Official Journal of the European Union

L 125

English edition

Legislation

Volume 59

13 May 2016

Contents

[1] Text with EEA relevance

EN

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

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

[1] Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/709

of 26 January 2016

supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards specifying the conditions for the application of the derogations concerning currencies with constraints on the availability of liquid assets

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ([1]), and in particular Article 419(5) thereof,

Whereas:

(1) The Basel Committee on Banking Supervision has established international standards regarding the liquidity coverage ratio and liquidity risk monitoring tools ([2]) (BCBS standards).

(2) In order to ensure effective oversight and application of the derogations provided for in Article 419(2) of Regulation (EU) No 575/2013 and effective monitoring of institutions' compliance with the requirements applicable to those derogations, in line with the BCBS standards, institutions should notify competent authorities when they intend to apply those derogations or when they intend to make a material change to the application of those derogations.

(3) The BCBS standards establish guiding principles for supervisors in jurisdictions with insufficient high quality liquid assets. In line with Principle 3 of those guiding principles for supervisors, before applying any derogation, in order to demonstrate justified needs, institutions should take reasonable steps, to the extent practicable, to ensure that high quality liquid assets are used and reduce their overall level of liquidity risk to improve compliance with the liquidity coverage requirement.

(4) In line with Principles 1 and 4 of the guiding principles for supervisors set out in the BCBS standards, it is necessary to ensure that institutions do not apply the derogations as an economic choice that maximises their profits through the selection of alternative high quality liquid assets based primarily on yield considerations. In line with those principles it is also necessary to establish a mechanism for limiting the use of the derogations in order to mitigate risks of non-performance of the alternative assets. Taking into account the BCBS standards it is also necessary to provide for appropriate haircuts for the purposes of the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013 and to establish rules on the fee for the purposes of the derogation provided for in Article 419(2)(b) of that Regulation. In particular, as regards the derogation provided for in Article 419(2)(b) of Regulation (EU) No 575/2013, in order to ensure that the price paid by an institution for a central bank credit line is fair, the fee should be composed of two elements. The first should offset the

([1]) OJ L 176, 27.6.2013, p. 1.
([2]) Basel Committee on Banking Supervision, *Basel III: The Liquidity Coverage Ratio and liquidity risk monitoring tools, January 2013*.

higher yield earned on the assets kept to secure the credit line in order to ensure that the pricing reflects benefits which accrue independently of the amount currently drawn. The second should reflect the amount of the credit line drawn down.

(5) In line with Principle 2 of the guiding principles for supervisors set out in the BCBS standards, the use of the derogations should be limited for all institutions with exposures in the relevant currency. Pursuant to Article 419(3) of Regulation (EU) No 575/2013, the derogations applied are to be inversely proportional to the availability of the relevant assets. For those reasons, the use of the derogations should be limited to a percentage of a credit institution's net liquidity outflows in the relevant currency which corresponds to the relevant shortage in liquid assets in that currency.

(6) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority (EBA) to the Commission.

(7) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ([1]).

(8) In accordance with the procedure in Article 15 of Regulation (EU) No 1093/2010, the Commission has endorsed with amendments the draft regulatory standard submitted by EBA after having sent the draft regulatory standard back to EBA explaining the reasons for the amendments. The EBA provided a formal opinion supporting those amendments,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation specifies the conditions for the application of the derogations referred to in Article 419(2) of Regulation (EU) No 575/2013 concerning currencies with constraints on the availability of liquid assets.

Article 2

Notification of the derogation

1. A credit institution shall notify the competent authority that it intends to apply one or both of the derogations provided for in Article 419(2) of Regulation (EU) No 575/2013. The notification shall be provided in writing 30 days prior to the date of the first application of the derogation.

Where an institution intends to make any material change in its application of the derogation(s) as notified in accordance with the first subparagraph, it shall notify the competent authority thereof 30 days prior to the date of the first application of such change.

In exceptional circumstances where, due to sudden market developments, idiosyncratic events or other factors outside the control of the institution, it is not possible to notify the competent authorities of a material change 30 days prior to its first application, institutions shall provide a preliminary notification to competent authorities prior to the application of a material change. The preliminary notification shall provide a description of the nature of the material change together with an indication of the extent to which the intended derogation may be applied, expressed as a percentage of the liquid assets required to be held by an institution to meet its liquidity coverage requirement. The preliminary notification shall be completed by a notification in accordance with the second subparagraph within 30 days of the first application of any derogation.

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

Institutions shall notify competent authorities annually whether they intend to continue applying the derogation notified in accordance with the first subparagraph.

