein or the Member State acting as the requested jurisdiction shall use its information gathering measures to obtain the requested information, even though that requested jurisdiction may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 2 but in no case shall such limitations be construed to permit the requested jurisdiction to decline to supply information solely because it has no domestic interest in such information.

4. In no case shall the provisions of paragraph 2 be construed to permit Liechtenstein or a Member State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

5. The Competent Authorities will agree on the standard forms to be used as well as on one or more methods for data transmission including encryption standards

Article 6

Confidentiality and Data Safeguards

1. In addition to the confidentiality rules and other safeguards outlined in this Article, all exchange of information pursuant to this Agreement shall be subject to the laws and regulations of Member States and the laws and regulations by which Liechtenstein is implementing Directive 95/46/EC.

Member States and Liechtenstein shall, for the purpose of the correct application of Article 5, restrict the scope of the obligations and rights provided for in Article 10, Article 11(1), Articles 12 and 21 of Directive 95/46/EC to the extent required in order to safeguard the interests referred to in Article 13(1)(e) of that Directive.

Notwithstanding the second subparagraph, each Member State and Liechtenstein shall ensure that each Reporting Financial Institution under their jurisdiction informs each individual Reportable Person concerned that the information relating to him referred to in Article 2 will be collected and transferred in accordance with this Agreement and shall ensure that the Reporting Financial Institution provides to that individual all information that he is entitled to under its domestic laws and regulations implementing Directive 95/46/EC.

The information under Directive 95/46/EC shall be provided in sufficient time for the individual to exercise his data protection rights and, in any case, before the Reporting Financial Institution concerned reports the information referred to in Article 2 to the competent authority of its jurisdiction of residence (being a Member State or Liechtenstein).

Member States and Liechtenstein shall ensure that each individual Reportable Person is notified of a breach of security with regard to his data when that breach is likely to adversely affect the protection of his personal data or privacy.

2. Information processed in accordance with this Agreement shall be retained for no longer than necessary to achieve the purposes of this Agreement, and in any case in accordance with each data controller's domestic rules on statute of limitations.

Reporting Financial Institutions and the competent authorities of each Member State and Liechtenstein shall be considered to be data controllers under this Agreement for the purposes of Directive 95/46/EC.

3. Any information obtained by a jurisdiction (being a Member State or Liechtenstein) under this Agreement shall be treated as confidential and protected in the same manner as information obtained under the domestic law of that jurisdiction and, to the extent needed to ensure the necessary level of protection of personal data, in accordance with the safeguards which may be specified by the jurisdiction supplying the information as required under its domestic laws and regulations implementing Directive 95/46/EC.

4. Such information shall in any case be disclosed only to persons or authorities (including courts and administrative or supervisory bodies) concerned with the assessment, collection or recovery of, the enforcement or prosecution in respect of, or the determination of appeals in relation to taxes of that jurisdiction (being a Member State or Liechtenstein), or the oversight of the above. Only the persons or authorities mentioned above may use the information and then only for the purposes spelled out in the preceding sentence. They may, notwithstanding other provisions of this Article, disclose it in public court proceedings or in judicial decisions relating to such taxes.

5. Notwithstanding the provisions of the preceding paragraphs, information received by a jurisdiction (being a Member State or Liechtenstein) may be used for other purposes when such information may be used for such other purposes under the laws of the supplying jurisdiction (being, respectively, Liechtenstein or a Member State) and the Competent Authority of that jurisdiction authorises such use. Information provided by a jurisdiction (being a Member State or Liechtenstein) to another jurisdiction (being, respectively, Liechtenstein or a Member State) may be transmitted by the latter to a third jurisdiction (being another Member State), subject to the safeguards of this Article and to prior authorisation by the Competent Authority of the first-mentioned jurisdiction, from which the information originated. Information provided by one Member State to another Member State under its applicable law implementing Council Directive 2011/16/EU on administrative cooperation in the field of taxation may be transmitted to Liechtenstein subject to prior authorisation by the Competent Authority of the Member State from which the information originated.

6. Each Competent Authority of a Member State or Liechtenstein will notify the other Competent Authority, i.e. that of Liechtenstein or of that Member State immediately regarding any breach of confidentiality, failure of safeguards or any other breaches of data protection rules and any sanctions and remedial actions consequently imposed.

7. The processing of personal data under this Agreement shall be subject to the supervision of the national data protection supervisory authorities established in the Member States and in Liechtenstein under their domestic laws and regulations implementing Directive 95/46/EC.

Article 7

Consultations and suspension of the Agreement

1. If any issues arise as to the implementation or interpretation of this Agreement, any of the Competent Authorities of Liechtenstein or a Member State may request consultations between the Competent Authority of Liechtenstein and one or more of the Competent Authorities of Member States to develop appropriate measures to ensure that this Agreement is fulfilled. Those Competent Authorities shall immediately notify the European Commission and the Competent Authorities of the other Member States of the results of their consultations. In relation to issues of interpretation, the European Commission may take part in consultations at the request of any of the Competent Authorities.

2. If the consultation relates to significant non-compliance with the provisions of this Agreement, and the procedure described in paragraph 1 does not provide for an adequate settlement, the Competent Authority of a Member State or Liechtenstein may suspend the exchange of information under this Agreement towards, respectively, Liechtenstein or a specific Member State, by giving notice in writing to the other Competent Authority concerned. Such suspension will have immediate effect. For the purposes of this paragraph, significant non-compliance includes, but is not limited to, non-compliance with the confidentiality and data safeguard provisions of this Agreement or Directive 95/46/EC, a failure by the Competent Authority of a Member State or Liechtenstein to provide timely or adequate information as required under this Agreement or defining the status of Entities or accounts as Non-Reporting Financial Institutions and Excluded Accounts in a manner that frustrates the purposes of this Agreement.

Article 8

Amendments

1. The Contracting Parties shall consult each other on each occasion when an important change is adopted at OECD level to any of the elements of the Global Standard or — if deemed necessary by the Contracting Parties — in order to improve the technical functioning of this Agreement or to assess and reflect other international developments. The consultations shall be held within one month of a request by either Contracting Party, or as soon as possible in urgent cases.

2. On the basis of such a contact, the Contracting Parties may consult each other in order to examine whether changes to this Agreement are necessary.

3. For the purposes of the consultations referred to in paragraphs 1 and 2, each Contracting Party shall inform the other Contracting Party of possible developments which could affect the proper functioning of this Agreement. This shall also include any relevant agreement between one of the Contracting Parties and a third State.

4. Following the consultations, this Agreement may be amended by means of a protocol or a new agreement between the Contracting Parties.

5. Where a Contracting Party has implemented a change, adopted by the OECD, to the Global Standard, and wishes to make a corresponding change to Annexes I and/or II to this Agreement, it shall notify the other Contracting Party thereof. A consultation procedure between the Contracting Parties shall take place within one month from the notification. Notwithstanding paragraph 4, where the Contracting Parties reach a consensus within this consultation procedure on the change that should be made to Annexes I and/or II to this Agreement, and for the period of time necessary for implementation of the change by a formal amendment of this Agreement, the Contracting Party that requested the change may provisionally apply the revised version of Annexes I and/or II to this Agreement, as endorsed by the consultation procedure, as of the first day of January of the year following the conclusion of the aforementioned procedure.

A Contracting Party is considered as having implemented a change, adopted by the OECD, to the Global Standard:

(a) for Member States: when the change has been incorporated in Council Directive 2011/16/EU on administrative cooperation in the field of taxation

(b) for Liechtenstein: when the change has been incorporated in an agreement with a third State or into domestic legislation.

Article 9

Termination

Either Contracting Party may terminate this Agreement by giving notice of termination in writing to the other Contracting Party. Such termination will become effective on the first day of the month following the expiration of a period of 12 months after the date of the notice of termination. In the event of termination, all information previously received under this Agreement will remain confidential and subject to the laws and regulations of Member States and Liechtenstein implementing Directive 95/46/EC.

Article 10

Territorial Scope

This Agreement shall apply, on the one hand, to the territories of the Member States in which the Treaty on European Union and the Treaty on the Functioning of the European Union are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of Liechtenstein.'.

(3) the Annexes shall be replaced by:

'ANNEX I

COMMON STANDARD ON REPORTING AND DUE DILIGENCE FOR FINANCIAL ACCOUNT INFORMATION ("COMMON REPORTING STANDARD")

SECTION I

GENERAL REPORTING REQUIREMENTS

A. Subject to paragraphs C to E, each Reporting Financial Institution must report to the Competent Authority of its jurisdiction (being a Member State or Liechtenstein) the following information with respect to each Reportable Account of such Reporting Financial Institution:

1. the name, address, jurisdiction(s) of residence (being a Member State or Liechtenstein), TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is an Account Holder and that, after application of the due diligence procedures consistent with Sections V, VI and VII, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, jurisdiction(s) (being a Member State, Liechtenstein or other jurisdiction) of residence and TIN(s) of the Entity and the name, address, jurisdiction(s) (being a Member State or Liechtenstein) of residence, TIN(s) and date and place of birth of each Reportable Person;

2. the account number (or functional equivalent in the absence of an account number);

3. the name and identifying number (if any) of the Reporting Financial Institution;

4. the account balance or value (including, in the case of a Cash Value Insurance Contract or Annuity Contract, the Cash Value or surrender value) as of the end of the relevant calendar year or other appropriate reporting period or, if the account was closed during such year or period, the closure of the account;

5. in the case of any Custodial Account:

   (a) the total gross amount of interest, the total gross amount of dividends, and the total gross amount of other income generated with respect to the assets held in the account, in each case paid or credited to the account (or with respect to the account) during the calendar year or other appropriate reporting period; and

   (b) the total gross proceeds from the sale or redemption of Financial Assets paid or credited to the account during the calendar year or other appropriate reporting period with respect to which the Reporting Financial Institution acted as a custodian, broker, nominee, or otherwise as an agent for the Account Holder;

6. in the case of any Depository Account, the total gross amount of interest paid or credited to the account during the calendar year or other appropriate reporting period; and

7. in the case of any account not described in subparagraph A(5) or (6), the total gross amount paid or credited to the Account Holder with respect to the account during the calendar year or other appropriate reporting period with respect to which the Reporting Financial Institution is the obligor or debtor, including the aggregate amount of any redemption payments made to the Account Holder during the calendar year or other appropriate reporting period.

B. The information reported must identify the currency in which each amount is denominated.

C. Notwithstanding subparagraph A(1), with respect to each Reportable Account that is a Preexisting Account, the TIN(s) or date of birth is not required to be reported if such TIN(s) or date of birth is not in the records of the Reporting Financial Institution and is not otherwise required to be collected by such Reporting Financial Institution under domestic law or any European Union legal instrument (if applicable). However, a Reporting Financial Institution is required to use reasonable efforts to obtain the TIN(s) and date of birth with respect to Preexisting Accounts by the end of the second calendar year following the year in which Preexisting Accounts were identified as Reportable Accounts.

D. Notwithstanding subparagraph A(1), the TIN is not required to be reported if a TIN is not issued by the relevant Member State, Liechtenstein or other jurisdiction of residence.

E. Notwithstanding subparagraph A(1), the place of birth is not required to be reported unless the Reporting Financial Institution is otherwise required to obtain and report it under domestic law and it is available in the electronically searchable data maintained by the Reporting Financial Institution.

SECTION II

GENERAL DUE DILIGENCE REQUIREMENTS

A. An account is treated as a Reportable Account beginning as of the date it is identified as such pursuant to the due diligence procedures in Sections II to VII and, unless otherwise provided, information with respect to a Reportable Account must be reported annually in the calendar year following the year to which the information relates.

B. The balance or value of an account is determined as of the last day of the calendar year or other appropriate reporting period.

C. Where a balance or value threshold is to be determined as of the last day of a calendar year, the relevant balance or value must be determined as of the last day of the reporting period that ends with or within that calendar year.

D. Each Member State or Liechtenstein may allow Reporting Financial Institutions to use service providers to fulfil the reporting and due diligence obligations imposed on such Reporting Financial Institutions, as contemplated in domestic law, but those obligations shall remain the responsibility of the Reporting Financial Institutions.

E. Each Member State or Liechtenstein may allow Reporting Financial Institutions to apply the due diligence procedures for New Accounts to Preexisting Accounts, and the due diligence procedures for High Value Accounts to Lower Value Accounts. Where a Member State or Liechtenstein allows New Account due diligence procedures to be used for Preexisting Accounts, the rules otherwise applicable to Preexisting Accounts continue to apply.

SECTION III

DUE DILIGENCE FOR PREEXISTING INDIVIDUAL ACCOUNTS

A. Introduction. The following procedures apply for purposes of identifying Reportable Accounts among Preexisting Individual Accounts.

B. Lower Value Accounts. The following procedures apply with respect to Lower Value Accounts.

1. Residence Address. If the Reporting Financial Institution has in its records a current residence address for the individual Account Holder based on Documentary Evidence, the Reporting Financial Institution may treat the individual Account Holder as being a resident for tax purposes of the Member State or Liechtenstein or other jurisdiction in which the address is located for purposes of determining whether such individual Account Holder is a Reportable Person.

2. Electronic Record Search. If the Reporting Financial Institution does not rely on a current residence address for the individual Account Holder based on Documentary Evidence as set forth in subparagraph B(1), the Reporting Financial Institution must review electronically searchable data maintained by the Reporting Financial Institution for any of the following indicia and apply subparagraphs B(3) to (6):

   (a) identification of the Account Holder as a resident of a Reportable Jurisdiction;

   (b) current mailing or residence address (including a post office box) in a Reportable Jurisdiction;

   (c) one or more telephone numbers in a Reportable Jurisdiction and no telephone number in Liechtenstein or the Member State of the Reporting Financial Institution, as the context requires;

   (d) standing instructions (other than with respect to a Depository Account) to transfer funds to an account maintained in a Reportable Jurisdiction;

   (e) currently effective power of attorney or signatory authority granted to a person with an address in a Reportable Jurisdiction; or

   (f) a "hold mail" instruction or "in-care-of" address in a Reportable Jurisdiction if the Reporting Financial Institution does not have any other address on file for the Account Holder.

3. If none of the indicia listed in subparagraph B(2) are discovered in the electronic search, then no further action is required until there is a change in circumstances that results in one or more indicia being associated with the account, or the account becomes a High Value Account.

4. If any of the indicia listed in subparagraphs B(2)(a) to (e) are discovered in the electronic search, or if there is a change in circumstances that results in one or more indicia being associated with the account, then the Reporting Financial Institution must treat the Account Holder as a resident for tax purposes of each Reportable Jurisdiction for which an indicium is identified, unless it elects to apply subparagraph B(6) and one of the exceptions in that subparagraph applies with respect to that account.

5. If a "hold mail" instruction or "in-care-of" address is discovered in the electronic search and no other address and none of the other indicia listed in subparagraphs B(2)(a) to (e) are identified for the Account Holder, the Reporting Financial Institution must, in the order most appropriate to the circumstances, apply the paper record search described in subparagraph C(2), or seek to obtain from the Account Holder a self-certification or Documentary Evidence to establish the residence(s) for tax purposes of such Account Holder. If the paper search fails to establish an indicium and the attempt to obtain the self-certification or Documentary Evidence is not successful, the Reporting Financial Institution must report the account to the Competent Authority of its Member State or Liechtenstein, as the context requires, as an undocumented account.

6. Notwithstanding a finding of indicia under subparagraph B(2), a Reporting Financial Institution is not required to treat an Account Holder as a resident of a Reportable Jurisdiction if:

   (a) the Account Holder information contains a current mailing or residence address in the Reportable Jurisdiction, one or more telephone numbers in that Reportable Jurisdiction (and no telephone number in Liechtenstein or the Member State of the Reporting Financial Institution, as the context requires) or standing instructions (with respect to Financial Accounts other than Depository Accounts) to transfer funds to an account maintained in a Reportable Jurisdiction, and the Reporting Financial Institution obtains, or has previously reviewed and maintains a record of:

      (i) a self-certification from the Account Holder of the jurisdiction(s) of residence (being a Member State, Liechtenstein or other jurisdictions) of such Account Holder that does not include such Reportable Jurisdiction; and

(ii) Documentary Evidence establishing the Account Holder's non-reportable status.

(b) the Account Holder information contains a currently effective power of attorney or signatory authority granted to a person with an address in the Reportable Jurisdiction, and the Reporting Financial Institution obtains, or has previously reviewed and maintains a record of:

(i) a self-certification from the Account Holder of the jurisdiction(s) of residence (being a Member State, Liechtenstein or other jurisdictions) of such Account Holder that does not include such Reportable Jurisdiction; or

(ii) Documentary Evidence establishing the Account Holder's non-reportable status.

C. Enhanced Review Procedures for High Value Accounts. The following enhanced review procedures apply with respect to High Value Accounts.

1. Electronic Record Search. With respect to High Value Accounts, the Reporting Financial Institution must review electronically searchable data maintained by the Reporting Financial Institution for any of the indicia described in subparagraph B(2).

2. Paper Record Search. If the Reporting Financial Institution's electronically searchable databases include fields for, and capture, all of the information described in subparagraph C(3), then a further paper record search is not required. If the electronic databases do not capture all of that information, then with respect to a High Value Account, the Reporting Financial Institution must also review the current customer master file and, to the extent not contained in the current customer master file, the following documents associated with the account and obtained by the Reporting Financial Institution within the last five years for any of the indicia described in subparagraph B(2):

(a) the most recent Documentary Evidence collected with respect to the account;

(b) the most recent account opening contract or documentation;

(c) the most recent documentation obtained by the Reporting Financial Institution pursuant to AML/KYC Procedures or for other regulatory purposes;

(d) any power of attorney or signature authority forms currently in effect; and

(e) any standing instructions (other than with respect to a Depository Account) to transfer funds currently in effect.

3. Exception To The Extent Databases Contain Sufficient Information. A Reporting Financial Institution is not required to perform the paper record search described in subparagraph C(2) to the extent the Reporting Financial Institution's electronically searchable information includes the following:

(a) the Account Holder's residence status;

(b) the Account Holder's residence address and mailing address currently on file with the Reporting Financial Institution;

(c) the Account Holder's telephone number(s) currently on file, if any, with the Reporting Financial Institution;

(d) in the case of Financial Accounts other than Depository Accounts, whether there are standing instructions to transfer funds in the account to another account (including an account at another branch of the Reporting Financial Institution or another Financial Institution);

(e) whether there is a current "in-care-of" address or "hold mail" instruction for the Account Holder; and

(f) whether there is any power of attorney or signatory authority for the account.

4. Relationship Manager Inquiry for Actual Knowledge. In addition to the electronic and paper record searches described in subparagraphs C(1) and (2), the Reporting Financial Institution must treat as a Reportable Account any High Value Account assigned to a relationship manager (including any Financial Accounts aggregated with that High Value Account) if the relationship manager has actual knowledge that the Account Holder is a Reportable Person.

5. Effect of Finding Indicia.

   (a) If none of the indicia listed in subparagraph B(2) are discovered in the enhanced review of High Value Accounts described in paragraph C, and the account is not identified as held by a Reportable Person in subparagraph C(4), then further action is not required until there is a change in circumstances that results in one or more indicia being associated with the account.

   (b) If any of the indicia listed in subparagraphs B(2)(a) to (e) are discovered in the enhanced review of High Value Accounts described in paragraph C, or if there is a subsequent change in circumstances that results in one or more indicia being associated with the account, then the Reporting Financial Institution must treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph B(6) and one of the exceptions in that subparagraph applies with respect to that account.

   (c) If a "hold mail" instruction or "in-care-of" address is discovered in the enhanced review of High Value Accounts described in paragraph C, and no other address and none of the other indicia listed in subparagraphs B(2)(a) to (e) are identified for the Account Holder, the Reporting Financial Institution must obtain from such Account Holder a self-certification or Documentary Evidence to establish the residence (s) for tax purposes of the Account Holder. If the Reporting Financial Institution cannot obtain such self-certification or Documentary Evidence, it must report the account to the Competent Authority of its Member State or Liechtenstein, as the context requires, as an undocumented account.

6. If a Preexisting Individual Account is not a High Value Account as of 31 December 2015, but becomes a High Value Account as of the last day of a subsequent calendar year, the Reporting Financial Institution must complete the enhanced review procedures described in paragraph C with respect to such account within the calendar year following the year in which the account becomes a High Value Account. If, based on that review, such account is identified as a Reportable Account, the Reporting Financial Institution must report the required information about such account with respect to the year in which it is identified as a Reportable Account and subsequent years on an annual basis, unless the Account Holder ceases to be a Reportable Person.

7. Once a Reporting Financial Institution applies the enhanced review procedures described in paragraph C to a High Value Account, the Reporting Financial Institution is not required to re-apply such procedures, other than the relationship manager inquiry described in subparagraph C(4), to the same High Value Account in any subsequent year unless the account is undocumented where the Reporting Financial Institution should re-apply them annually until such account ceases to be undocumented.

8. If there is a change of circumstances with respect to a High Value Account that results in one or more indicia described in subparagraph B(2) being associated with the account, then the Reporting Financial Institution must treat the account as a Reportable Account with respect to each Reportable Jurisdiction for which an indicium is identified unless it elects to apply subparagraph B(6) and one of the exceptions in that subparagraph applies with respect to that account.

9. A Reporting Financial Institution must implement procedures to ensure that a relationship manager identifies any change in circumstances of an account. For example, if a relationship manager is notified that the Account Holder has a new mailing address in a Reportable Jurisdiction, the Reporting Financial Institution is required to treat the new address as a change in circumstances and, if it elects to apply subparagraph B(6), is required to obtain the appropriate documentation from the Account Holder.

D. Review of Preexisting High Value Individual Accounts must be completed by 31 December 2016. Review of Preexisting Lower Value Individual Accounts must be completed by 31 December 2017.

E. Any Preexisting Individual Account that has been identified as a Reportable Account under this Section must be treated as a Reportable Account in all subsequent years, unless the Account Holder ceases to be a Reportable Person.

SECTION IV

DUE DILIGENCE FOR NEW INDIVIDUAL ACCOUNTS

The following procedures apply for purposes of identifying Reportable Accounts among New Individual Accounts.

A. With respect to New Individual Accounts, upon account opening, the Reporting Financial Institution must obtain a self-certification, which may be part of the account opening documentation, that allows the Reporting Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures.

B. If the self-certification establishes that the Account Holder is resident for tax purposes in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account and the self-certification must also include the Account Holder's TIN with respect to such Reportable Jurisdiction (subject to paragraph D of Section I) and date of birth.

C. If there is a change of circumstances with respect to a New Individual Account that causes the Reporting Financial Institution to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Financial Institution cannot rely on the original self-certification and must obtain a valid self-certification that establishes the residence(s) for tax purposes of the Account Holder.

SECTION V

DUE DILIGENCE FOR PREEXISTING ENTITY ACCOUNTS

The following procedures apply for purposes of identifying Reportable Accounts among Preexisting Entity Accounts.

A. Entity Accounts Not Required to Be Reviewed, Identified or Reported. Unless the Reporting Financial Institution elects otherwise, either with respect to all Preexisting Entity Accounts or, separately, with respect to any clearly identified group of such accounts, a Preexisting Entity Account with an aggregate account balance or value that does not exceed, as of 31 December 2015, an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 250 000 is not required to be reviewed, identified, or reported as a Reportable Account until the aggregate account balance or value exceeds that amount as of the last day of any subsequent calendar year.

B. Entity Accounts Subject to Review. A Preexisting Entity Account that has an aggregate account balance or value that exceeds, as of 31 December 2015, an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 250 000, and a Preexisting Entity Account that does not exceed, as of 31 December 2015, that amount but the aggregate account balance or value of which exceeds such amount as of the last day of any subsequent calendar year, must be reviewed in accordance with the procedures set forth in paragraph D.

C. Entity Accounts With Respect to Which Reporting Is Required. With respect to Preexisting Entity Accounts described in paragraph B, only accounts that are held by one or more Entities that are Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons, shall be treated as Reportable Accounts.

D. Review Procedures for Identifying Entity Accounts With Respect to Which Reporting Is Required. For Preexisting Entity Accounts described in paragraph B, a Reporting Financial Institution must apply the following review procedures to determine whether the account is held by one or more Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons:

1. Determine Whether the Entity Is a Reportable Person.

(a) Review information maintained for regulatory or customer relationship purposes (including information collected pursuant to AML/KYC Procedures) to determine whether the information indicates that the Account Holder is resident in a Reportable Jurisdiction. For this purpose, information indicating that the Account Holder is resident in a Reportable Jurisdiction includes a place of incorporation or organisation, or an address in a Reportable Jurisdiction.

(b) If the information indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account unless it obtains a self-certification from the Account Holder, or reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person.

2. Determine Whether the Entity is a Passive NFE with One or More Controlling Persons Who Are Reportable Persons. With respect to an Account Holder of a Preexisting Entity Account (including an Entity that is a Reportable Person), the Reporting Financial Institution must determine whether the Account Holder is a Passive NFE with one or more Controlling Persons who are Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account must be treated as a Reportable Account. In making these determinations the Reporting Financial Institution must follow the guidance in subparagraphs D(2)(a) to (c) in the order most appropriate under the circumstances.

(a) Determining whether the Account Holder is a Passive NFE. For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Financial Institution must obtain a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in subparagraph A(6)(b) of Section VIII that is not a Participating Jurisdiction Financial Institution.

(b) Determining the Controlling Persons of an Account Holder. For the purposes of determining the Controlling Persons of an Account Holder, a Reporting Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures.

(c) Determining whether a Controlling Person of a Passive NFE is a Reportable Person. For the purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may rely on:

(i) information collected and maintained pursuant to AML/KYC Procedures in the case of a Preexisting Entity Account held by one or more NFEs with an aggregate account balance or value that does not exceed an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 1 000 000; or

(ii) a self-certification from the Account Holder or such Controlling Person of the jurisdiction(s) (being a Member State, Liechtenstein or other jurisdictions) in which the Controlling Person is resident for tax purposes.

E. Timing of Review and Additional Procedures Applicable to Preexisting Entity Accounts.

1. Review of Preexisting Entity Accounts with an aggregate account balance or value that exceeds, as of 31 December 2015, an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 250 000, must be completed by 31 December 2017.

2. Review of Preexisting Entity Accounts with an aggregate account balance or value that does not exceed, as of 31 December 2015, an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 250 000, but exceeds that amount as of 31 December of a subsequent year, must be completed within the calendar year following the year in which the aggregate account balance or value exceeds such amount.

3. If there is a change of circumstances with respect to a Preexisting Entity Account that causes the Reporting Financial Institution to know, or have reason to know, that the self-certification or other documentation associated with an account is incorrect or unreliable, the Reporting Financial Institution must re-determine the status of the account in accordance with the procedures set forth in paragraph D.

SECTION VI

DUE DILIGENCE FOR NEW ENTITY ACCOUNTS

The following procedures apply for purposes of identifying Reportable Accounts among New Entity Accounts.

A. Review Procedures for Identifying Entity Accounts With Respect to Which Reporting Is Required. For New Entity Accounts, a Reporting Financial Institution must apply the following review procedures to determine whether the account is held by one or more Reportable Persons, or by Passive NFEs with one or more Controlling Persons who are Reportable Persons:

1. Determine Whether the Entity Is a Reportable Person.

   (a) Obtain a self-certification, which may be part of the account opening documentation, that allows the Reporting Financial Institution to determine the Account Holder's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Financial Institution in connection with the opening of the account, including any documentation collected pursuant to AML/KYC Procedures. If the Entity certifies that it has no residence for tax purposes, the Reporting Financial Institution may rely on the address of the principal office of the Entity to determine the residence of the Account Holder.

   (b) If the self-certification indicates that the Account Holder is resident in a Reportable Jurisdiction, the Reporting Financial Institution must treat the account as a Reportable Account unless it reasonably determines based on information in its possession or that is publicly available, that the Account Holder is not a Reportable Person with respect to such Reportable Jurisdiction.

2. Determine Whether the Entity is a Passive NFE with One or More Controlling Persons Who Are Reportable Persons. With respect to an Account Holder of a New Entity Account (including an Entity that is a Reportable Person), the Reporting Financial Institution must determine whether the Account Holder is a Passive NFE with one or more Controlling Persons who are Reportable Persons. If any of the Controlling Persons of a Passive NFE is a Reportable Person, then the account must be treated as a Reportable Account. In making these determinations the Reporting Financial Institution must follow the guidance in subparagraphs A(2)(a) to (c) in the order most appropriate under the circumstances.

   (a) Determining whether the Account Holder is a Passive NFE. For purposes of determining whether the Account Holder is a Passive NFE, the Reporting Financial Institution must rely on a self-certification from the Account Holder to establish its status, unless it has information in its possession or that is publicly available, based on which it can reasonably determine that the Account Holder is an Active NFE or a Financial Institution other than an Investment Entity described in subparagraph A(6)(b) of Section VIII that is not a Participating Jurisdiction Financial Institution.

   (b) Determining the Controlling Persons of an Account Holder. For purposes of determining the Controlling Persons of an Account Holder, a Reporting Financial Institution may rely on information collected and maintained pursuant to AML/KYC Procedures.

   (c) Determining whether a Controlling Person of a Passive NFE is a Reportable Person. For purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may rely on a self-certification from the Account Holder or such Controlling Person.

SECTION VII

SPECIAL DUE DILIGENCE RULES

The following additional rules apply in implementing the due diligence procedures described above:

A. Reliance on Self-Certifications and Documentary Evidence. A Reporting Financial Institution may not rely on a self-certification or Documentary Evidence if the Reporting Financial Institution knows or has reason to know that the self-certification or Documentary Evidence is incorrect or unreliable.

B. Alternative Procedures for Financial Accounts Held by Individual Beneficiaries of a Cash Value Insurance Contract or an Annuity Contract and for a Group Cash Value Insurance Contract or Group Annuity Contract. A Reporting Financial Institution may presume that an individual beneficiary (other than the owner) of a Cash Value Insurance Contract or an Annuity Contract receiving a death benefit is not a Reportable Person and may treat such Financial Account as other than a Reportable Account unless the Reporting Financial Institution has actual knowledge, or reason to know, that the beneficiary is a Reportable Person. A Reporting Financial Institution has reason to know that a beneficiary of a Cash Value Insurance Contract or an Annuity Contract is a Reportable Person if the information collected by the Reporting Financial Institution and associated with the beneficiary contains indicia as described in paragraph B of Section III. If a Reporting Financial Institution has actual knowledge, or reason to know, that the beneficiary is a Reportable Person, the Reporting Financial Institution must follow the procedures in paragraph B of Section III.

A Reporting Financial Institution may treat a Financial Account that is a member's interest in a Group Cash Value Insurance Contract or Group Annuity Contract as a Financial Account that is not a Reportable Account until the date on which an amount is payable to the employee/certificate holder or beneficiary, if the Financial Account that is a member's interest in a Group Cash Value Insurance Contract or Group Annuity Contract meets the following requirements:

(a) the Group Cash Value Insurance Contract or Group Annuity Contract is issued to an employer and covers 25 or more employees/certificate holders;

(b) the employee/certificate holders are entitled to receive any contract value related to their interests and to name beneficiaries for the benefit payable upon the employee's death; and

(c) the aggregate amount payable to any employee/certificate holder or beneficiary does not exceed an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 1 000 000.

The term "Group Cash Value Insurance Contract" means a Cash Value Insurance Contract that (i) provides coverage on individuals who are affiliated through an employer, trade association, labour union, or other association or group; and (ii) charges a premium for each member of the group (or member of a class within the group) that is determined without regard to the individual health characteristics other than age, gender, and smoking habits of the member (or class of members) of the group.

The term "Group Annuity Contract" means an Annuity Contract under which the obligees are individuals who are affiliated through an employer, trade association, labour union, or other association or group.

C. Account Balance Aggregation and Currency Rules.

1. Aggregation of Individual Accounts. For purposes of determining the aggregate balance or value of Financial Accounts held by an individual, a Reporting Financial Institution is required to aggregate all Financial Accounts maintained by the Reporting Financial Institution, or by a Related Entity, but only to the extent that the Reporting Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

2. Aggregation of Entity Accounts. For purposes of determining the aggregate balance or value of Financial Accounts held by an Entity, a Reporting Financial Institution is required to take into account all Financial Accounts that are maintained by the Reporting Financial Institution, or by a Related Entity, but only to the extent that the Reporting Financial Institution's computerised systems link the Financial Accounts by reference to a data element such as client number or TIN, and allow account balances or values to be aggregated. Each holder of a jointly held Financial Account shall be attributed the entire balance or value of the jointly held Financial Account for purposes of applying the aggregation requirements described in this subparagraph.