2. The notification referred to in the first subparagraph of paragraph 1 shall specify the following information:

(a) whether the notification relates to the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013 or the derogation provided for in Article 419(2)(b) of that Regulation, or both;

(b) confirmation of compliance with the conditions set out in Article 419(3) of Regulation (EU) No 575/2013 and the requirements of Article 3 of this Regulation;

(c) if the notification relates to the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013, confirmation of compliance with the requirements of Article 4 of this Regulation;

(d) if the notification relates to the derogation provided for in Article 419(2)(b) of Regulation (EU) No 575/2013, confirmation of compliance with the requirements of Articles 5 and 6 of this Regulation;

(e) an estimate of the institution's future application of the derogation(s) in terms of the derogation to be applied, expressed as a percentage, and its variation over time together with a comparison between the institution's liquidity position if it applies the derogation(s) provided for in Article 419(2) of Regulation (EU) No 575/2013 and its liquidity position if it does not apply the derogation(s) provided for in that Article.

Article 3

Assessment of justified needs

An institution shall be deemed to have justified needs for liquid assets for the purposes of Article 419(3) of Regulation (EU) No 575/2013 only where the following conditions are met:

(a) it has reduced, by sound liquidity management, the need for liquid assets in the full range of business conducted by the institution;

(b) its holdings of liquid assets are consistent with the availability of those assets in the relevant currency.

Article 4

Application of the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013

1. An institution shall take all reasonable steps to fulfil the liquidity coverage requirement set out in Article 412 of Regulation (EU) No 575/2013 before applying the derogation provided for in Article 419(2)(a) of that Regulation.

2. An institution shall ensure that it is at all times able to operationally identify the liquid assets used to meet foreign currency liquidity coverage requirements and the liquid assets held as a result of the application of the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013.

3. An institution shall ensure that its foreign exchange risk management framework meets the following conditions:

(a) currency mismatches resulting from the use of the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013 are adequately measured, monitored, controlled and justified;

(b) liquid assets inconsistent with the distribution by currency of liquidity outflows after the deduction of inflows can be liquidated in the currency of the Member State of the relevant competent authority whenever necessary;

(c) historical evidence relating to stress periods supports the conclusion that the institution is able to promptly liquidate the assets referred to in point (b).

4. An institution which uses liquid assets in a currency other than the currency of the Member State of the relevant competent authority to cover liquidity needs in the latter currency shall apply a haircut of 8 % to the value of those assets in addition to any haircut applied in accordance with Article 418 of Regulation (EU) No 575/2013.

Where the liquid assets are denominated in a currency that is not actively traded in global foreign exchange markets, the additional haircut shall be the higher of 8 % and the largest monthly exchange rate movement between both currencies in the 10 years prior to the relevant reporting reference date.

Where the currency of the Member State of the relevant competent authority is formally pegged to another currency under a mechanism in which the central banks of both currencies are bound to support the currency peg, the institution may apply a haircut equal to the width of the exchange rate band.

Article 5

Application of the derogation provided for in Article 419(2)(b) of Regulation (EU) No 575/2013

1. An institution shall take all reasonable steps to fulfil the liquidity coverage requirement set out in Article 412 of Regulation (EU) No 575/2013 before applying the derogation provided for in Article 419(2)(b) of that Regulation.

2. An institution shall obtain from the central bank in respect of the currency with constraints on the availability of liquid assets a credit line which complies with the following conditions:

(a) the credit line specifies that the institution has a legally binding entitlement to access the credit facilities and that entitlement is set out in a written agreement;

(b) following the decision to provide a credit line, access to the credit facilities is not subject to a credit decision by the central bank;

(c) the credit facilities can be drawn on by the institution without delay and no later than 1 day after giving notice to the central bank;

(d) the credit line is at all times available for a period exceeding the 30 day-period of the liquidity coverage requirement specified in Article 412(1) of Regulation (EU) No 575/2013.

3. An institution shall fully post collateral at the central bank, which, after being subject to any haircut applied by the central bank, shall at all times be equal to or greater than the maximum amount that may be drawn on the credit line.

Article 6

Fee payable for the granting of a credit line

1. An institution shall pay a fee established by the central bank. The fee shall be made up of two components for the credit line referred to in Article 5(2) of this Regulation and shall ensure that there is no economic advantage or disadvantage arising from the application of the derogation provided for in Article 419(2)(b) of Regulation (EU) No 575/2013, when compared to institutions which do not apply the derogation.

2. The fee to be paid by an institution for the credit line shall be the sum of the following components:

(a) an amount which is based on the amount of the credit line drawn down;

(b) an amount which approximates the difference between the following:

  (i) the yield on the assets used to secure the credit line;

  (ii) the yield on a representative portfolio of assets of the type provided for in points (a) to (d) of Article 416(1) of Regulation (EU) No 575/2013.