3. Special Aggregation Rule Applicable to Relationship Managers. For purposes of determining the aggregate balance or value of Financial Accounts held by a person to determine whether a Financial Account is a High Value Account, a Reporting Financial Institution is also required, in the case of any Financial Accounts that a relationship manager knows, or has reason to know, are directly or indirectly owned, controlled, or established (other than in a fiduciary capacity) by the same person, to aggregate all such accounts.

4. Amounts Read to Include Equivalent in Other Currencies. All amounts denominated in the domestic currency of each Member State or Liechtenstein shall be read to include equivalent amounts in other currencies, as determined by domestic law.

SECTION VIII

DEFINED TERMS

The following terms have the meanings set forth below:

A. **Reporting Financial Institution**

1. The term "Reporting Financial Institution" means any Member State Financial Institution or Liechtenstein Financial Institution, as the context requires, that is not a Non-Reporting Financial Institution.

2. The term "Participating Jurisdiction Financial Institution" means (i) any Financial Institution that is resident in a Participating Jurisdiction, but excludes any branch of that Financial Institution that is located outside such Participating Jurisdiction, and (ii) any branch of a Financial Institution that is not resident in a Participating Jurisdiction, if that branch is located in such Participating Jurisdiction.

3. The term "Financial Institution" means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.

4. The term "Custodial Institution" means any Entity that holds, as a substantial portion of its business, Financial Assets for the account of others. An Entity holds Financial Assets for the account of others as a substantial portion of its business if the Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20 % of the Entity's gross income during the shorter of: (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.

5. The term "Depository Institution" means any Entity that accepts deposits in the ordinary course of a banking or similar business.

6. The term "Investment Entity" means any Entity:

   (a) which primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

      (i) trading in money market instruments (cheques, bills, certificates of deposit, derivatives, etc.); foreign exchange; exchange, interest rate and index instruments; transferable securities; or commodity futures trading;

      (ii) individual and collective portfolio management; or

      (iii) otherwise investing, administering, or managing Financial Assets or money on behalf of other persons;

      or

   (b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in subparagraph A(6)(a).

   An Entity is treated as primarily conducting as a business one or more of the activities described in subparagraph A(6)(a), or an Entity's gross income is primarily attributable to investing, reinvesting, or trading in Financial Assets for the purposes of subparagraph A(6)(b), if the Entity's gross income attributable to the relevant activities equals or exceeds 50 % of the Entity's gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the Entity has been in existence. The term "Investment Entity" does not include an Entity that is an Active NFE because that Entity meets any of the criteria in subparagraphs D(9)(d) to (g).

This paragraph shall be interpreted in a manner consistent with similar language set forth in the definition of "financial institution" in the Financial Action Task Force Recommendations.

7. The term "Financial Asset" includes a security (for example, a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest, commodity, swap (for example, interest rate swaps, currency swaps, basis swaps, interest rate caps, interest rate floors, commodity swaps, equity swaps, equity index swaps, and similar agreements), Insurance Contract or Annuity Contract, or any interest (including a futures or forward contract or option) in a security, partnership interest, commodity, swap, Insurance Contract, or Annuity Contract. The term "Financial Asset" does not include a non-debt, direct interest in real property.

8. The term "Specified Insurance Company" means any Entity that is an insurance company (or the holding company of an insurance company) which issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.

B. **Non-Reporting Financial Institution**

1. The term "Non-Reporting Financial Institution" means any Financial Institution which is:

   (a) a Governmental Entity, International Organisation or Central Bank, other than with respect to a payment that is derived from an obligation held in connection with a commercial financial activity of a type engaged in by a Specified Insurance Company, Custodial Institution, or Depository Institution;

   (b) a Broad Participation Retirement Fund; a Narrow Participation Retirement Fund; a Pension Fund of a Governmental Entity, International Organisation or Central Bank; or a Qualified Credit Card Issuer;

   (c) any other Entity that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the Entities described in subparagraphs B(1)(a) and (b), and is defined in domestic law as a Non-Reporting Financial Institution, and, for Member States, is provided for in paragraph 7a of Article 8 of Council Directive 2011/16/EU on administrative cooperation in the field of taxation and communicated to Liechtenstein and for Liechtenstein, is communicated to the European Commission, provided that the status of such Entity as a Non-Reporting Financial Institution does not frustrate the purposes of this Agreement;

   (d) an Exempt Collective Investment Vehicle; or

   (e) a trust to the extent that the trustee of the trust is a Reporting Financial Institution and reports all information required to be reported pursuant to Section I with respect to all Reportable Accounts of the trust.

2. The term "Governmental Entity" means the government of a Member State, Liechtenstein or other jurisdiction, any political subdivision of a Member State, Liechtenstein or other jurisdiction (which, for the avoidance of doubt, includes a state, province, county, or municipality), or any wholly owned agency or instrumentality of a Member State, Liechtenstein or other jurisdiction or of any one or more of the foregoing (each, a "Governmental Entity"). This category is comprised of the integral parts, controlled entities, and political subdivisions of a Member State, Liechtenstein or other jurisdiction.

   (a) An "integral part" of a Member State, Liechtenstein or other jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a Member State, Liechtenstein or other jurisdiction. The net earnings of the governing authority must be credited to its own account or to other accounts of the Member State, Liechtenstein or other jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity.

   (b) A controlled entity means an Entity which is separate in form from the Member State, Liechtenstein or other jurisdiction or which otherwise constitutes a separate juridical entity, provided that:

      (i) the Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities;

(ii) the Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person; and

(iii) the Entity's assets vest in one or more Governmental Entities upon dissolution.

(c) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a Governmental Entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.

3. The term "International Organisation" means any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation (including a supranational organisation) (i) that is comprised primarily of governments; (ii) that has in effect a headquarters or substantially similar agreement with the Member State, Liechtenstein or the other jurisdiction; and (iii) the income of which does not inure to the benefit of private persons.

4. The term "Central Bank" means an institution that is by law or government sanction the principal authority, other than the government of the Member State, Liechtenstein or the other jurisdiction itself, issuing instruments intended to circulate as currency. Such an institution may include an instrumentality that is separate from the government of the Member State, Liechtenstein or the other jurisdiction, whether or not owned in whole or in part by the Member State, Liechtenstein or the other jurisdiction.

5. The term "Broad Participation Retirement Fund" means a fund established to provide retirement, disability, or death benefits, or any combination thereof, to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that the fund:

(a) does not have a single beneficiary with a right to more than 5 % of the fund's assets;

(b) is subject to government regulation and provides information reporting to the tax authorities; and

(c) satisfies at least one of the following requirements:

(i) the fund is generally exempt from tax on investment income, or taxation of such income is deferred or taxed at a reduced rate, due to its status as a retirement or pension plan;

(ii) the fund receives at least 50 % of its total contributions (other than transfers of assets from other plans described in subparagraphs B(5) to (7) or from retirement and pension accounts described in subparagraph C(17)(a)) from the sponsoring employers;

(iii) distributions or withdrawals from the fund are allowed only upon the occurrence of specified events related to retirement, disability, or death (except rollover distributions to other retirement funds described in subparagraphs B(5) to (7) or retirement and pension accounts described in subparagraph C(17)(a)), or penalties apply to distributions or withdrawals made before such specified events; or

(iv) contributions (other than certain permitted make-up contributions) by employees to the fund are limited by reference to earned income of the employee or may not exceed annually, an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 50 000, applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation.

6. The term "Narrow Participation Retirement Fund" means a fund established to provide retirement, disability, or death benefits to beneficiaries who are current or former employees (or persons designated by such employees) of one or more employers in consideration for services rendered, provided that:

(a) the fund has fewer than 50 participants;

(b) the fund is sponsored by one or more employers that are not Investment Entities or Passive NFEs;

(c) the employee and employer contributions to the fund (other than transfers of assets from retirement and pension accounts described in subparagraph C(17)(a)) are limited by reference to earned income and compensation of the employee, respectively;

(d) participants that are not residents of the jurisdiction (being a Member State or Liechtenstein) in which the fund is established are not entitled to more than 20 % of the fund's assets; and

(e) the fund is subject to government regulation and provides information reporting to the tax authorities.

7. The term "Pension Fund of a Governmental Entity, International Organisation or Central Bank" means a fund established by a Governmental Entity, International Organisation or Central Bank to provide retirement, disability, or death benefits to beneficiaries or participants who are current or former employees (or persons designated by such employees), or who are not current or former employees, if the benefits provided to such beneficiaries or participants are in consideration of personal services performed for the Governmental Entity, International Organisation or Central Bank.

8. The term "Qualified Credit Card Issuer" means a Financial Institution satisfying the following requirements:

(a) the Financial Institution is a Financial Institution solely because it is an issuer of credit cards that accepts deposits only when a customer makes a payment in excess of a balance due with respect to the card and the overpayment is not immediately returned to the customer; and

(b) beginning on or before 1 January 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 50 000, or to ensure that any customer overpayment in excess of that amount, is refunded to the customer within 60 days, in each case applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

9. The term "Exempt Collective Investment Vehicle" means an Investment Entity that is regulated as a collective investment vehicle, provided that all of the interests in the collective investment vehicle are held by or through individuals or Entities that are not Reportable Persons, except a Passive NFE with Controlling Persons who are Reportable Persons.

An Investment Entity that is regulated as a collective investment vehicle does not fail to qualify under subparagraph B(9) as an Exempt Collective Investment Vehicle, solely because the collective investment vehicle has issued physical shares in bearer form, provided that:

(a) the collective investment vehicle has not issued, and does not issue, any physical shares in bearer form after 31 December 2015;

(b) the collective investment vehicle retires all such shares upon surrender;

(c) the collective investment vehicle performs the due diligence procedures set forth in Sections II to VII and reports any information required to be reported with respect to any such shares when such shares are presented for redemption or other payment; and

(d) the collective investment vehicle has in place policies and procedures to ensure that such shares are redeemed or immobilised as soon as possible and in any event prior to 1 January 2018.

C. **Financial Account**

1. The term "Financial Account" means an account maintained by a Financial Institution, and includes a Depository Account, a Custodial Account and:

(a) in the case of an Investment Entity, any equity or debt interest in the Financial Institution. Notwithstanding the foregoing, the term "Financial Account" does not include any equity or debt interest in an Entity that is an Investment Entity solely because it (i) renders investment advice to, and acts on behalf of, or (ii) manages portfolios for, and acts on behalf of, a customer for the purpose of investing, managing, or administering Financial Assets deposited in the name of the customer with a Financial Institution other than such Entity;

(b) in the case of a Financial Institution not described in subparagraph C(1)(a), any equity or debt interest in the Financial Institution, if the class of interests was established with a purpose of avoiding reporting in accordance with Section I; and

(c) any Cash Value Insurance Contract and any Annuity Contract issued or maintained by a Financial Institution, other than a non-investment-linked, non-transferable immediate life annuity that is issued to an individual and monetises a pension or disability benefit provided under an account that is an Excluded Account.

The term "Financial Account" does not include any account that is an Excluded Account.

2. The term "Depository Account" includes any commercial, checking, savings, time, or thrift account, or an account that is evidenced by a certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar instrument maintained by a Financial Institution in the ordinary course of a banking or similar business. A Depository Account also includes an amount held by an insurance company pursuant to a guaranteed investment contract or similar agreement to pay or credit interest thereon.

3. The term "Custodial Account" means an account (other than an Insurance Contract or Annuity Contract) which holds one or more Financial Assets for the benefit of another person.

4. The term "Equity Interest" means, in the case of a partnership that is a Financial Institution, either a capital or profits interest in the partnership. In the case of a trust that is a Financial Institution, an Equity Interest is considered to be held by any person treated as a settlor or beneficiary of all or a portion of the trust, or any other natural person exercising ultimate effective control over the trust. A Reportable Person will be treated as being a beneficiary of a trust if such Reportable Person has the right to receive directly or indirectly (for example, through a nominee) a mandatory distribution or may receive, directly or indirectly, a discretionary distribution from the trust.

5. The term "Insurance Contract" means a contract (other than an Annuity Contract) under which the issuer agrees to pay an amount upon the occurrence of a specified contingency involving mortality, morbidity, accident, liability, or property risk.

6. The term "Annuity Contract" means a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals. The term also includes a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction (being a Member State, Liechtenstein or other jurisdiction) in which the contract was issued, and under which the issuer agrees to make payments for a term of years.

7. The term "Cash Value Insurance Contract" means an Insurance Contract (other than an indemnity reinsurance contract between two insurance companies) that has a Cash Value.

8. The term "Cash Value" means the greater of (i) the amount that the policyholder is entitled to receive upon surrender or termination of the contract (determined without reduction for any surrender charge or policy loan), and (ii) the amount the policyholder can borrow under or with regard to the contract. Notwithstanding the foregoing, the term "Cash Value" does not include an amount payable under an Insurance Contract:

(a) solely by reason of the death of an individual insured under a life insurance contract;

(b) as a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;

(c) as a refund of a previously paid premium (less cost of insurance charges whether or not actually imposed) under an Insurance Contract (other than an investment-linked life insurance or annuity contract) due to cancellation or termination of the contract, decrease in risk exposure during the effective period of the contract, or arising from the correction of a posting or similar error with regard to the premium for the contract;

(d) as a policyholder dividend (other than a termination dividend) provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in subparagraph C(8)(b); or

(e) as a return of an advance premium or premium deposit for an Insurance Contract for which the premium is payable at least annually if the amount of the advance premium or premium deposit does not exceed the next annual premium that will be payable under the contract.

9. The term "Preexisting Account" means

(a) a Financial Account maintained by a Reporting Financial Institution as of 31 December 2015

(b) any Financial Account of an Account Holder, regardless of the date such Financial Account was opened, if:

(i) the Account Holder also holds with the Reporting Financial Institution, or with a Related Entity within the same jurisdiction (being a Member State or Liechtenstein) as the Reporting Financial Institution, a Financial Account that is a Preexisting Account under subparagraph C(9)(a);

(ii) the Reporting Financial Institution, and, as applicable, the Related Entity within the same jurisdiction (being a Member State or Liechtenstein) as the Reporting Financial Institution, treats both of the aforementioned Financial Accounts, and any other Financial Accounts of the Account Holder that are treated as Preexisting Accounts under point (b), as a single Financial Account for purposes of satisfying the standards of knowledge requirements set forth in paragraph A of Section VII, and for purposes of determining the balance or value of any of the Financial Accounts when applying any of the account thresholds;

(iii) with respect to a Financial Account that is subject to AML/KYC Procedures, the Reporting Financial Institution is permitted to satisfy such AML/KYC Procedures for the Financial Account by relying upon the AML/KYC Procedures performed for the Preexisting Account described in subparagraph C(9)(a); and

(iv) the opening of the Financial Account does not require the provision of new, additional or amended customer information by the Account Holder other than for the purposes of this Agreement.

10. The term "New Account" means a Financial Account maintained by a Reporting Financial Institution opened on or after 1 January 2016, unless it is treated as a Preexisting Account under the extended definition of Preexisting Account in subparagraph C(9).

11. The term "Preexisting Individual Account" means a Preexisting Account held by one or more individuals.

12. The term "New Individual Account" means a New Account held by one or more individuals.

13. The term "Preexisting Entity Account" means a Preexisting Account held by one or more Entities.

14. The term "Lower Value Account" means a Preexisting Individual Account with an aggregate balance or value as of 31 December 2015 that does not exceed an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 1 000 000.

15. The term "High Value Account" means a Preexisting Individual Account with an aggregate balance or value that exceeds as of 31 December 2015 or 31 December of any subsequent year, an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 1 000 000.

16. The term "New Entity Account" means a New Account held by one or more Entities.

17. The term "Excluded Account" means any of the following accounts:

(a) a retirement or pension account that satisfies the following requirements:

(i) the account is subject to regulation as a personal retirement account or is part of a registered or regulated retirement or pension plan for the provision of retirement or pension benefits (including disability or death benefits);

(ii) the account is tax-favoured (i.e., contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the Account Holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);

(iii) information reporting is required to the tax authorities with respect to the account;

(iv) withdrawals are conditioned on reaching a specified retirement age, disability, or death, or penalties apply to withdrawals made before such specified events; and

(v) either (i) annual contributions are limited to an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 50 000 or less, or (ii) there is a maximum lifetime contribution limit to the account of an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 1 000 000 or less, in each case applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation.

A Financial Account that otherwise satisfies the requirement of subparagraph C(17)(a)(v) will not fail to satisfy such requirement solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of subparagraph C(17)(a) or (b) or from one or more retirement or pension funds that meet the requirements of any of subparagraphs B(5) to (7).

(b) an account that satisfies the following requirements:

(i) the account is subject to regulation as an investment vehicle for purposes other than for retirement and is regularly traded on an established securities market, or the account is subject to regulation as a savings vehicle for purposes other than for retirement;

(ii) the account is tax-favoured (i.e. contributions to the account that would otherwise be subject to tax are deductible or excluded from the gross income of the Account Holder or taxed at a reduced rate, or taxation of investment income from the account is deferred or taxed at a reduced rate);

(iii) withdrawals are conditioned on meeting specific criteria related to the purpose of the investment or savings account (for example, the provision of educational or medical benefits), or penalties apply to withdrawals made before such criteria are met; and

(iv) annual contributions are limited to an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 50 000 or less, applying the rules set forth in paragraph C of Section VII for account aggregation and currency translation.

A Financial Account that otherwise satisfies the requirement of subparagraph C(17)(b)(iv) will not fail to satisfy such requirement solely because such Financial Account may receive assets or funds transferred from one or more Financial Accounts that meet the requirements of subparagraph C(17)(a) or (b) or from one or more retirement or pension funds that meet the requirements of any of subparagraphs B(5) to (7).

(c) a life insurance contract with a coverage period that will end before the insured individual attains age 90, provided that the contract satisfies the following requirements:

(i) periodic premiums, which do not decrease over time, are payable at least annually during the period the contract is in existence or until the insured attains age 90, whichever is shorter;

(ii) the contract has no contract value that any person can access (by withdrawal, loan, or otherwise) without terminating the contract;

(iii) the amount (other than a death benefit) payable upon cancellation or termination of the contract cannot exceed the aggregate premiums paid for the contract, less the sum of mortality, morbidity, and expense charges (whether or not actually imposed) for the period or periods of the contract's existence and any amounts paid prior to the cancellation or termination of the contract; and

(iv) the contract is not held by a transferee for value.

(d) an account that is held solely by an estate if the documentation for such account includes a copy of the deceased's will or death certificate.

(e) an account established in connection with any of the following:

(i) a court order or judgment.

(ii) a sale, exchange, or lease of real or personal property, provided that the account satisfies the following requirements:

— the account is funded solely with a down payment, earnest money, deposit in an amount appropriate to secure an obligation directly related to the transaction, or a similar payment, or is funded with a Financial Asset that is deposited in the account in connection with the sale, exchange, or lease of the property;

— the account is established and used solely to secure the obligation of the purchaser to pay the purchase price for the property, the seller to pay any contingent liability, or the lessor or lessee to pay for any damages relating to the leased property as agreed under the lease;

— the assets of the account, including the income earned thereon, will be paid or otherwise distributed for the benefit of the purchaser, seller, lessor, or lessee (including to satisfy such person's obligation) when the property is sold, exchanged, or surrendered, or the lease terminates;

— the account is not a margin or similar account established in connection with a sale or exchange of a Financial Asset; and

— the account is not associated with an account described in subparagraph C(17)(f).

(iii) an obligation of a Financial Institution servicing a loan secured by real property to set aside a portion of a payment solely to facilitate the payment of taxes or insurance related to the real property at a later time.

(iv) an obligation of a Financial Institution solely to facilitate the payment of taxes at a later time.

(f) a Depository Account that satisfies the following requirements:

(i) the account exists solely because a customer makes a payment in excess of a balance due with respect to a credit card or other revolving credit facility and the overpayment is not immediately returned to the customer; and

(ii) beginning on or before 1 January 2016, the Financial Institution implements policies and procedures either to prevent a customer from making an overpayment in excess of an amount denominated in the domestic currency of each Member State or Liechtenstein and corresponding to USD 50 000, or to ensure that any customer overpayment in excess of that amount is refunded to the customer within 60 days, in each case applying the rules set forth in paragraph C of Section VII for currency translation. For this purpose, a customer overpayment does not refer to credit balances to the extent of disputed charges but does include credit balances resulting from merchandise returns.

(g) any other account that presents a low risk of being used to evade tax, has substantially similar characteristics to any of the accounts described in subparagraphs C(17)(a) to (f), and is defined in domestic law as an Excluded Account and, for Member States, is provided for in paragraph 7a of Article 8 of Council Directive 2011/16/EU on administrative cooperation in the field of taxation and communicated to Liechtenstein and for Liechtenstein, is communicated to the European Commission, provided that the status of such account as an Excluded Account does not frustrate the purposes of this Agreement.

D. **Reportable Account**

1. The term "Reportable Account" means an account held by one or more Reportable Persons or by a Passive NFE with one or more Controlling Persons that is a Reportable Person, provided it has been identified as such pursuant to the due diligence procedures described in Sections II to VII.

2. The term "Reportable Person" means a Reportable Jurisdiction Person other than: (i) a corporation the stock of which is regularly traded on one or more established securities markets; (ii) any corporation that is a Related Entity of a corporation described in clause (i); (iii) a Governmental Entity; (iv) an International Organisation; (v) a Central Bank; or (vi) a Financial Institution.

3. The term "Reportable Jurisdiction Person" means an individual or Entity that is resident in a Reportable Jurisdiction under the tax laws of such jurisdiction, or an estate of a decedent that was a resident of a Reportable Jurisdiction. For this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement, which has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.

4. The term "Reportable Jurisdiction" means Liechtenstein with regard to a Member State or a Member State with regard to Liechtenstein in the context of the obligation to provide the information specified in Section I.

5. The term "Participating Jurisdiction" with regard to a Member State or Liechtenstein means:

   (a) any Member State with regard to reporting to Liechtenstein, or

   (b) Liechtenstein with regard to reporting to a Member State, or

   (c) any other jurisdiction (i) with which the relevant Member State or Liechtenstein, as the context requires, has an agreement in place pursuant to which that other jurisdiction will provide the information specified in Section I, and (ii) which is identified in a list published by that Member State or Liechtenstein and notified to Liechtenstein, respectively to the European Commission

   (d) with regard to Member States, any other jurisdiction (i) with which the European Union has an agreement in place pursuant to which that other jurisdiction will provide the information specified in Section I, and (ii) which is identified in a list published by the European Commission.

6. The term "Controlling Persons" means the natural persons who exercise control over an Entity. In the case of a trust, that term means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and in the case of a legal arrangement other than a trust, such term means persons in equivalent or similar positions. The term "Controlling Persons" must be interpreted in a manner consistent with the Financial Action Task Force Recommendations.

7. The term "NFE" means any Entity that is not a Financial Institution.

8. The term "Passive NFE" means any: (i) NFE that is not an Active NFE; or (ii) an Investment Entity described in subparagraph A(6)(b) that is not a Participating Jurisdiction Financial Institution.

9. The term "Active NFE" means any NFE that meets any of the following criteria:

   (a) less than 50 % of the NFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50 % of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;

   (b) the stock of the NFE is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market;

   (c) the NFE is a Governmental Entity, an International Organisation, a Central Bank, or an Entity wholly owned by one or more of the foregoing;

   (d) substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;

   (e) the NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;

   (f) the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;

(g) the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or

(h) the NFE meets all of the following requirements:

(i) it is established and operated in its jurisdiction of residence (being a Member State, Liechtenstein or other jurisdiction) exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence (being a Member State, Liechtenstein or other jurisdiction) and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;

(ii) it is exempt from income tax in its jurisdiction of residence (being a Member State, Liechtenstein or other jurisdiction);

(iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;

(iv) the applicable laws of the NFE's jurisdiction of residence (being a Member State, Liechtenstein or other jurisdiction) or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and

(v) the applicable laws of the NFE's jurisdiction of residence (being a Member State, Liechtenstein or other jurisdiction) or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence (being a Member State, Liechtenstein or other jurisdiction) or any political subdivision thereof.

E. **Miscellaneous**

1. The term "Account Holder" means the person listed or identified as the holder of a Financial Account by the Financial Institution that maintains the account. A person, other than a Financial Institution, holding a Financial Account for the benefit or account of another person as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as holding the account for purposes of this Annex, and such other person is treated as holding the account. In the case of a Cash Value Insurance Contract or an Annuity Contract, the Account Holder is any person entitled to access the Cash Value or change the beneficiary of the contract. If no person can access the Cash Value or change the beneficiary, the Account Holder is any person named as the owner in the contract and any person with a vested entitlement to payment under the terms of the contract. Upon the maturity of a Cash Value Insurance Contract or an Annuity Contract, each person entitled to receive a payment under the contract is treated as an Account Holder.

2. The term "AML/KYC Procedures" means the customer due diligence procedures of a Reporting Financial Institution pursuant to the anti-money laundering or similar requirements to which such Reporting Financial Institution is subject.

3. The term "Entity" means a legal person or a legal arrangement, such as a corporation, partnership, trust, or foundation.

4. An Entity is a "Related Entity" of another Entity if (a) either Entity controls the other Entity; (b) the two Entities are under common control; or (c) the two Entities are Investment Entities described in subparagraph A(6)(b), are under common management, and such management fulfils the due diligence obligations of such Investment Entities. For this purpose control includes direct or indirect ownership of more than 50 % of the vote and value in an Entity.

5. The term "TIN" means Taxpayer Identification Number (or functional equivalent in the absence of a Taxpayer Identification Number).

6. The term "Documentary Evidence" includes any of the following:

   (a) a certificate of residence issued by an authorised government body (for example, a government or agency thereof, or a municipality) of the jurisdiction (being a Member State, Liechtenstein or other jurisdiction) in which the payee claims to be a resident.

   (b) with respect to an individual, any valid identification issued by an authorised government body (for example, a government or agency thereof, or a municipality), that includes the individual's name and is typically used for identification purposes.

   (c) with respect to an Entity, any official documentation issued by an authorised government body (for example, a government or agency thereof, or a municipality) that includes the name of the Entity and either the address of its principal office in the jurisdiction (being a Member State, Liechtenstein or other jurisdiction) in which it claims to be a resident or the jurisdiction (being a Member State, Liechtenstein or other jurisdiction) in which the Entity was incorporated or organised.

   (d) any audited financial statement, third-party credit report, bankruptcy filing, or securities regulator's report.

   With respect to a Preexisting Entity Account, Reporting Financial Institutions may use as Documentary Evidence any classification in the Reporting Financial Institution's records with respect to the Account Holder that was determined based on a standardised industry coding system, that was recorded by the Reporting Financial Institution consistent with its normal business practices for purposes of AML/KYC Procedures or another regulatory purposes (other than for tax purposes) and that was implemented by the Reporting Financial Institution prior to the date used to classify the Financial Account as a Preexisting Account, provided that the Reporting Financial Institution does not know or does not have reason to know that such classification is incorrect or unreliable. The term "standardised industry coding system" means a coding system used to classify establishments by business type for purposes other than tax purposes.

SECTION IX

EFFECTIVE IMPLEMENTATION

Each Member State and Liechtenstein must have rules and administrative procedures in place to ensure effective implementation of, and compliance with, the reporting and due diligence procedures set out above including:

1. rules to prevent any Financial Institutions, persons or intermediaries from adopting practices intended to circumvent the reporting and due diligence procedures;

2. rules requiring Reporting Financial Institutions to keep records of the steps undertaken and any evidence relied upon for the performance of the above procedures and adequate measures to obtain those records;

3. administrative procedures to verify Reporting Financial Institutions' compliance with the reporting and due diligence procedures; administrative procedures to follow up with a Reporting Financial Institution when undocumented accounts are reported;

4. administrative procedures to ensure that the Entities and accounts defined in domestic law as Non-Reporting Financial Institutions and Excluded Accounts continue to have a low risk of being used to evade tax; and

5. effective enforcement provisions to address non-compliance.

SECTION X

IMPLEMENTATION DATES AS REGARDS REPORTING FINANCIAL INSTITUTIONS LOCATED IN AUSTRIA

In the case of Reporting Financial Institutions located in Austria, all references to "2016" and "2017" in this Annex should be read as references to "2017" and "2018" respectively. In the case of Preexisting Accounts held by Reporting Financial Institutions located in Austria, all references to "31 December 2015" in this Annex should be read as references to "31 December 2016".

ANNEX II

COMPLEMENTARY REPORTING AND DUE DILIGENCE RULES FOR FINANCIAL ACCOUNT INFORMATION

1. **Change in circumstances**

A "change in circumstances" includes any change that results in the addition of information relevant to a person's status or otherwise conflicts with such person's status. In addition, a change in circumstances includes any change or addition of information to the Account Holder's account (including the addition, substitution, or other change of an Account Holder) or any change or addition of information to any account associated with such account (applying the account aggregation rules described in subparagraphs C(1) to (3) of Section VII of Annex I) if such change or addition of information affects the status of the Account Holder.

If a Reporting Financial Institution has relied on the residence address test described in subparagraph B(1) of Section III of Annex I and there is a change in circumstances that causes the Reporting Financial Institution to know or have reason to know that the original Documentary Evidence (or other equivalent documentation) is incorrect or unreliable, the Reporting Financial Institution must, by the later of the last day of the relevant calendar year or other appropriate reporting period, or 90 calendar days following the notice or discovery of such change in circumstances, obtain a self-certification and new Documentary Evidence to establish the residence(s) for tax purposes of the Account Holder. If the Reporting Financial Institution cannot obtain the self-certification and new Documentary Evidence by such date, the Reporting Financial Institution must apply the electronic record search procedure described in subparagraphs B(2) to (6) of Section III of Annex I.

2. **Self-certification for New Entity Accounts**

With respect to New Entity Accounts, for the purposes of determining whether a Controlling Person of a Passive NFE is a Reportable Person, a Reporting Financial Institution may only rely on a self-certification from either the Account Holder or the Controlling Person.

3. **Residence of a Financial Institution**

A Financial Institution is "resident" in a Member State, Liechtenstein or another Participating Jurisdiction if it is subject to the jurisdiction of such Member State, Liechtenstein or another Participating Jurisdiction (i.e., the Participating Jurisdiction is able to enforce reporting by the Financial Institution). In general, where a Financial Institution is resident for tax purposes in a Member State, Liechtenstein or another Participating Jurisdiction, it is subject to the jurisdiction of such Member State, Liechtenstein or another Participating Jurisdiction and it is, thus, a Member State Financial Institution, Liechtenstein Financial Institution or another Participating Jurisdiction Financial Institution. In the case of a trust that is a Financial Institution (irrespective of whether it is resident for tax purposes in a Member State, Liechtenstein or another Participating Jurisdiction), the trust is considered to be subject to the jurisdiction of a Member State, Liechtenstein or another Participating Jurisdiction if one or more of its trustees are resident in such Member State, Liechtenstein or another Participating Jurisdiction except if the trust reports all the information required to be reported pursuant to this Agreement or another agreement implementing the Global Standard with respect to Reportable Accounts maintained by the trust to another Participating Jurisdiction (being a Member State, Liechtenstein or another Participating Jurisdiction), because it is resident for tax purposes in such other Participating Jurisdiction. However, where a Financial Institution (other than a trust) does not have a residence for tax purposes (e.g., because it is treated as fiscally transparent, or it is located in a jurisdiction that does not have an income tax), it is considered to be subject to the jurisdiction of a Member State, Liechtenstein or another Participating Jurisdiction and it is, thus, a Member State, Liechtenstein or another Participating Jurisdiction Financial Institution if:

(a) it is incorporated under the laws of the Member State, Liechtenstein or another Participating Jurisdiction;

(b) it has its place of management (including effective management) in the Member State, Liechtenstein or another Participating Jurisdiction; or

(c) it is subject to financial supervision in the Member State, Liechtenstein or another Participating Jurisdiction.

Where a Financial Institution (other than a trust) is resident in two or more Participating Jurisdictions (being a Member State, Liechtenstein or another Participating Jurisdiction), such Financial Institution will be subject to the reporting and due diligence obligations of the Participating Jurisdiction in which it maintains the Financial Account(s).

4. **Account maintained**

In general, an account would be considered to be maintained by a Financial Institution as follows:

(a) in the case of a Custodial Account, by the Financial Institution that holds custody over the assets in the account (including a Financial Institution that holds assets in street name for an Account Holder in such institution).

(b) in the case of a Depository Account, by the Financial Institution that is obligated to make payments with respect to the account (excluding an agent of a Financial Institution regardless of whether such agent is a Financial Institution).

(c) in the case of any equity or debt interest in a Financial Institution that constitutes a Financial Account, by such Financial Institution.

(d) in the case of a Cash Value Insurance Contract or an Annuity Contract, by the Financial Institution that is obligated to make payments with respect to the contract.