The amount referred to in point (b) of the first subparagraph may be adjusted to take into account any material differences in credit risk between the sets of assets referred to in that point.

Article 7

Limitation on the use of derogations

1. When applying the derogations provided for in Article 419(2) of Regulation (EU) No 575/2013, institutions shall not exceed the relevant percentage set in respect of a currency by the implementing technical standards adopted pursuant to Article 419(4) of Regulation (EU) No 575/2013.

2. For the purposes of paragraph 1, when applying the derogations provided for in Article 419(2) of Regulation (EU) No 575/2013 the institutions shall calculate the percentage as the percentage that X represents of Y where:

(a) 'X' is the sum of the value of all liquid assets to which the derogation provided for in Article 419(2)(a) of Regulation (EU) No 575/2013 applies, after application of any haircuts and the maximum amount that may be drawn on a credit line to which the derogation provided for in Article 419(2)(b) of Regulation (EU) No 575/2013 applies;

(b) 'Y' is the amount of liquid assets required to be held by an institution to meet its liquidity coverage requirement pursuant to Article 412 of Regulation (EU) No 575/2013.

Article 8

Final provisions

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, 26 January 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/710

of 12 May 2016

amending Regulation (EU) No 37/2010 as regards the substance 'copper carbonate'

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council ([1]), and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit (hereinafter 'MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is established in a Regulation.

(2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 ([2]) sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.

(3) Copper carbonate is not yet included in that table.

(4) An application for the establishment of MRLs for copper carbonate in all food producing species has been submitted to the European Medicines Agency (hereinafter 'EMA').

(5) The EMA, based on the opinion of the Committee for Medicinal Products for Veterinary Use, has recommended that the establishment of MRLs for copper carbonate in all food producing species is not necessary for the protection of human health.

(6) According to Article 5 of Regulation (EC) No 470/2009, the EMA is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.

(7) Given the opinion of the EMA that no MRLs should be established for copper carbonate for all food producing species, Article 5 of Regulation (EC) No 470/2009 does not apply.

(8) Regulation (EU) No 37/2010 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

([1]) OJ L 152, 16.6.2009, p. 11.
([2]) Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 12 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, an entry for the following substance is inserted in alphabetical order:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Copper carbonate	NOT APPLICABLE	All food producing species	No MRL required	NOT APPLICABLE	NO ENTRY	Alimentary tract and metabolism/ Mineral supplement'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/711

of 12 May 2016

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, 12 May 2016.

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	MA	91,1
	TR	73,2
	ZZ	82,2
0707 00 05	TR	116,3
	ZZ	116,3
0709 93 10	TR	144,6
	ZZ	144,6
0805 10 20	EG	55,7
	IL	89,2
	MA	57,0
	TR	35,6
	ZA	78,5
	ZZ	63,2
0805 50 10	ZA	157,2
	ZZ	157,2
0808 10 80	AR	117,9
	BR	99,6
	CL	115,3
	CN	101,6
	NZ	134,6
	US	163,3
	ZA	101,4
	ZZ	119,1

(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

COUNCIL DECISION (CFSP) 2016/712

of 12 May 2016

amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

(1) On 22 July 2014, the Council adopted Decision 2014/486/CFSP ([1]).

(2) Decision 2014/486/CFSP, as amended by Decision (CFSP) 2015/2249 ([2]), provided EUAM Ukraine with a reference amount until 30 November 2016 and a mandate until 30 November 2017.

(3) The reference amount should be adapted and Decision 2014/486/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 14(1) of Decision 2014/486/CFSP is replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to EUAM Ukraine until 30 November 2014 shall be EUR 2 680 000. The financial reference amount intended to cover the expenditure related to EUAM Ukraine for the period from 1 December 2014 to 30 November 2015 shall be EUR 13 100 000. The financial reference amount intended to cover the expenditure related to EUAM Ukraine for the period from 1 December 2015 to 30 November 2016 shall be EUR 17 670 000. The financial reference amount for the subsequent periods shall be decided by the Council.'.

Article 2

Entry into force

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

Done at Brussels, 12 May 2016.

For the Council
The President
F. MOGHERINI

([1]) Council Decision 2014/486/CFSP of 22 July 2014 on the European Union Advisory Mission for Civilian Sector Reform Ukraine (EUAM Ukraine) (OJ L 217, 23.7.2014, p. 42).

([2]) Council Decision (CFSP) 2015/2249 of 3 December 2015 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) (OJ L 318, 4.12.2015, p. 38).