5. **Trusts that are Passive NFEs**

An Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes, according to subparagraph D(3) of Section VIII of Annex I, shall be treated as resident in the jurisdiction in which its place of effective management is situated. For these purposes, a legal person or a legal arrangement is considered "similar" to a partnership and a limited liability partnership where it is not treated as a taxable unit in a Reportable Jurisdiction under the tax laws of such Reportable Jurisdiction. However, in order to avoid duplicate reporting (given the wide scope of the term "Controlling Persons" in the case of trusts), a trust that is a Passive NFE may not be considered a similar legal arrangement.

6. **Address of Entity's principal office**

One of the requirements described in subparagraph E(6)(c) of Section VIII of Annex I is that, with respect to an Entity, the official documentation include either the address of the Entity's principal office in the Member State, Liechtenstein or other jurisdiction in which it claims to be a resident or the Member State, Liechtenstein or other jurisdiction in which the Entity was incorporated or organised. The address of the Entity's principal office is generally the place in which its place of effective management is situated. The address of a Financial Institution with which the Entity maintains an account, a post office box, or an address used solely for mailing purposes is not the address of the Entity's principal office unless such address is the only address used by the Entity and appears as the Entity's registered address in the Entity's organisational documents. Further, an address that is provided subject to instructions to hold all mail to that address is not the address of the Entity's principal office.

ANNEX III

LIST OF COMPETENT AUTHORITIES OF THE CONTRACTING PARTIES

The Competent Authorities for the purposes of this Agreement are:

(a) in the Principality of Liechtenstein: Die Regierung des Fürstentums Liechtenstein or an authorised representative,

(b) in the Kingdom of Belgium: De Minister van Financiën/Le Ministre des Finances or an authorised representative,

(c) in the Republic of Bulgaria: Изпълнителният директор на Националната агенция за приходите or an authorised representative,

(d) in the Czech Republic: Ministr financí or an authorised representative,

(e) in the Kingdom of Denmark: Skatteministeren, or an authorised representative,

(f) in the Federal Republic of Germany: Der Bundesminister der Finanzen or an authorised representative,

(g) in the Republic of Estonia: Rahandusminister or an authorised representative,

(h) in the Hellenic Republic: Ο Υπουργός Οικονομίας και Οικονομικών or an authorised representative,

(i) in the Kingdom of Spain: El Ministro de Economía y Hacienda or an authorised representative,

(j) in the French Republic: Le Ministre chargé du budget or an authorised representative,

(k) in the Republic of Croatia: Ministar financija or an authorised representative

(l) in Ireland: The Revenue Commissioners, or their authorised representative,

(m) in the Italian Republic: Il Direttore Generale delle Finanze or an authorised representative,

(n) in the Republic of Cyprus: Υπουργός Οικονομικών, or an authorised representative,

(o) in the Republic of Latvia: Finanšu ministrs or an authorised representative,

(p) in the Republic of Lithuania: Finansų ministras or an authorised representative,

(q) in the Grand Duchy of Luxembourg: Le Ministre des Finances or an authorised representative,

(r) in Hungary: A pénzügyminiszter or an authorised representative,

(s) in the Republic of Malta: Il-Ministru responsabbli għall-Finanzi or an authorised representative,

(t) in the Kingdom of the Netherlands: De Minister van Financiën or an authorised representative,

(u) in the Republic of Austria: Der Bundesminister für Finanzen or an authorised representative,

(v) in the Republic of Poland: Minister Finansów or an authorised representative,

(w) in the Portuguese Republic: O Ministro das Finanças or an authorised representative,

(x) in Romania: Președintele Agenției Naționale de Administrare Fiscală or an authorised representative,

(y) in the Republic of Slovenia: Minister za finance or an authorised representative,

(z) in the Slovak Republic: Minister financií or an authorised representative,

(aa) in the Republic of Finland: Valtiovarainministeriö/Finansministeriet or an authorised representative,

(ab) in the Kingdom of Sweden: Chefen för Finansdepartementet or an authorised representative,

(ac) in the United Kingdom of Great Britain and Northern Ireland and in the European territories for whose external relations the United Kingdom is responsible: the Commissioners of Inland Revenue or their authorised representative and the competent authority in Gibraltar, which the United Kingdom will designate in accordance with the Agreed Arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties notified to the Member States and institutions of the European Union of 19 April 2000, a copy of which shall be notified to Liechtenstein by the Secretary-General of the Council of the European Union, and which shall apply to this Agreement.'.

Article 2

Entry into force and application

1. This Amending Protocol requires ratification or approval by the Contracting Parties in accordance with their own procedures. The Contracting Parties shall notify each other of the completion of these procedures. This Amending Protocol shall enter into force on the first day of January following the last notification.

2. In respect of information exchange upon request, the exchange of information provided for in this Amending Protocol shall be applicable to requests made on or after the date of its entry into force for information that relates to fiscal years beginning on or after the first day of January of the year of the entry into force of this Amending Protocol. Article 10 of the Agreement in the form prior to its amendment by this Amending Protocol shall continue to apply unless Article 5 of the Agreement as amended by this Amending Protocol applies.

3. Notwithstanding paragraphs 1 and 2, the following obligations under the Agreement in the form prior to its amendment by this Amending Protocol shall continue to apply, as follows:

(i) the obligations of Liechtenstein and of paying agents established therein under Article 2 of the Agreement in the form prior to its amendment by this Amending Protocol and the obligations of Liechtenstein and the underlying obligations of paying agents established therein under Article 8 of the Agreement in the form prior to its amendment by this Amending Protocol shall continue to apply until 30 June of the year of the entry into force of this Amending Protocol or until those obligations have been fulfilled;

(ii) the obligations of Member States under Article 9 of the Agreement in the form prior to its amendment by this Amending Protocol, with regard to withholding tax levied during the last year of applicability of the Agreement in the form prior to its amendment by this Amending Protocol and previous years, shall continue to apply until those obligations have been fulfilled.

Article 3

Languages

This Amending Protocol shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have hereunto set their hands.

Съставено в Страсбург на двадесет и осми октомври две хиляди и петнадесета година.

Hecho en Estrasburgo, el veintiocho de octubre de dos mil quince.

Ve Štrasburku dne dvacátého osmého října dva tisíce patnáct.

Udfærdiget i Strasbourg den otteogtyvende oktober to tusind og femten.

Geschehen zu Straßburg am achtundzwanzigsten Oktober zweitausendfünfzehn.

Kahe tuhande viieteistkümnenda aasta oktoobrikuu kahekümne kaheksandal päeval Strasbourgis.

Έγινε στο Στρασβούργο, στις είκοσι οκτώ Οκτωβρίου δύο χιλιάδες δεκαπέντε.

Done at Strasbourg on the twenty eighth day of October in the year two thousand and fifteen.

Fait à Strasbourg, le vingt huit octobre deux mille quinze.

Sastavljeno u Strasbourgu dvadeset osmog listopada dvije tisuće petnaeste.

Fatto a Strasburgo, addì ventotto ottobre duemilaquindici.

Strasbūrā, divi tūkstoši piecpadsmitā gada divdesmit astotajā oktobrī.

Priimta du tūkstančiai penkioliktų metų spalio dvidešimt aštuntą dieną Strasbūre.

Kelt Strasbourgban, a kéteze-tizenötödik év október havának huszonnyolcadik napján.

Magħmul fi Strasburgu, fit-tmienja u għoxrin jum ta' Ottubru fis-sena elfejn u ħmistax.

Gedaan te Straatsburg, de achtentwintigste oktober tweeduizend vijftien.

Sporządzono w Strasburgu dnia dwudziestego ósmego października roku dwa tysiące piętnastego.

Feito em Estrasburgo, em vinte e oito de outubro de dois mil e quinze.

Întocmit la Strasbourg la douăzeci și opt octombrie două mii cincisprezece.

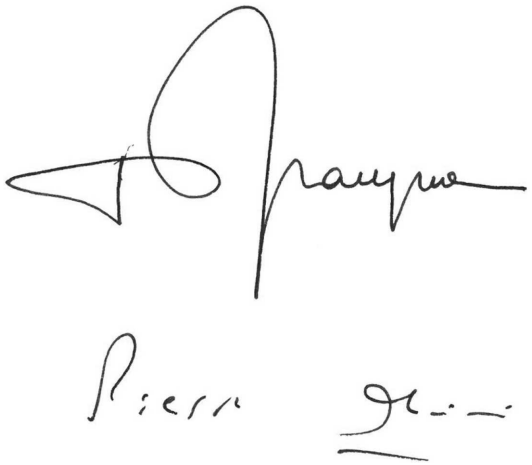
V Štrasburgu dvadsiateho ôsmeho októbra dvetisíctridsať.

V Strasbourgu, dne osemindvajsetega oktobra leta dva tisoč petnajst.

Tehty Strasbourgissa kahdentenakymmenentenäkahdeksantena päivänä lokakuuta vuonna kaksituhattaviisitoista.

Som skedde i Strasbourg den tjugoåttonde oktober år tjugohundrafemton.

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Europsku uniju
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen



За Княжество Лихтенщайн
Por el principado de Liechtenstein
Za Lichtenštejnské knížectví
For Fyrstendømmet Liechtenstein
Für das Fürstentum Liechtenstein
Liechtensteini Vürstiriigi nimel
Για το Πριγκιπάτο του Λιχτενστάιν
For the Principality of Liechtenstein
Pour la Principauté de Liechtenstein
Za Kneževinu Lihtenštajn
Per il Principato del Liechtenstein
Lihtenšteinas Firstistes vārdā –
Lichtenšteino Kunigaikštystės vardu
A Liechtensteini Hercegség részéről
Għall-Prinċipat tal-Liechtenstein
Voor het Vorstendom Liechtenstein
W imieniu Księstwa Lichtensteinu
Pelo Principado do Listenstaine
Pentru Principatul Liechtenstein
Za Lichtenštajnské kniežatstvo
Za Kneževino Lihtenštajn
Liechtensteinin ruhtinaskunnan puolesta
För Furstendömet Liechtenstein

JOINT DECLARATIONS OF THE CONTRACTING PARTIES:

JOINT DECLARATION OF THE CONTRACTING PARTIES ON ARTICLE 5 OF THE AGREEMENT

The Contracting Parties agree, regarding the implementation of Article 5 on Exchange of Information upon Request, that the Commentary to Article 26 of the OECD Model Tax Convention on Income and on Capital in the version current at the signature of the Amending Protocol should be a source of interpretation.

Where the OECD adopts new versions of the Commentary to Article 26 of the OECD Model Tax Convention on Income and on Capital in subsequent years, when acting as the requested jurisdiction, any Member State or Liechtenstein may apply those versions as a source of interpretation replacing the previous ones. Member States shall communicate to Liechtenstein and Liechtenstein shall communicate to the European Commission when they apply the previous sentence. The European Commission may coordinate the transmission of the communication from Member States to Liechtenstein and the European Commission shall transmit the communication from Liechtenstein to all Member States. The application shall take effect as of the date of the communication.

JOINT DECLARATION OF THE CONTRACTING PARTIES ON THE ENTRY INTO FORCE AND IMPLEMENTATION OF THE AMENDING PROTOCOL

The Contracting Parties declare that they expect that the constitutional requirements of Liechtenstein and the requirements of European Union law concerning entering into international agreements will be fulfilled in time to enable the Amending Protocol to enter into force on the first day of January 2016. They will take all the measures in their power to achieve that goal.

Before the start of the due diligence rules foreseen in Annexes I and II, Member States shall communicate to Liechtenstein and Liechtenstein shall communicate to the European Commission when they have taken the necessary steps to give effect to the Agreement as amended by the Amending Protocol. The European Commission may coordinate the transmission of the communication from Member States to Liechtenstein and the European Commission shall transmit the communication from Liechtenstein to all Member States.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2015/2454

of 23 December 2015

implementing Article 17(1) and (3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic [1], and in particular Article 17(1) and (3) thereof,

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

Whereas:

(1) On 10 March 2014, the Council adopted Regulation (EU) No 224/2014.

(2) On 20 October 2015, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 2127 (2013) ('the Sanctions Committee'), updated the identifying information concerning one individual on its sanctions list.

(3) On 17 December 2015, the Sanctions Committee added two persons to the list of persons and entities subject to the restrictive measures.

(4) Annex I to Regulation (EU) No 224/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 224/2014 is hereby 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, 23 December 2015.

For the Council
The President
J. ASSELBORN

[1] OJ L 70, 11.3.2014, p. 1.

ANNEX

I. The following persons are added to the list set out in Annex I to Regulation (EU) No 224/2014:

A. Persons

7. Haroun GAYE (alias: a) Haroun Geye; b) Aroun Gaye; c) Aroun Geye

Designation: Rapporteur of the political coordination of the Front Populaire pour la Renaissance de Centrafrique (FPRC)

Date of birth: a) 30 Jan. 1968 b) 30 Jan. 1969

Passport No: Central African Republic number O00065772 (letter O followed by 3 zeros), expires 30 Dec. 2019)

Address: Bangui, Central African Republic

Listed on: 17 December 2015

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Haroun Gaye was listed on 17 December 2015 pursuant to paragraphs 11 and 12 (b) and (f) of resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR'; 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;' and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them.'

Additional information:

HAROUN GAYE has been, since early 2014, one of the leaders of an armed group operating in the PK5 neighbourhood in Bangui. Civil Society representatives of the PK5 neighbourhood state that Gaye and his armed group are fuelling the conflict in Bangui, opposing the reconciliation and preventing movements of population to and from the third district of Bangui. On 11 May, 2015, Gaye and 300 demonstrators blocked access to the National Transitional Council to disrupt the final day of the Bangui Forum. GAYE is reported to have collaborated with anti-Balaka officials to coordinate the disruption.

On 26 June 2015, Gaye and a small entourage disrupted the opening of a voter registration drive in Bangui's PK5 neighbourhood, causing the registration drive to close.

MINUSCA attempted to arrest Gaye on 2 August 2015, in accordance with the provisions of paragraph 32(f) (i) of the Security Council resolution 2217 (2015). Gaye, who was reportedly informed of the arrest attempt in advance, was ready with supporters armed with heavy weaponry. Gaye's forces opened fire on the MINUSCA Joint Task Force. In a seven-hour firefight, Gaye's men employed firearms, rocket-propelled and hand grenades against MINUSCA troops and killed one peacekeeper and injured eight. Gaye was involved in encouraging violent protests and clashes in late September 2015 in what appears to have been a coup attempt to overthrow the Transitional Government. The coup attempt was likely led by former president Bozize's supporters in an alliance of convenience with Gaye and other FPRC leaders. It appears that Gaye aimed to create a cycle of retaliatory attacks that would threaten the upcoming elections. Gaye was in charge of coordination with marginalized elements of the anti-Balaka.

On 1 October 2015, a meeting took place in the PK5 neighbourhood between Eugène Barret Ngaïkosset, a member of a marginalized anti-Balaka group and Gaye, with the aim of planning a joint attack on Bangui on Saturday, 3 October. Gaye's group prevented people inside the PK5 neighbourhood from leaving it, in order to reinforce the communal identity of the Muslim population to exacerbate inter-ethnic tensions and avoid reconciliation. On 26 October 2015, Gaye and his group interrupted a meeting between the Archbishop of Bangui and the Imam of the Central Mosque of Bangui, and threatened the delegation which had to retreat from the Central Mosque and flee the PK5 neighbourhood.

8. Eugène BARRET NGAÏKOSSET (alias: a) Eugene Ngaikosset b) Eugene Ngaikoisset c) Eugene Ngakosset, d) Eugene Barret Ngaikosse e) Eugene Ngaikouesset; low quality alias.: f) 'The Butcher of Paoua'; g) Ngakosset

Designation: a) Former Captain, CAR Presidential Guard b) Former Captain, CAR Naval Forces

National identification No: Central African Republic armed forces (FACA) Military identification number 911-10-77

Address: a) Bangui, Central African Republic

Listed on: 17 December 2015.

Other Information: Captain Eugène Barret Ngaïkosset is a former member of former President François Bozizé's (CFi.001) presidential guard and associated with the anti-Balaka movement. He escaped from jail on 17 May 2015 following his extradition from Brazzaville and created his own anti-Balaka faction including former FACA fighters.

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Eugène BARRET NGAÏKOSSET was listed on 17 December 2015 pursuant to paragraphs 11 and 12 (b) and (f) of resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR;' 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;' and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them.'