COUNCIL DECISION (CFSP) 2016/713

of 12 May 2016

amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

(1) On 10 November 2008, the Council adopted Joint Action 2008/851/CFSP ([1]) establishing the European Union military operation Atalanta.

(2) On 21 November 2014, the Council adopted Decision 2014/827/CFSP ([2]) amending Joint Action 2008/851/CFSP and extended Atalanta until 12 December 2016.

(3) The Union has set up the CRIMARIO programme to enhance maritime situational awareness in the Indian Ocean. Atalanta should contribute to the implementation of CRIMARIO within its means and capabilities.

(4) Atalanta should be allowed to share with relevant partners information, other than personal data, gathered on illegal or unauthorised maritime activities during the course of routine counter-piracy operations.

(5) United Nations Security Council Resolution 2244 (2015) extended the mandate of the Somalia and Eritrea Monitoring Group (SEMG), in particular as regards the Somalia arms embargo and the import and export of Somali charcoal, and welcomed the efforts of the Combined Maritime Forces (CMF) in their efforts to disrupt the export and import of charcoal to and from Somalia, while expressing concern that the charcoal trade provides funding for Al-Shabaab.

(6) Joint Action 2008/851/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Joint Action 2008/851/CFSP is amended as follows:

(1) in Article 2, point (l) is replaced by the following:

‘(l) assist through logistical support, provision of expertise or training at sea, upon their request and within means and capabilities, EUCAP Nestor, EUTM Somalia, the EU Special Representative for the Horn of Africa, the EU Delegation to Somalia with respect to their mandates and the area of operation of Atalanta and contribute to the implementation of relevant EU programmes, in particular the regional Maritime security programme (MASE) under the 10th EDF and CRIMARIO;’;

([1]) Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (OJ L 301, 12.11.2008, p. 33).

([2]) Council Decision 2014/827/CFSP of 21 November 2014 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (OJ L 335, 22.11.2014, p. 19).

(2) Article 15(3) is replaced by the following:

'3. The HR is hereby authorised to release to the United States-led Combined Maritime Forces ("CMF"), through its Headquarters, as well as to third States not participating in CMF and to international organisations, which are present in the area of the EU military operation, classified EU information and documents generated for the purposes of the EU military operation at the level RESTREINT UE, on the basis of reciprocity, where such release at theatre level is necessary for operational reasons, in accordance with the Council's security regulations and subject to arrangements between the HR and the competent authorities of the third parties referred to above.';

(3) in Article 15, the following paragraph is added:

'4. Atalanta is hereby authorised to share with the SEMG and with the CMF information, other than personal data, gathered on illegal or unauthorised activities during the course of the counter-piracy operations.'.

Article 2

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

Done at Brussels, 12 May 2016.

For the Council
The President
F. MOGHERINI

COMMISSION IMPLEMENTING DECISION (EU) 2016/714

of 11 May 2016

concerning the extension of the action taken by the Netherlands on the making available on the market and use of the biocidal products VectoBacWG and Aqua-K-Othrine in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council

(notified under document C(2016) 2682)

(Only the Dutch text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products [1] (hereinafter referred to as 'the Regulation'), and in particular Article 55(1) thereof,

Whereas:

(1) Pursuant to the first paragraph of Article 55(1) of the Regulation, the Netherlands adopted on 7 October 2015 a decision to temporarily permit the making available on the market and use of VectoBacWG and Aqua-K-Othrine for the control by certified operators of larvae and adult invasive exotic mosquitoes, *Aedes albopictus* and *Aedes japonicus*, (hereinafter referred to as 'mosquitoes') for a period lasting until 1 November 2015. Owing to the end of the mosquito season, there was no reason to keep this permission during the winter season. The Netherlands informed without delay the Commission and the other Member States about this action and the justification for it in accordance with the second paragraph of Article 55(1) of the Regulation.

(2) VectoBacWG contains *Bacillus thuringiensis* subsp. *israelensis* serotype H14, strain AM65-52 (hereinafter referred to as '*Bacillus thuringiensis israelensis*') as an active substance and Aqua-K-Othrine contains deltamethrin as an active substance, both for use in product type 18 as defined in Annex V to the Regulation. According to the information provided by the Netherlands, the temporary measure was necessary in order to protect public health since these mosquitoes, found in the Netherlands on the premises of tyre trading companies, graveyards and allotment gardens, can be vector for tropical diseases, like dengue and chikungunya. Possible proliferation should be prevented as much and as early as possible.