Additional information:

Ngaïkosset is one of the main perpetrators of the violence which erupted in Bangui in late September 2015. Ngaïkosset and other anti-Balaka worked together with marginalized members of ex-Séléka in an effort to destabilize the CAR Transitional Government. On the night of 27-28 September 2015, Ngaïkosset and others made an unsuccessful attempt to storm the 'Izamo' gendarmerie camp in order to steal weapons and ammunition. On 28 September, the group surrounded the offices of CAR national radio.

On 1 October 2015, a meeting took place in the PK5 neighborhood between Ngaïkosset and Haroun Gaye, a leader of the Front Populaire pour la Renaissance de Centrafrique (FPRC), with the aim of planning a joint attack on Bangui on Saturday, 3 October.

On 8 October, 2015, the CAR Justice Minister announced plans to investigate Ngaïkosset and other individuals for their roles in the September 2015 violence in Bangui. Ngaikosset and the others were named as being involved in 'egregious behaviour constituting a breach of the internal security of the state, conspiracy, incitement to civil war, civil disobedience, hatred and complicity."CAR legal authorities were instructed to open an investigation to search for and arrest the perpetrators and accomplices.

On 11 October 2015, Ngaïkosset is believed to have asked anti-Balaka militia under his command to carry out kidnappings, with a particular focus on French nationals, but also CAR political figures and UN officials, with the aim of forcing the departure of the transitional President, Catherine Samba-Panza.

II. The entry number 6 in the Annex I to Regulation (EU) No 224/2014 is replaced by the following entry:

6. Oumar YOUNOUS ABDOULAY (alias: a) Oumar Younous b) Omar Younous c) Oumar Sodiam d) Oumar Younous M'Betibangui)

Designation: Former Séléka General

Date of birth: 2 April 1970

Nationality: Sudan, CAR diplomatic passport No D00000898, issued on 11 April 2013, (valid until 10 April 2018)

Address: a) Bria, Central African Republic (Tel. +236 75507560) b) Birao, Central African Republic c) Tullus, southern Darfur, Sudan (previous location)

Other information: Is a diamond smuggler and a three-star general of the Séléka and close confident of former CAR interim president Michel Djotodia. Physical description: hair colour: black; height: 180cm; belongs to the Fulani ethnic group. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice.

Date of UN designation: 20 Aug. 2015 (amended on 20 Oct. 2015)

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Oumar Younous was listed on 20 August 2015 pursuant to paragraphs 11 and 12 (d) of resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence;' and 'providing support for armed groups or criminal networks through the illicit exploitation or trade of natural resources, including diamonds, gold, wildlife as well as wildlife products, in the CAR'

Additional information:

Oumar Younous, as a General of the former Séléka and a diamond smuggler, has provided support to an armed group through the illicit exploitation and trade of natural resources, including diamonds, in the Central African Republic.

In October 2008, Oumar Younous, a former driver for the diamond buying house SODIAM, joined the rebel group *Mouvement des Libérateurs Centrafricains pour la Justice* (MLCJ). In December 2013, Oumar Younous was identified as being a three-star general of the Séléka and close confident of interim president Michel Djotodia.

Younous is involved in the diamond trade from Bria and Sam Ouandja to Sudan. Sources have reported that Oumar Younous has been engaged in collecting diamond parcels hidden in Bria, and taking them to Sudan for sale.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2455

of 21 December 2015

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 Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ([1]), and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, 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 12(6) of Council Regulation (EEC) No 2913/92 ([2]). That period should be set at three months.

(5) The Customs Code Committee has not issued an opinion within the time limit set by its Chair,

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 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

([1]) OJ L 256, 7.9.1987, p. 1.
([2]) Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, 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, 21 December 2015.

For the Commission,
On behalf of the President,
Heinz ZOUREK
Director-General for Taxation and Customs Union

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
A product composed of the meat of different crustaceans and molluscs (in % per weight): — raw squid and cuttlefish entacles 25 — raw squid and cuttlefish strips 20 — raw squid rings 20 — cooked baby yellow clam 20 — blanched shrimps 15 The product is presented in frozen state (at a temperature of – 20 °C) in bags of 1 kg (net weight 800 grams).	1605 54 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2 to Chapter 16 and the wording of CN codes 1605 and 1605 54 00. The product consists of 'seafood' (meat of different crustaceans and molluscs) a part of which is raw or blanched (heading 0307) while another part is cooked (heading 1605). Such a product is considered a preparation, taking into account that cooking excludes classification in Chapter 3 as the product, even partially, has been prepared by a process not provided for in that Chapter (see also the Harmonised System Explanatory Notes to Chapter 3, General, fifth paragraph). As cuttlefish and squid predominate by weight, the product is classified by application of Note 2 to Chapter 16 under the CN code of Chapter 16 corresponding to the predominant part of the preparation. The product is therefore to be classified under CN code 1605 54 00 as prepared or preserved cuttlefish and squid.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2456

of 23 December 2015

establishing the standard import values for determining the entry price of certain fruit and vegetables

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]),

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ([2]), and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore 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 standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed 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, 23 December 2015.

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

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	IL	236,2
	MA	93,3
	TR	112,1
	ZZ	147,2
0707 00 05	EG	174,9
	MA	89,9
	TR	145,5
	ZZ	136,8
0709 93 10	MA	43,2
	TR	138,3
	ZZ	90,8
0805 10 20	EG	69,4
	MA	65,5
	TR	78,1
	ZA	53,1
	ZZ	66,5
0805 20 10	MA	73,7
	ZZ	73,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	110,4
	TR	88,6
	UY	95,4
	ZZ	98,1
0805 50 10	MA	94,5
	TR	95,2
	ZZ	94,9
0808 10 80	CA	153,6
	CL	85,8
	US	83,0
	ZA	83,2
	ZZ	101,4
0808 30 90	CN	64,5
	TR	122,8
	ZZ	93,7

(1) Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

DECISION (EU) 2015/2457 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2015

on the mobilisation of the European Globalisation Adjustment Fund (application from Finland — EGF/2015/005 FI/Computer Programming)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ([1]), and in particular Article 15(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([2]), and in particular point 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Globalisation Adjustment Fund (EGF) aims to provide support for workers made redundant and self-employed persons whose activity has ceased as a result of major structural changes in world trade patterns due to globalisation, as a result of a continuation of the global financial and economic crisis, or as a result of a new global financial and economic crisis, and to assist them with their reintegration into the labour market.

(2) The EGF is not to exceed a maximum annual amount of EUR 150 million (2011 prices), as laid down in Article 12 of Council Regulation (EU, Euratom) No 1311/2013 ([3]).

(3) On 12 June 2015, Finland submitted an application EGF/2015/005 FI/Computer programming for a financial contribution from the EGF, following redundancies in the economic sector classified under the NACE Revision 2 Division 62 (Computer programming, consultancy and related activities) in the NUTS level 2 regions of Länsi-Suomi (FI19), Helsinki-Uusimaa (FI1B), Etelä-Suomi (FI1C) and Pohjois- ja Itä-Suomi (FI1D) in Finland. It was supplemented by additional information provided in accordance with Article 8(3) of Regulation (EU) No 1309/2013. That application complies with the requirements for determining a financial contribution from the EGF as laid down in Article 13 of Regulation (EU) No 1309/2013.

(4) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 2 623 200 in respect of the application submitted by Finland.

(5) In order to minimise the time taken to mobilise the EGF, this decision should apply from the date of its adoption,

([1]) OJ L 347, 20.12.2013, p. 855.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2015, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 2 623 200 in commitment and payment appropriations.

Article 2

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

It shall apply from 16 December 2015.

Done at Strasbourg, 16 December 2015.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	N. SCHMIT

DECISION (EU) 2015/2458 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2015

on the mobilisation of the European Globalisation Adjustment Fund (application from Ireland — EGF/2015/006 IE/PWA International)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ([1]), and in particular Article 15(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([2]), and in particular point 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Globalisation Adjustment Fund (EGF) aims to provide support for workers made redundant and self-employed persons whose activity has ceased as a result of major structural changes in world trade patterns due to globalisation, as a result of a continuation of the global financial and economic crisis, or as a result of a new global financial and economic crisis, and to assist them with their reintegration into the labour market.

(2) The EGF is not to exceed a maximum annual amount of EUR 150 million (2011 prices), as laid down in Article 12 of Council Regulation (EU, Euratom) No 1311/2013 ([3]).

(3) On 19 June 2015, Ireland submitted an application EGF/2015/006 IE/PWA International for a financial contribution from the EGF, following redundancies in PWA International Ltd and one supplier in Ireland. It was supplemented by additional information provided in accordance with Article 8(3) of Regulation (EU) No 1309/2013. That application complies with the requirements for determining a financial contribution from the EGF in accordance with Article 13 of that Regulation.

(4) In accordance with Article 6(2) of Regulation (EU) No 1309/2013, Ireland has decided to provide personalised services co-financed by the EGF also to 108 young persons not in employment, education or training (NEETs).

(5) In accordance with Article 4(2) of Regulation (EU) No 1309/2013, the application from Ireland is considered admissible since the redundancies have a serious impact on employment and the local, regional or national economy.

(6) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 442 293 in respect of the application submitted by Ireland.

(7) In order to minimise the time taken to mobilise the EGF, this decision should apply from the date of its adoption,

([1]) OJ L 347, 20.12.2013, p. 855.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2015, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 442 293 in commitment and payment appropriations.

Article 2

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

It shall apply from 16 December 2015.

Done at Strasbourg, 16 December 2015.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	N. SCHMIT

COUNCIL IMPLEMENTING DECISION (CFSP) 2015/2459

of 23 December 2015

implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic

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 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic [1], and in particular Article 2c thereof,

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

Whereas:

(1) On 23 December 2013, the Council adopted Decision 2013/798/CFSP.

(2) On 20 October 2015, the Sanctions Committee, established pursuant to United Nations Security Council Resolution 2127 (2013) ('the Sanctions Committee'), updated the identifying information concerning one individual on its sanctions list.

(3) On 17 December 2015, the Sanctions Committee added two persons to the list of persons and entities subject to the restrictive measures.

(4) The Annex to Decision 2013/798/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2013/798/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 23 December 2015.

For the Council
The President
J. ASSELBORN

[1] OJ L 352, 24.12.2013, p. 51.

ANNEX

Persons referred to in Article 1

I. The following persons are added to the list set out in the Annex to Decision 2013/798/CFSP:

7. Haroun GAYE (alias: (a) Haroun Geye; (b) Aroun Gaye; (c) Aroun Geye).

Designation: Rapporteur of the political coordination of the *Front Populaire pour la Renaissance de Centrafrique* (FPRC).

Date of birth: (a) 30 January 1968; (b) 30 January 1969.

Passport No: Central African Republic number O00065772 (letter O followed by 3 zeros), expires 30 December 2019.

Address: Bangui, Central African Republic.

Listed on: 17 December 2015.

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Haroun Gaye was listed on 17 December 2015 pursuant to paragraphs 11 and 12(b) and (f) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR'; 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;' and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including Minusca, the European Union missions and French operations which support them.'

Additional information:

Haroun Gaye has been, since early 2014, one of the leaders of an armed group operating in the PK5 neighbourhood in Bangui. Civil Society representatives of the PK5 neighbourhood state that Gaye and his armed group are fuelling the conflict in Bangui, opposing the reconciliation and preventing movements of population to and from the third district of Bangui. On 11 May 2015, Gaye and 300 demonstrators blocked access to the National Transitional Council to disrupt the final day of the Bangui Forum. Gaye is reported to have collaborated with anti-Balaka officials to coordinate the disruption.

On 26 June 2015, Gaye and a small entourage disrupted the opening of a voter registration drive in Bangui's PK5 neighbourhood, causing the registration drive to close.

Minusca attempted to arrest Gaye on 2 August 2015, in accordance with the provisions of paragraph 32(f)(i) of the Security Council Resolution 2217 (2015). Gaye, who was reportedly informed of the arrest attempt in advance, was ready with supporters armed with heavy weaponry. Gaye's forces opened fire on the Minusca Joint Task Force. In a seven-hour firefight, Gaye's men employed firearms, and rocket-propelled and hand grenades against Minusca troops and killed one peacekeeper and injured eight. Gaye was involved in encouraging violent protests and clashes in late September 2015 in what appears to have been a coup attempt to overthrow the Transitional Government. The coup attempt was likely led by former president Bozize's supporters in an alliance of convenience with Gaye and other FPRC leaders. It appears that Gaye aimed to create a cycle of retaliatory attacks that would threaten the upcoming elections. Gaye was in charge of coordination with marginalised elements of the anti-Balaka.

On 1 October 2015, a meeting took place in the PK5 neighbourhood between Eugène Barret Ngaïkosset, a member of a marginalised anti-Balaka group and Gaye, with the aim of planning a joint attack on Bangui on Saturday 3 October. Gaye's group prevented people inside the PK5 neighbourhood from leaving it, in order to reinforce the communal identity of the Muslim population to exacerbate inter-ethnic tensions and avoid reconciliation. On 26 October 2015, Gaye and his group interrupted a meeting between the Archbishop of Bangui and the Imam of the Central Mosque of Bangui, and threatened the delegation which had to retreat from the Central Mosque and flee the PK5 neighbourhood.

8. Eugène BARRET NGAÏKOSSET (alias: (a) Eugene Ngaikosset; (b) Eugene Ngaikoisset; (c) Eugene Ngakosset; (d) Eugene Barret Ngaikosse; (e) Eugene Ngaikouesset; low-quality alias.: (f) 'The Butcher of Paoua'; (g) Ngakosset)

Designation: (a) Former Captain, CAR Presidential Guard; (b) Former Captain, CAR Naval Forces.

National identification No: Central African Republic armed forces (FACA) military identification number 911-10-77.

Address: (a) Bangui, Central African Republic.

Listed on: 17 December 2015.

Other information: Captain Eugène Barret Ngaïkosset is a former member of former President François Bozizé's (CFi.001) presidential guard and associated with the anti-Balaka movement. He escaped from jail on 17 May 2015 following his extradition from Brazzaville and created his own anti-Balaka faction including former FACA fighters.

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Eugène Barret Ngaïkosset was listed on 17 December 2015 pursuant to paragraphs 11 and 12(b) and (f) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR;' 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;' and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including Minusca, the European Union missions and French operations which support them.'

Additional information:

Ngaïkosset is one of the main perpetrators of the violence which erupted in Bangui in late September 2015. Ngaïkosset and other anti-Balaka worked together with marginalised members of ex-Séléka in an effort to destabilise the CAR Transitional Government. On the night of 27-28 September 2015, Ngaïkosset and others made an unsuccessful attempt to storm the 'Izamo' gendarmerie camp in order to steal weapons and ammunition. On 28 September, the group surrounded the offices of CAR national radio.

On 1 October 2015, a meeting took place in the PK5 neighbourhood between Ngaïkosset and Haroun Gaye, a leader of the *Front Populaire pour la Renaissance de Centrafrique* (FPRC), with the aim of planning a joint attack on Bangui on Saturday 3 October.

On 8 October, 2015, the CAR Justice Minister announced plans to investigate Ngaïkosset and other individuals for their roles in the September 2015 violence in Bangui. Ngaikosset and the others were named as being involved in 'egregious behaviour constituting a breach of the internal security of the state, conspiracy, incitement to civil war, civil disobedience, hatred and complicity.' CAR legal authorities were instructed to open an investigation to search for and arrest the perpetrators and accomplices.

On 11 October 2015, Ngaïkosset is believed to have asked anti-Balaka militia under his command to carry out kidnappings, with a particular focus on French nationals, but also CAR political figures and UN officials, with the aim of forcing the departure of the transitional President, Catherine Samba-Panza.

II. The entry number 6 in the Annex to Decision 2013/798/CFSP is replaced by the following entry:

6. Oumar YOUNOUS ABDOULAY (alias: (a) Oumar Younous; (b) Omar Younous; (c) Oumar Sodiam; (d) Oumar Younous M'Betibangui).

Designation: Former Séléka general.

Date of birth: 2 April 1970.

Nationality: Sudan, CAR diplomatic passport No D00000898, issued on 11 April 2013 (valid until 10 April 2018).

Address: (a) Bria, Central African Republic (Tel. +236 75507560); (b) Birao, Central African Republic; (c) Tullus, southern Darfur, Sudan (previous location).

Other information: is a diamond smuggler and a three-star general of the Séléka and close confident of former CAR interim president Michel Djotodia. Physical description: hair colour: black; height: 180 cm; belongs to the Fulani ethnic group. Photo available for inclusion in the Interpol-UN Security Council Special Notice.

Date of UN designation: 20 August 2015 (amended on 20 October 2015).

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Oumar Younous was listed on 20 August 2015 pursuant to paragraphs 11 and 12(d) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence;' and 'providing support for armed groups or criminal networks through the illicit exploitation or trade of natural resources, including diamonds, gold, and wildlife as well as wildlife products, in the CAR'.

Additional information:

Oumar Younous, as a general of the former Séléka and a diamond smuggler, has provided support to an armed group through the illicit exploitation and trade of natural resources, including diamonds, in the Central African Republic.

In October 2008, Oumar Younous, a former driver for the diamond buying house Sodiam, joined the rebel group *Mouvement des Libérateurs Centrafricains pour la Justice* (MLCJ). In December 2013, Oumar Younous was identified as being a three-star general of the Séléka and close confidant of interim president Michel Djotodia.

Younous is involved in the diamond trade from Bria and Sam Ouandja to Sudan. Sources have reported that Oumar Younous has been engaged in collecting diamond parcels hidden in Bria, and taking them to Sudan for sale.

COMMISSION IMPLEMENTING DECISION (EU) 2015/2460

of 23 December 2015

concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5 in France

(notified under document C(2015) 9818)

(Only the French text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

(1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.

(2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.

(3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.

(4) Council Directive 2005/94/EC ([3]) sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. Article 16 of that Directive provides for the establishment of protection, surveillance and further restricted zones in the event of an outbreak of highly pathogenic avian influenza. In addition, Article 30 of Directive 2005/94/EC provides for certain measures to be applied in the surveillance zones in order to prevent the spread of the disease, including certain restrictions on the movements of poultry, ready-to-lay-poultry, day-old chicks and hatching eggs.

(5) Council Directive 2009/158/EC ([4]) lays down rules for trade within the Union in poultry and hatching eggs, including the veterinary certificates to be used.

(6) France notified the Commission of outbreaks of highly pathogenic avian influenza of subtype H5 in holdings on its territory where poultry are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones in accordance with Article 16 of that Directive.

([1]) OJ L 395, 30.12.1989, p. 13.
([2]) OJ L 224, 18.8.1990, p. 29.
([3]) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).
([4]) Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74).

(7) Laboratory investigations have shown that the HPAI viruses of the H5N1, H5N2 and H5N9 subtypes detected in France are clearly different from the HPAI H5N1 virus that appeared in the mid-1990s in Asia and which was first detected in Europe in 2005. The HPAI viruses of H5 subtype currently detected in the south-west of France are of European origin.

(8) Commission Implementing Decision (EU) 2015/2239 [1] was adopted in order to list, at Union level, the protection and surveillance zones established by France in accordance with Article 16 of Directive 2005/94/EC.

(9) Due to the current epidemiological situation and the risk of further spread of the disease, France has also established a large further restricted zone around the protection and surveillance zones comprising several departments or parts thereof in the south-west of that Member State.

(10) In order to limit the spread of the disease, France should ensure that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from the protection, surveillance and further restricted zone to other parts of France, other Member States or to third countries.

(11) Day-old chicks present a negligible risk for the spread of highly pathogenic avian influenza viruses provided that they have hatched from hatching eggs originating from poultry on holdings located in the further restricted zone and outside the protection and surveillance zones and when the hatchery of dispatch can ensure by its logistics and by its biosecurity working conditions that no contact has occurred between these hatching eggs and any other hatching eggs or day-old chicks originating from poultry flocks within the protection or surveillance zones and which are therefore of a different health status.

(12) Hatching eggs pose a very low risk for disease transmission provided they are collected from flocks that are kept in the further restricted zone and which have undergone serological testing with negative results. Another condition is that such hatching eggs and their packaging have to be disinfected before dispatch from the further restricted zone.

(13) Without prejudice to the measures applicable in the protection and surveillance zone, it is therefore appropriate that the competent authority of France may authorise the dispatch of consignments of day-old chicks and hatching eggs from the further restricted zone listed in the Annex to this Decision in accordance with the above requirements and provided that prior agreement of the competent authority of the Member State or third country of destination has been obtained.

(14) The wide extension of the further restricted zone as established by France in accordance with Article 16(4) of Directive 2005/94/EC would impose a prohibition of movements on a large proportion of the susceptible poultry population.

(15) It is also appropriate to mitigate the risk of poultry becoming exposed to avian influenza viruses circulating in the established surveillance zones by swiftly reducing the density of the susceptible poultry population in these zones that are comprised in the further restricted zone, in particular by timely slaughter and delayed restocking of holdings in that zone.

(16) Given the large and unexpected scale of the outbreaks and the correspondingly wide area of the surveillance zones established around each outbreak, it is necessary to quickly reduce the density of the susceptible poultry on holdings at a particular high risk for infection. A systematic clinical examination of the poultry prior to dispatch would considerably slow down that depopulation process and increase the risk of virus spread.

(17) Therefore, it is appropriate to provide that no systematic clinical investigations of poultry on holdings located in the surveillance zones shall be carried out 24 hours prior to dispatch for direct slaughter within the surveillance zone or the further restricted zone, provided that only direct movements of poultry originating from holdings in the surveillance zones are authorised to a designated slaughterhouse located within the surveillance and further restricted zone; and these movements are carried out under stringent biosecurity measures, including a strict separation from poultry originating from the protection zone, and that cleaning and disinfection is carried out accordingly, and that restocking will be significantly delayed.

(18) The Commission has examined the measures to control the disease and the extent of the zones put under restrictions in collaboration with France, and it deems that they are suitable to achieve the set objectives.

[1] Commission Implementing Decision (EU) 2015/2239 of 2 December 2015 concerning certain protective measures in relation to highly pathogenic avian influenza of subtypes H5N1 and H5N2 in France (OJ L 317, 3.12.2015, p. 37).

(19) The Commission is also satisfied that the borders of the protection and surveillance and further restricted zone, established by the competent authority of France in accordance with Article 16 of Directive 2005/94/EC, are at a sufficient distance to the actual holdings where outbreaks were confirmed.

(20) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly define the further restricted zone established in France at Union level and to provide that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from the protection and surveillance zones and the further restricted zone to other parts of France, to other Member States or to third countries, except under certain authorised derogations.

(21) In view of the scale of the current developments of the disease outbreaks, it is no longer feasible to timely update the list of the areas established as protection and surveillance zones by a Commission Implementing Decision. Therefore, France shall publish these lists on the website of the French authorities which should also be published on the Commission's website for information purposes.

(22) The further restricted zone around the areas of the protection and surveillance zones should be listed in the Annex to this Decision and the duration of that regionalisation fixed.

(23) Given that France is implementing additional measures as laid down in the Implementing Decision (EU) 2015/2239 to prevent the spread of the avian influenza and for reasons of clarity, that Decision should be repealed.

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

HAS ADOPTED THIS DECISION:

Article 1

1. France shall establish the protection and surveillance zones in accordance with Article 16(1) of Directive 2005/94/EC, and

(a) France shall publish lists of the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC ('the lists').

(b) France shall ensure that the lists are kept up-to-date and provide any update immediately to the Commission, to other Member States and to the public.

2. The Commission shall publish the lists on its website, for information purposes only.

Article 2

1. Without prejudice to the measures to be applied in the protection and surveillance zones in accordance with Article 1 of this Decision, France shall establish a further restricted zone in accordance with Article 16(4) of Directive 2005/94/EC which includes at least the areas listed as further restricted zone in the Annex to this Decision.

2. France shall ensure that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from the areas listed in the Annex.

3. By way of derogation from paragraph 2, the competent authority of France may authorise the dispatch of consignments of day-old chicks from the areas listed in the Annex outside the established protection and surveillance zones to holdings located within that Member State or to other Member States or to third countries provided that:

(a) they are hatched from hatching eggs originating from poultry holdings located outside the protection and surveillance zones;

(b) the hatchery of dispatch can ensure by its logistics and biosecurity working conditions that no contact has occurred between these hatching eggs and any other hatching eggs or day-old-chicks originating from poultry flocks within established protection and surveillance zones and which are therefore of a different health status;

(c) the competent authority of the Member State or third country of destination is given written notification in advance and has agreed to receive the consignments of the day-old chicks and to notify the date of arrival of the consignments at the holding of destination on its territory to the competent authority of France.

4. By way of derogation from paragraph 2, the competent authority of France may authorise the dispatch of consignments of hatching eggs from the areas listed in the Annex outside the established protection and surveillance zones to hatcheries located within that Member State, other Member States or third countries provided that they are collected from holdings situated on the day of collection in the further restricted zone listed in the Annex, and on which the poultry have tested negative in a serological survey for avian influenza capable of detecting 5 % prevalence of disease with at least a 95 % level of confidence and traceability is ensured.

5. France shall ensure that the veterinary certificates provided for in Annex IV to Directive 2009/158/EC accompanying the consignments referred to in paragraph 2 of this Article to be dispatched to other Member States include the words:

'The consignment complies with the animal health conditions laid down in Commission Implementing Decision (EU) 2015/2460 (*).

(*) OJ L 339, 24.12.2015, p. 52'.

Article 3

The competent authority of France shall authorise the dispatch of poultry for direct slaughter from the areas in the surveillance zones listed in accordance with paragraph 1 of Article 1 to a designated slaughterhouse located within the surveillance or the further restricted zone provided that such movement is carried out:

(a) without any undue delay as a single trip;

(b) under stringent biosecurity measures including a strict separation from poultry originating from other regions, as well as cleaning and disinfection measures.

Article 4

Implementing Decision (EU) 2015/2239 is repealed.

Article 5

This Decision shall apply until 31 March 2016.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 23 December 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Further restricted zone as referred to in Article 1:

ISO Country Code	Member State	Name (Department number)		
FR	France	Areas comprising the departments of:		
		DORDOGNE (24) GERS (32) GIRONDE (33) HAUTE-VIENNE (87) HAUTES-PYRÉNÉES (65) LANDES (40) LOT-ET-GARONNE (47) PYRÉNÉES-ATLANTIQUES (64)		
		Areas comprising parts of the departments of:		
		CHARENTE (16) the commune of:	16254	PALLUAUD
		LOT (46) the communes of	46006	ANGLARS-NOZAC
			46008	LES ARQUES
			46061	CASSAGNES
			46066	CAZALS
			46072	CONCORES
			46087	DEGAGNAC
			46098	FAJOLES
			46114	FRAYSSINET-LE-GELAT
			46118	GIGNAC
			46120	GINDOU
			46126	GOUJOUNAC
			46127	GOURDON
			46145	LACHAPELLE-AUZAC
			46152	LAMOTHE-FENELON
			46153	LANZAC
			46164	LAVERCANTIERE
			46169	LEOBARD
			46171	LHERM
			46178	LOUPIAC
			46184	MARMINIAC
			46186	MASCLAT
			46194	MILHAC

ISO Country Code	Member State	Name (Department number)		
			46200	MONTCLERA
			46205	MONTGESTY
			46209	NADAILLAC-DE-ROUGE
			46215	PAYRAC
			46216	PAYRIGNAC
			46219	PEYRILLES
			46222	POMAREDE
			46234	RAMPOUX
			46239	LE ROC
			46241	ROUFFILHAC
			46250	SAINT-CAPRAIS
			46257	SAINT-CIRQ-MADELON
			46258	SAINT-CIRQ-SOUILLAGUET
			46259	SAINT-CLAIR
			46297	SALVIAC
			46309	SOUILLAC
			46316	THEDIRAC
			46334	LE VIGAN
		CORREZE (19) the communes of:	19015	AYEN
			19030	BRIGNAC-LA-PLAINE
			19047	CHARTRIER-FERRIÈRE
			19066	CUBLAC
			19077	ESTIVALS
			19107	LARCHE
			19120	LOUIGNAC
			19124	MANSAC
			19161	PERPEZAC-LE-BLANC
			19182	SAINT-AULAIRE
			19191	SAINT-CERNIN-DE-LARCHE
			19195	SAINT-CYPRIEN
			19229	SAINT-PANTALÉON-DE-LARCHE
			19239	SAINT-ROBERT
			19289	YSSANDON

INTERINSTITUTIONAL AGREEMENTS

AGREEMENT

between the European Parliament and the Single Resolution Board on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the Single Resolution Board within the framework of the Single Resolution Mechanism

THE EUROPEAN PARLIAMENT AND THE SINGLE RESOLUTION BOARD,

— having regard to the Treaty on European Union,

— having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 114 thereof,

— having regard to Parliament's Rules of Procedure,

— having regard to Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 [1], in particular Article 45(7) and (8) thereof,

A. whereas Regulation (EU) No 806/2014 (the SRM Regulation) establishes the Single Resolution Board (the Board) as a Union agency entrusted with a centralised power of resolution for the participating Member States in the Single Resolution Mechanism (the SRM) that are also participating in the Single Supervisory Mechanism (the SSM), with a view to contributing to the safety and soundness of credit institutions and the stability of the financial system within the European Union and each participating Member State;

B. whereas Article 7 of the SRM Regulation establishes that the Board is the resolution authority responsible for carrying out the tasks conferred on it by that Regulation (the resolution tasks), in particular for drawing up the resolution plans and adopting all decisions relating to resolution;

C. whereas the conferral of resolution tasks implies a significant responsibility for the Board to contribute to financial stability in the Union, using its resolution powers in the most effective and proportionate way;

D. whereas any conferral of resolution powers to the Union level should be balanced by appropriate accountability requirements; whereas under Article 45 of the SRM Regulation the Board is therefore accountable for the implementation of that Regulation to Parliament and the Council as democratically legitimised institutions representing the citizens of the Union and the Member States;

E. whereas Article 45(8) of the SRM Regulation provides that the Board is to cooperate with any investigations by Parliament, subject to the TFEU;

F. whereas Article 45(7) of the SRM Regulation provides that, upon request, the Chair of the Board is to hold confidential oral discussions behind closed doors with the Chair and the Vice-Chairs of Parliament's competent committee where such discussions are required for the exercise of Parliament's powers under the TFEU; whereas that Article requires that the arrangements for the organisation of those discussions ensure full confidentiality in accordance with the confidentiality obligations imposed on the Board by the SRM Regulation and when the Board is acting as a national resolution authority under the relevant Union law;

[1] OJ L 225, 30.7.2014, p. 1.

G. whereas Article 15(1) TFEU provides that the Union's agencies conduct their work as openly as possible; whereas the conditions under which a document of the Board is confidential should, as provided for in Article 91 of the SRM Regulation, be laid down in the decision of the Board applying the security principles contained in the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information;

H. whereas Parliament and the Board should cooperate closely to ensure the implementation of those security rules, including by periodic joint monitoring of security arrangements and standards applied;

I. whereas the disclosure of information related to the resolution of entities is not at the free disposal of the Board but subject to limits and conditions as established by relevant Union law to which both Parliament and the Board are subject; whereas the disclosure of Board information might therefore be restricted by legally foreseen confidentiality limits;

J. whereas this Agreement is without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council ([1]), to Regulation (EC) No 45/2001 of the European Parliament and of the Council ([2]) and to any other applicable primary or secondary Union law provision on the access to documents or the protection of personal data, as well as to the rules on Parliament's right of inquiry adopted in accordance with the third paragraph of Article 226 TFEU;

K. whereas Article 88(1) of the SRM Regulation provides that the members of the Board, the Vice-Chair, the members of the Board referred to in Article 43(1)(b) of that Regulation, the staff of the Board and staff exchanged with or seconded by participating Member States carrying out resolution duties should be subject to the professional secrecy requirements pursuant to Article 339 TFEU and the relevant provisions in Union law;

L. whereas Article 5(2) of the SRM Regulation provides that the Board is to take decisions subject to and in compliance with relevant Union law, and in particular any legislative and non-legislative acts, including those referred to in Articles 290 and 291 TFEU;

M. whereas subject to future amendments or any future relevant legal acts, the provisions of Union law relevant in respect of the treatment of information which has been found to be confidential, in particular Article 84 of Directive 2014/59/EU of the European Parliament and of the Council ([3]), impose strict obligations of professional secrecy on resolution authorities and their staff;

N. whereas the breach of professional secrecy requirements in relation to resolution information should lead to adequate sanctions; whereas Parliament should provide for an adequate framework to follow-up on any case of breach of confidentiality by its Members or staff;

O. whereas in accordance with Article 43 of the SRM Regulation, the Board is composed of, inter alia, a member appointed by each participating Member State, representing their national resolution authorities; whereas the latter, in accordance with Article 3(3) of Directive 2014/59/EU, may exceptionally be the competent authorities for supervision for the purposes of Regulation (EU) No 575/2013 of the European Parliament and of the Council ([4]) and Directive 2013/36/EU of the European Parliament and of the Council ([5]); whereas adequate structural arrangements should be in place to ensure operational independence and avoid conflicts of interest between the functions of supervision pursuant to Regulation (EU) No 575/2013 and Directive 2013/36/EU or the other functions of the relevant authority and the functions of resolution authorities pursuant to this Directive; whereas such structural arrangements should be reflected in the Board's Code of Conduct applicable to its members;

([1]) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

([2]) 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).