(3) On 12 January 2016, the Commission received the request from the Netherlands to decide that the measure may be extended in accordance with the third paragraph of Article 55(1) of the Regulation. The request was made based on the concern that there would otherwise be no appropriate alternative products for vector mosquito control available in the Netherlands on 1 April 2016 when the new mosquito season is expected to start.

(4) The active substances *Bacillus thuringiensis israelensis* and deltamethrin (EC No 258-256-6, CAS No 52918-63-5) were both evaluated in the work programme for the systematic examination of all active substances already on the market on 14 May 2000, as laid down in Article 89 of the Regulation.

(5) Following the approval of both active substances, applications for first authorisation of VectoBacWG and Aqua-K-Othrine were submitted in accordance with the second paragraph of Article 89(3) of the Regulation respectively in Greece and France and are still under evaluation. Applications wishing to seek the mutual recognition in sequence in the Netherlands in accordance with Article 33 of the Regulation are expected to be submitted once Greece and France have granted their authorisations.

(6) The European Centre for Disease Prevention and Control acknowledges that the mosquitoes have undergone a dramatic global expansion facilitated in particular by human activities and have the potential to become a serious health threat.

[1] OJ L 167, 27.6.2012, p. 1.

(7) While awaiting the authorisation in the Netherlands of VectoBacWG and Aqua-K-Othrine to be granted in accordance with Article 33 of the Regulation, it is appropriate to allow the Netherlands to extend the temporary measure for a total period not exceeding 550 days.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 55(1) of Regulation (EU) No 528/2012, the Netherlands may extend for a total period not exceeding 550 days the measure to make available on the market and use VectoBacWG containing *Bacillus thuringiensis israelensis* and Aqua-K-Othrine containing deltamethrin (EC No 258-256-6, CAS No 52918-63-5) for product type 18 as defined in Annex V to the Regulation (insecticides, acaricides and products to control other arthropods) for vector mosquito control.

Article 2

When taking the action referred to in Article 1, the Netherlands shall ensure that these products are used only by certified operators and under the supervision of the competent authority.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 11 May 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2016/715

of 11 May 2016

setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa

(notified under document C(2016) 2684)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ([1]), and in particular the third sentence of Article 16(3) thereof,

Whereas:

(1) *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) is listed in point (c)11 of Section I of Part A of Annex II to Directive 2000/29/EC as a harmful organism not known to occur in the Union. Since 2011, following the approval of a new code for fungal nomenclature by the International Botanical Congress, that organism has been referred to as *Phyllosticta citricarpa* (McAlpine) Van der Aa, hereinafter '*Phyllosticta citricarpa*'.

(2) Due to the recurrent high number of interceptions on citrus fruits originating in Brazil and in South Africa, citrus fruits have been subject to specific measures for introduction into the Union. Those measures have been put in place by Commission Decision 2004/416/EC ([2]) for citrus fruits originating in Brazil, and by Commission Implementing Decision 2014/422/EU ([3]) for citrus fruits originating in South Africa.

(3) In view of the recurrent interceptions of *Phyllosticta citricarpa* on citrus fruits originating in Brazil, appropriate conditions should be set out concerning registration and documentation prior to export of those fruits. Those conditions should apply in the case where the citrus fruits have been produced in a place where no symptoms of *Phyllosticta citricarpa* have been observed.

(4) Recurrent high number of interceptions of *Phyllosticta citricarpa* has been notified by Member States in 2015, as a result of imports of citrus fruits originating in Uruguay. It is therefore necessary to adopt measures for those fruits originating in Uruguay, which should be similar to the measures adopted for such fruits originating in South Africa. Given that many of those interceptions have been on fruits of *Citrus sinensis* (L.) Osbeck 'Valencia', those fruits should be subject to testing for latent infection in addition to the measures applying to all citrus fruits.

(5) In light of the European Food Safety Authority pest risk assessment ([4]), the import of citrus fruits destined exclusively for processing into juice present less risk of transfer of *Phyllosticta citricarpa* to a suitable host plant as it is subject to official controls within the Union establishing specific requirements concerning the movement, processing, storage, containers, packages and labelling. Therefore, import may be allowed under less strict requirements.

([1]) OJ L 169, 10.7.2000, p. 1.

([2]) Commission Decision 2004/416/EC of 29 April 2004 on emergency measures in respect of certain citrus fruits originating in Brazil (OJ L 151, 30.4.2004, p. 76).

([3]) Commission Implementing Decision 2014/422/EU of 2 July 2014 setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 196, 3.7.2014, p. 21).

([4]) EFSA PLH Panel (EFSA Panel on Plant Health), 2014. Scientific Opinion on the risk of *Phyllosticta citricarpa* (*Guignardia citricarpa*) for the EU territory with identification and evaluation of risk reduction options. EFSA Journal 2014;12(2):3557, 243 pp. doi:10.2903/j.efsa.2014.3557.

(6) In order to be introduced into the Union the complete traceability of the specified fruits should be ensured. The field of production, packing facilities and operators participating in the handling of the specified fruits should be subject to official registration. Throughout their movement from the field of production to the Union, the specified fruits should be accompanied by documents issued under the supervision of the relevant National Plant Protection Organisation.

(7) For reasons of clarity, the requirements laid down in Decision 2004/416/EC and Implementing Decision 2014/422/EU should be replaced by a new set of requirements for citrus fruits originating in Brazil, South Africa and Uruguay in one act. Decision 2004/416/EC and Implementing Decision 2014/422/EU should therefore be repealed.

(8) The measures set out in this Decision should apply from 1 June 2016 to allow the National Plant Protection Organisations, responsible official bodies and operators concerned sufficient time to adapt to the new requirements.

(9) This Decision should apply until 31 March 2019.

(10) 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:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject-matter

This Decision lays down measures in respect of certain fruits originating in Brazil, South Africa and Uruguay to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa*.

Article 2

Definitions

For the purpose of this Decision, the following definitions shall apply:

(a) '*Phyllosticta citricarpa*' means *Phyllosticta citricarpa* (McAlpine) Van der Aa, also named *Guignardia citricarpa* Kiely under Directive 2000/29/EC;

(b) 'specified fruits' means fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka, originating in Brazil, South Africa or Uruguay.

CHAPTER II

MEASURES ON SPECIFIED FRUITS OTHER THAN FRUITS DESTINED EXCLUSIVELY FOR INDUSTRIAL PROCESSING INTO JUICE

Article 3

Introduction into the Union of specified fruits, other than fruits destined exclusively for industrial processing into juice

1. By way of derogation from points 16.4(c) and (d) of Section I of Part A of Annex IV to Directive 2000/29/EC, specified fruits originating in Brazil, South Africa or Uruguay, other than fruits destined exclusively for industrial processing into juice, shall be introduced into the Union in accordance with Articles 4 to 7 of this Decision.

2. Paragraph 1 of this Article shall apply without prejudice to the requirements laid down in points 16.1, 16.2, 16.3 and 16.5 of Section I of Part A of Annex IV to Directive 2000/29/EC.

Article 4

Introduction into the Union of specified fruits originating in Brazil

Specified fruits originating in Brazil shall only be introduced into the Union if they are accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC, officially stating under the heading 'Additional declaration' that no symptoms of *Phyllosticta citricarpa* have been observed in the place of production since the beginning of the last cycle of vegetation, and that none of the fruits harvested in the place of production has shown, in an appropriate official examination, symptoms of that harmful organism.

Article 5

Introduction into the Union of specified fruits originating in South Africa and Uruguay

Specified fruits originating in South Africa and Uruguay shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC, including under the heading 'Additional declaration' the following elements:

(a) a statement that the specified fruits originate in a field of production which has been subjected to treatments against *Phyllosticta citricarpa* carried out at the appropriate time since the beginning of the last cycle of vegetation;

(b) a statement that an appropriate official inspection has been carried out in the field of production during the growing season, and no symptoms of *Phyllosticta citricarpa* have been detected in the specified fruit since the beginning of the last cycle of vegetation;

(c) a statement that a sample has been taken along the line between arrival and packaging in the packing facilities of at least 600 fruits of each species per 30 tonnes, or part thereof, selected as much as possible on the basis of any possible symptom of *Phyllosticta citricarpa*, and all sampled fruits showing symptoms have been tested and found free of that harmful organism;

(d) in the case of *Citrus sinensis* (L.) Osbeck 'Valencia', in addition to the statements referred to in (a), (b) and (c): a statement that a sample per 30 tonnes, or part thereof, has been tested for latent infection and found free of *Phyllosticta citricarpa*.

Article 6

Requirements concerning inspection of the specified fruits originating in South Africa and Uruguay within the Union

1. Specified fruits originating in South Africa and Uruguay shall be visually inspected at the point of entry or at the place of destination established in accordance with Commission Directive 2004/103/EC [1]. Those inspections shall be carried out on samples of at least 200 fruits of each species of the specified fruits by batch of 30 tonnes, or part thereof, selected on the basis of any possible symptom of *Phyllosticta citricarpa*.

2. If symptoms of *Phyllosticta citricarpa* are detected during the inspections referred to in paragraph 1, the presence of that harmful organism shall be confirmed or refuted by testing of the fruits showing symptoms.