([3]) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).

([4]) 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 (OJ L 176, 27.6.2013, p. 1).

([5]) 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).

P. whereas this Agreement is without prejudice to the accountability of national resolution authorities to national parliaments in accordance with national law;

Q. whereas this Agreement does not cover or affect the accountability and reporting obligation of the Board towards the Council, the Commission or national parliaments;

R. whereas Article 45(2) of the SRM Regulation provides that the Board should submit an annual report to, inter alia, Parliament, on the performance of the tasks conferred on the Board by that Regulation; whereas that report should in particular cover Board activities as regards resolution planning, assessments of resolvability, determinations of minimum requirements for own funds and eligible liabilities, resolution actions, and the exercise of other duties and powers under the SRM Regulation; whereas that report should also cover detailed information regarding the Single Resolution Fund (the Fund), in particular the evolution of the available financial means of the Fund and any decisions concerning the period for reaching the target level and the calculation of contributions in accordance with Articles 69 to 71 of the SRM Regulation; borrowing, lending and other financial arrangements in accordance with Articles 72 to 74 of the SRM Regulation; the administration and investment strategy of the Fund, in accordance with Article 75 of the SRM Regulation and the applicable Commission delegated acts; the specific conditions of use of the Fund for an individual resolution scheme in accordance with Articles 76 to 78 of the SRM Regulation; the application of the principles of division into national compartments and of progressive merger during the transitional period provided for in Article 3(1)(37) of the SRM Regulation, in accordance with Article 77 of the SRM Regulation, and the use of deposit guarantee schemes in accordance with Article 79 of the SRM Regulation;

S. whereas in line with the accountability principle enshrined in Article 45 of the SRM Regulation, Parliament should have *ex post* access to non-confidential information relating to a resolved entity, including a level of balance sheet detail, provided separately for each of the entities impacted by resolution, that is sufficient to show the size and nature of the impact,

AGREE AS FOLLOWS:

I. ACCOUNTABILITY, ACCESS TO INFORMATION, CONFIDENTIALITY

1. **Reports**

The Board shall submit to Parliament every year a report (Annual Report) on the execution of the tasks conferred on it by the SRM Regulation. The Chair of the Board shall present the Annual Report to Parliament at a public hearing.

The Annual Report shall, seven working days in advance of the public hearing and of its official publication, be made available on a confidential basis to Parliament in one of the Union official languages. Translations into all Union official languages shall be made available subsequently. The Annual Report shall include a detailed explanation of the following:

i. execution of the tasks conferred on the Board by the SRM Regulation;

ii. sharing of tasks with the national resolution authorities;

iii. cooperation with other national or Union relevant authorities, as well as with any public financial assistance facility including the European Financial Stability Facility (EFSF) and the European Stability Mechanism (ESM) as provided for in Article 30(6) of the SRM Regulation;

iv. cooperation with third countries, including recognition and assessment of third-country resolution proceedings;

v. evolution of the Board's structure and staffing, including the number and the national composition of seconded national experts;

vi. implementation of the Code of Conduct referred to in Section IV of this Agreement;

vii. amounts of administrative contributions raised in accordance with Article 65 of the SRM Regulation;

viii. implementation of the budget for resolution tasks; and

ix. application of the SRM Regulation provisions regarding the Fund, in particular as regards contributions, alternative funding means, access to financial facilities, investment strategy, and use of the Fund, provided for in Chapter 2 of Title V of the SRM Regulation.

The Board shall publish the Annual Report on its website.

2. **Ordinary public hearings, ad hoc exchanges of views and special confidential meetings**

At the request of Parliament's competent committee, the Chair of the Board shall participate in ordinary public hearings on the execution of the resolution tasks conferred on the Board by the SRM Regulation. Such hearings shall include a discussion on the Fund, in particular as regards contributions, alternative funding means, access to financial facilities, investment strategy and use of the Fund. Parliament's competent committee and the Board shall agree on a calendar for two such hearings to be held during the course of the following year. Requests for changes to the agreed calendar shall be made in writing.

The Chair of the Board may be invited to additional ad hoc exchanges of views with Parliament's competent committee on issues within the Board's responsibility.

The principle of openness of Union institutions, bodies, offices and agencies provided for in Article 15(1) TFEU shall apply to the Board. Discussions in special confidential meetings shall comply with that principle, including by providing an explanation of relevant circumstances. Discussions in special confidential meetings involve the exchange of confidential information regarding the execution of resolution tasks within the limits set by Union law, and in particular by the SRM Regulation.

Where necessary for the exercise of Parliament's powers under the TFEU and Union law, the Chair of Parliament's competent committee may request, in writing and giving reasons, special confidential meetings with the Chair of the Board. Such meetings shall be held on a mutually agreed date.

Only the Chair of the Board and the Chair and the Vice-Chairs of Parliament's competent committee may attend the special confidential meetings. Both the Chair of the Board and the Chair and the Vice-Chairs of Parliament's competent committee may be accompanied by two members of the Board's staff and of Parliament's Secretariat respectively. In addition, and subject to a mutual agreement of the two parties, Commission representatives who have been involved in a resolution decision to be discussed in a special confidential meeting may attend that meeting.

All participants in the special confidential meetings shall be subject to confidentiality requirements equivalent to those applying to the members of the Board and to its staff.

No minutes shall be taken, nor any other recording made, of the special confidential meetings. No statement shall be made for the press or any other media. Each participant in the special confidential meetings shall sign each time a solemn declaration not to divulge the content of those discussions to any third party.

Following a reasoned request by the Chair of the Board or the Chair of Parliament's competent committee, and with mutual agreement, the Board Vice-Chair and the four full-time Board Members or senior members of the Board's staff (General Counsel, Heads of Units or their Deputies) may be invited to participate in the ordinary public hearings, the ad hoc exchanges of views and the special confidential meetings.

The ordinary public hearings, ad hoc exchanges of views and the special confidential meetings may cover all aspects of the activity and functioning of the SRM covered by the SRM Regulation.

Persons employed by Parliament or by the Board may not disclose to any unauthorised person or to the public information relating to the tasks conferred on the Board by the SRM Regulation and acquired in the course of the application of this Agreement, even after their employment has ended or they have left such employment, unless that information has already been made public or is accessible to the public.

3. **Responding to questions**

The Board shall reply in writing to written questions put to it by Parliament. Those questions shall be forwarded to the Chair of the Board via the Chair of Parliament's competent committee. Questions shall be answered as promptly as possible, and in any event within five weeks of their transmission to the Board.

Both the Board and Parliament shall dedicate a specific section of their websites for the questions and answers referred to above.

4. **Access to information**

Within at most six weeks from the date of an executive or plenary session of the Board, the Board shall provide Parliament's competent committee at least with a comprehensive and meaningful record of the proceedings of that executive or plenary session of the Board, including an annotated list of decisions, enabling an understanding of the discussions.

In the event of the resolution of an entity, non-confidential information relating to that entity shall be disclosed *ex post*, once any restrictions on the provision of relevant information resulting from confidentiality requirements have ceased to apply.

Such information shall include a suitably consolidated balance sheet valued according to the principles set out in the SRM Regulation at the moment the decision to resolve the entity was taken, clearly showing the net asset value of the entity and the value of the classes of assets and liabilities. In addition, depending on the resolution tools applied, the Board shall publish the total amount of losses borne by the different classes of creditors where bail-in was applied, the amount and sources of funding used in the resolution process, and the proceeds of any sales of business units or assets.

In the event that Article 19 of the SRM Regulation applies, non-confidential information relating to the exchanges between the Commission and the Board, as well as the annual reports referred to in Article 19(6) of the SRM Regulation, shall be disclosed *ex post* by the Board to Parliament's competent committee.

The Board shall publish on its website general guidelines regarding its resolution practices.

Parliament shall apply appropriate safeguards and measures corresponding to the level of classification of Board information or Board documents, or both, and shall inform the Board thereof.

The Board shall inform Parliament of the measures taken and acts adopted in order to apply the security principles contained in the Commission security rules referred to in Article 91 of the SRM Regulation. This shall include information on the detailed procedures for the classification of information and for the treatment of classified information.

The Board shall inform Parliament of the practical implementation of its internal security rules, including classification carried out during the year of the usual types of information handled by the Board and the treatment of classified information.

When classifying information for which it is the originator, the Board shall ensure that it applies appropriate levels of classification in line with its internal security rules, whilst taking due account of the need for Parliament to be able to access classified documents for the effective exercise of its competences and prerogatives.

The Board shall inform Parliament of any modification to the adopted internal security rules, in order to ensure that equivalence of basic principles and minimum standards for protecting classified information is maintained.

In accordance with Regulation (EC) No 1049/2001, Parliament shall consult the Board in order to assess any request addressed to Parliament to access a document originating from the Board and submitted to Parliament.

Parliament and the Board shall keep each other informed on the initiation and outcome of any judicial, administrative or other proceedings in which access to Board documents submitted to Parliament is sought.

The Board may request that Parliament maintains a list of persons having access to one or more categories of classified Board information and Board documents disclosed.

II. SELECTION PROCEDURES

In their respective roles in the selection procedure, Parliament and the Board shall aim at the highest professional standards and take into account the need to safeguard the interests of the Union as a whole and diversity in the composition of the Board.

1. **Information concerning stages of the selection procedure**

To the extent that the Board has been involved, it shall keep Parliament's competent committee duly and in a timely manner informed of all stages of the selection procedure, such as concerning the publication of the vacancy notice, the selection criteria and the specific job profile, the composition of the pool of applicants (number of applications, mix of professional skills, gender and nationality balance, etc.) as well as of the method by which the pool of applicants is screened in order to draw up a shortlist of at least two candidates for each of the positions of Chair, Vice-Chair and four further full-time members of the Board referred to in Article 43(1)(b) of the SRM Regulation. Where the Board has not been involved, this paragraph shall not apply.

2. **Consultation of the Board during informal hearings and questions to shortlisted candidates**

When the Commission, having heard the Board, provides Parliament with a shortlist of candidates in accordance with Article 56(6) of the SRM Regulation, Parliament's competent committee may consult the Board concerning the shortlisted candidates, in the context of its *in camera* hearings of, and written questions submitted to, the shortlisted candidates.

3. **Formal hearings of preferred candidates**

When the Commission submits to Parliament for approval its proposals for the Chair, the Vice-Chair or four further full-time members of the Board referred to in Article 43(1)(b) of the SRM Regulation, Parliament's competent committee may, in the context of a public hearing of each of the proposed Chair, Vice-Chair and members of the Board referred to in Article 43(1)(b) of the SRM Regulation, consult the Board on the proposed candidates.

4. **Approval**

Parliament shall inform the Board of its decision concerning the approval of each candidate proposed by the Commission for Chair, Vice-Chair and four further full-time members of the Board referred to in Article 43(1)(b) of the SRM Regulation, including the outcome of a vote in Parliament's competent committee and in Parliament's plenary. Parliament shall, taking into account its calendar, aim to take that decision within six weeks of the date of receipt of the proposal from the Commission concerning the candidates.

5. **Removal**

Where Parliament informs the Commission that it considers that the conditions for the removal from office of the Chair, the Vice-Chair or any further full-time member of the Board referred to in Article 43(1)(b) of the SRM Regulation have been fulfilled for the purposes of Article 56(9) of the SRM Regulation, it may also inform the Board of the same.

III. INVESTIGATIONS

Where Parliament sets up a Committee of Inquiry pursuant to Article 226 TFEU and to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission ([1]), the Board, in accordance with Union law, shall assist such Committee of Inquiry in carrying out its tasks in accordance with the principle of sincere cooperation.

The Board shall cooperate sincerely with any investigation by Parliament referred to in Article 45(8) of the SRM Regulation within the same framework that applies to committees of inquiry and under the same confidentiality protection as foreseen in this Agreement for the special confidential meetings.

All recipients of information provided to Parliament in the context of investigations shall be subject to confidentiality requirements equivalent to those applying to the members of the Board. Parliament and the Board shall agree on the measures to be applied to ensure the protection of such information.

Parliament shall have regard to the public or private interests governing the right of access to Parliament, Council and Commission documents recognised in Regulation (EC) No 1049/2001, which are involved in information and documents submitted by the Board in the context of a Committee of Inquiry.

IV. CODE OF CONDUCT

Before the adoption of the Code of Conduct by the plenary session of the Board, the Board shall inform Parliament's competent committee of the main elements of the envisaged Code of Conduct.

Upon written request of Parliament's competent committee, the Board shall inform Parliament in writing of the implementation of the Code of Conduct. The Board shall also inform Parliament about the need for any updates to the Code of Conduct.

The Code of Conduct shall address the following:

i. in accordance with Article 47 of the SRM Regulation, the independence of the Chair, the Vice-Chair and the four full-time Board members from any Union institution or body, from any government of a Member State and from any other public or private body, as well as their objectivity;

ii. the performance of tasks by the Board in accordance with principles of public accountability for its actions and full transparency without prejudice to the safeguards of the adequate confidentiality of the Board's information and documents; and

iii. the operational independence and the avoidance of conflicts of interest between the functions of the national resolution authorities in accordance with Article 3(3) of Directive 2014/59/EU.

The Board shall publish the Code of Conduct on its website.

V. ADOPTION OF ACTS BY THE BOARD

The Board shall duly inform Parliament's competent committee of the procedures, including timing, it has set up for adoption of Board decisions, guidelines, general and other instructions, recommendations and warnings (Board acts).

The Board shall, in particular, inform Parliament's competent committee of the principles and types of indicators or information it generally uses in developing Board acts and policy recommendations, with a view to enhancing transparency and policy consistency.

In the event that it conducts a public consultation on draft Board acts, the Board shall submit to Parliament's competent committee those draft Board acts before the beginning of the public consultation procedure.

Where Parliament submits comments on draft Board acts, there may be informal exchanges of views with the Board on such comments. Once the Board has adopted a Board act, it shall send it to Parliament's competent committee. The Board shall also regularly inform Parliament in writing about any need to update adopted Board acts.

([1]) Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry (OJ L 78, 6.4.1995, p. 1).

VI. TRANSITORY PROVISION

During the start-up phase of the Board until 1 January 2016, or until the date of application of Article 99(2) of the SRM Regulation, whichever is the later, the Board shall, regularly or at the request of Parliament's competent committee, inform Parliament of the progress of the operational implementation of the SRM Regulation.

The information referred to in the first paragraph may be provided orally or in writing and shall include inter alia:

i. internal preparation, organisation and work planning;

ii. cooperation with other national or Union competent authorities;

iii. any obstacles encountered by the Board in the preparation of its resolution tasks;

iv. any events of concern or changes to the Code of Conduct;

v. any steps taken by the Board in cooperation with participating Member States to develop the appropriate methods and modalities permitting the enhancement of the capacity of the Fund to contract alternative funding means, that should be in place by the date of application of the SRM Regulation, in accordance with Recital 107 and Article 74 of that Regulation, and the negotiations and the conclusion by the Board of financial arrangements, including where possible of public financial arrangements, in accordance with Article 74 of that Regulation.

The information referred to in points i to v above shall be in addition to the monthly reports on whether the conditions for the transfer of contributions to the Fund have been met, which the Board shall submit in accordance with the first subparagraph of Article 99(6) of the SRM Regulation and, where applicable, to the monthly reports issued in accordance with the second subparagraph of Article 99(6) of the SRM Regulation where the conditions for the transfer of the contributions have not been met.

VII. FINAL PROVISIONS

The practical implementation of this Agreement shall be assessed by the two parties every three years. Where necessary, the two parties shall adapt the Agreement in light of experience in implementing it as well as developments concerning future security arrangements involving Parliament and the Board.

This Agreement shall enter into force on the day after its signature.

The obligations concerning confidentiality of information shall continue to be binding on the two parties to this Agreement even after the termination of this Agreement.

This Agreement shall be published in the *Official Journal of the European Union*.

Done at Brussels and at Strasbourg, 16 December 2015.

For the European Parliament	*For the Single Resolution Board*
The President	*The Chair*
M. SCHULZ	E. KÖNIG

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