[1] Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).

3. If the presence of *Phyllosticta citricarpa* is confirmed, the batch from which the sample has been taken shall be subjected to refusal of entry into the Union.

Article 7

Traceability requirements

For traceability purposes, the specified fruits shall be introduced into the Union only if they fulfil the following conditions:

(a) the field of production, the packing facilities, exporters and any other operator involved in the handling of the specified fruits have been officially registered for that purpose;

(b) throughout their movement, from the field of production to the point of entry to the Union, the specified fruits have been accompanied by documents issued under the supervision of the National Plant Protection Organisation;

(c) in the case of the specified fruits originating in South Africa and Uruguay, in addition to points (a) and (b), detailed information on the pre- and post-harvest treatments has been kept.

CHAPTER III

MEASURES ON SPECIFIED FRUITS DESTINED EXCLUSIVELY FOR INDUSTRIAL PROCESSING INTO JUICE

Article 8

Introduction into, and movement within, the Union of specified fruits destined exclusively for industrial processing into juice

1. By way of derogation from point 16.4(d) of Section I of Part A of Annex IV to Directive 2000/29/EC, specified citrus fruits originating in Brazil, South Africa or Uruguay, destined exclusively for industrial processing into juice, shall only be introduced into, and moved within, the Union in accordance with Articles 9 to 17 of this Decision.

2. Paragraph 1 of this Article shall apply without prejudice to the requirements laid down in points 16.1, 16.2, 16.3 and 16.5 of Section I of Part A of Annex IV to Directive 2000/29/EC.

Article 9

Phytosanitary certificates

1. The specified fruits shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC. The phytosanitary certificate shall include the following elements under the heading 'Additional Declaration':

(a) a statement that the specified fruits originate in a field of production subjected to appropriate treatments against *Phyllosticta citricarpa* carried out at the appropriate time;

(b) a statement that an appropriate official visual inspection has been carried out during packaging and no symptoms of *Phyllosticta citricarpa* have been detected in the specified fruits harvested in the field of production in that inspection;

(c) the words 'Fruit destined exclusively for industrial processing into juice'.

2. The phytosanitary certificate shall include the identification numbers of the containers and the unique numbers of the labels on the individual packages as referred to in Article 17.

Article 10

Traceability requirements and movement of the specified fruits within the third country of origin

For traceability purposes, the specified fruits shall only be introduced into the Union if they originate in an officially registered place of production, and there has been an official registration of the movement of those fruits from the place of production to the point of export into the Union. The registered production unit code shall be mentioned on the phytosanitary certificate referred to in the first subparagraph of point (ii) of Article 13(1) of Directive 2000/29/EC under the heading 'Additional declaration'.

Article 11

Points of entry of the specified fruits

1. The specified fruits shall be introduced through points of entry, designated by the Member State in which those points of entry are situated.

2. Member States shall notify the designated points of entry and the name and address of the official body of each point of entry sufficiently in advance to the other Member States, the Commission and the third countries concerned.

Article 12

Inspections at the points of entry of the specified fruits

1. The specified fruits shall be visually inspected by the responsible official body at the point of entry.

2. If symptoms of *Phyllosticta citricarpa* are detected during the inspections, the presence of that harmful organism shall be confirmed or refuted by testing. If the presence of the harmful organism is confirmed, the batch from which the sample has been taken shall be subjected to refusal of entry into the Union.

Article 13

Requirements for importers

1. The importers of the specified fruits shall notify details of each container prior to its arrival at the point of entry to the responsible official body in the Member State in which the point of entry is situated, and where applicable, to the responsible official body of the Member State where the processing will take place.

That notification shall provide the following information:

(a) the volume of the specified citrus fruits;

(b) the identification numbers of the containers;

(c) the expected date of introduction and point of entry into the Union;

(d) the names, addresses and the locations of the premises referred to in Article 15.

2. The importers shall inform the responsible official bodies referred to in paragraph 1 of any changes to the information listed in that paragraph, as soon as they are known and, in any case, prior to the arrival of the consignment at the point of entry.

Article 14

Movement of the specified fruits within the Union

1. Specified fruits shall not be moved to a Member State other than the Member State through which they were introduced into the Union unless the responsible official bodies of the Member States concerned agree that such movement takes place.

2. After the inspections referred to in Article 12 are carried out, the specified fruits shall be directly and without delay transported into the processing premises referred to in Article 15 or to a storage facility. Any movement of the specified fruits shall be under the supervision of the responsible official body of the Member State where the point of entry is situated and, where appropriate, of the Member State where the processing will take place.

3. The Member States concerned shall cooperate to ensure that this Article is complied with.

Article 15

Requirements concerning processing of the specified fruits

1. The specified fruits shall be processed into juice at premises situated in an area where no citrus fruit is produced. The premises shall be officially registered and approved for that purpose by the responsible official body of the Member State in which the premises are situated.

2. Waste and by-products of the specified fruits shall be used or destroyed in the territory of the Member State where those fruits have been processed in an area where no citrus fruit is produced.

3. The waste and by-products shall be destroyed by deep burial or used by a method approved by the responsible official body of the Member State where the specified fruits have been processed and under the supervision of that official body, in a way to prevent any potential risk for spreading of *Phyllosticta citricarpa*.

4. The processor shall keep records of the specified fruits that are processed and make them available to the responsible official body of the Member State where the specified fruits have been processed. Those records shall indicate the numbers and distinguishing marks of containers, the volumes of the specified fruits imported, the volumes of waste and by-products used or destroyed and detailed information on their use or destruction.

Article 16

Requirements concerning storage of the specified fruits

1. Where the specified fruits are not processed immediately, they shall be stored at a facility registered and approved for that purpose by the responsible official body of the Member State where the facility is situated.

2. The batches of specified fruits shall remain separately identifiable.

3. The specified fruits shall be stored in a way which prevents any potential risk of spreading of *Phyllosticta citricarpa*.

Article 17

Containers, packages and labelling

The specified fruits shall be introduced into, and moved within, the Union if the following conditions have been fulfilled:

(a) they are included in individual packages in a container;

(b) a label is attached to each container and individual package referred to in point (a), bearing the following information:

(i) a unique number on each individual package;

(ii) the declared net weight of the fruit;

(iii) a mark stating: 'Fruit destined exclusively for industrial processing into juice.'.

CHAPTER IV

FINAL PROVISIONS

Article 18

Reporting obligations

1. The importing Member States shall submit to the Commission and the other Member States, each year before 31 December, a report with information on the amounts of the specified fruits introduced into the Union under this Decision during the previous import season.

2. Member States in whose territory the specified fruit are processed into juice shall submit to the Commission and the other Member States, each year before 31 December, a report with all the following elements:

(a) the amounts of the specified fruits processed in their territory under this Decision during the previous import season;

(b) the volumes of waste and by-products destroyed and detailed information on the method of their use or destruction as refer to in Article 15(3).

3. The report referred to in the paragraph 1 shall also include the results of the plant health checks of the specified fruits carried out in accordance with Article 13(1) of Directive 2000/29/EC and this Decision.

Article 19

Notifications

Member States shall immediately notify the Commission, the other Member States and the third country concerned of a confirmed finding of *Phyllosticta citricarpa*.

Article 20

Repeals

Decision 2004/416/EC and Implementing Decision 2014/422/EU are repealed.

Article 21

Date of application

This Decision shall apply from 1 June 2016.

Article 22

Date of expiration

This Decision shall expire on 31 March 2019.

Article 23

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 11 May 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2016/716

of 11 May 2016

repealing Implementing Decision 2012/733/EU implementing Regulation (EU) No 492/2011 of the European Parliament and of the Council as regards the clearance of vacancies and applications for employment and the re-establishment of EURES

(notified under document C(2016) 2772)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union ([1]), and in particular Article 38 thereof,

Whereas:

(1) Regulation (EU) 2016/589 of the European Parliament and of the Council ([2]) replaces the regulatory framework on EURES as set out in Chapter II of Regulation (EU) No 492/2011.

(2) Commission Implementing Decision 2012/733/EU ([3]) lays down detailed rules on the functioning of the European Network of Employment Services ('EURES Network', in particular as regards the clearance of vacancies and applications for employment.

(3) Regulation (EU) 2016/589 lays down new rules on the clearance of vacancies and applications for employment and re-establishes the EURES network by integrating all the aspects covered by Implementing Decision 2012/733/EU.

(4) Implementing Decision 2012/733/EU should therefore, for reasons of legal certainty and clarity, be repealed at the latest at the date that Regulation (EU) 2016/589 enters into force,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2012/733/EU is repealed with effect from 12 May 2016, the date of entry into force of Regulation (EU) 2016/589.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 May 2016.

For the Commission
Marianne THYSSEN
Member of the Commission

([1]) OJ L 141, 27.5.2011, p. 1.
([2]) Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1).
([3]) Commission Implementing Decision 2012/733/EU of 26 November 2012 implementing Regulation (EU) No 492/2011 of the European Parliament and of the Council as regards the clearance of vacancies and applications for employment and the re-establishment of EURES (OJ L 328, 28.11.2012, p. 21).

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN