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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/957

of 9 March 2016

supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures as well as notification templates to be used for preventing, detecting and reporting abusive practices or suspicious orders or transactions

(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 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ⁽¹⁾, and in particular the third subparagraph of Article 16(5) thereof,

Whereas:

- (1) It is necessary to specify appropriate requirements for the arrangements, procedures and systems that market operators and investment firms operating a trading venue and any person professionally arranging or executing transactions should have in place for the reporting of orders and transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation under Regulation (EU) No 596/2014. Such requirements should assist the prevention and detection of market abuse. They should also assist in ensuring that notifications submitted to competent authorities are meaningful, comprehensive and useful. In order to ensure that detection of market abuse is effective, appropriate systems should be in place to monitor orders and transactions. Such systems should provide for human analysis carried out by appropriately trained staff. The systems for monitoring market abuse should be capable of producing alerts in line with predefined parameters in order to allow for further analysis to be conducted on potential insider dealing, market manipulation or attempted insider dealing or market manipulation. The whole process is likely to require some level of automation.
- (2) In order to facilitate and promote a consistent approach and practices across the Union in relation to prevention and detection of market abuse, it is appropriate to lay down detailed provisions harmonising the content of, the template for and the timing of the reporting of suspicious orders and transactions.
- (3) Persons professionally arranging or executing transactions engaged in algorithmic trading and subject to Directive 2014/65/EU of the European Parliament and of the Council ⁽²⁾ should establish and maintain the systems referred to in this Regulation and Regulation (EU) No 596/2014 and should remain subject to Article 17(1) of Directive 2014/65/EU.

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

⁽²⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

- (4) Persons that are professionally engaged in arranging or executing transactions should be able to delegate the monitoring, detection and identification of suspicious orders and transactions within a group or to delegate the data analysis and the generation of alerts, subject to appropriate conditions. Such delegation should make it possible to share resources, to centrally develop and maintain monitoring systems and to build expertise in the context of monitoring orders and transactions. Such delegating should not prevent the competent authorities from assessing, at any time, whether the systems, arrangements and procedures of the person to whom the functions are delegated are effective to comply with the obligation to monitor and detect market abuse. The obligation to report as well as the responsibility to comply with this Regulation and with Article 16 of Regulation (EU) No 596/2014 should remain with the delegating person.
- (5) Trading venues should have appropriate trading rules contributing to the prevention of insider dealing and market manipulation or attempted insider dealing or market manipulation. Trading venues should also have facilities to replay the order book in order to analyse the activity of a trading session in a context of algorithmic trading including high frequency trading.
- (6) A single and harmonised template for electronically submitting a suspicious transaction and order report (STOR) should assist compliance with the requirements set out in this Regulation and in Article 16 of Regulation (EU) No 596/2014 in markets where orders and transactions are becoming increasingly cross-border. It should also facilitate the efficient sharing of information on suspicious orders and transactions between competent authorities in cross-border investigations.
- (7) The relevant information fields contained in the template, if completed clearly, comprehensively, objectively and accurately, should assist the competent authorities to promptly assess the suspicion and initiate relevant actions. The template should therefore allow the persons submitting the report to provide the information considered relevant about the suspicious orders and transactions reported and to explain the reasons for the suspicion. The template should also allow to provide personal data that would make it possible to identify the persons involved in the suspicious orders and transactions and assist the competent authorities in the conduct of investigations to rapidly analyse the trading behaviour of the suspected persons and to establish connections with persons involved in other suspicious trades. Such information should be provided at the outset, so that the integrity of the investigation is not compromised by the potential necessity for a competent authority to revert in the course of an investigation to the person who submitted the STOR. It should include the date of birth, the address, information about the person's employment and accounts, and, where applicable, the client identifier code and the national identification number of the individuals concerned.
- (8) To facilitate the submission of a STOR, the template should allow for the attachment of documents and materials considered necessary to support the notification made, including in the form of an annex listing the orders or transactions relevant for the same report and detailing their prices and volumes.
- (9) Market operators and investment firms operating a trading venue and persons professionally arranging or executing transactions should not notify all orders received or transactions conducted that have triggered an internal alert. Such a requirement would be inconsistent with the requirement to assess on a case-by-case basis whether there are reasonable grounds for suspicion.
- (10) The reports of suspicious orders and transactions should be submitted to the relevant competent authority without delay once a reasonable suspicion that those orders or transactions could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation has been formed. The analysis as to whether or not a given order or transaction is to be considered suspicious should be based on facts, not speculation or presumption and should be carried out as quickly as practicable. The practice of delaying the submission of a report in order to incorporate further suspicious orders or transactions is irreconcilable with the obligation to act without delay, where a reasonable suspicion has already been formed. In any case the submission of a STOR should be assessed on a case-by-case basis to determine if several orders and transactions could be reported in a single STOR. Furthermore, the practice which consists of waiting for a particular number of STORs to accumulate before reporting them should not be regarded as consistent with the requirement to notify without delay.
- (11) There might be circumstances when a reasonable suspicion of insider dealing, market manipulation or attempted insider dealing or market manipulation is formed some time after the suspected activity occurred, due to

subsequent events or available information. This should not be a reason for not reporting the suspected activity to the competent authority. In order to demonstrate compliance with the reporting requirements in those specific circumstances, the person submitting the report should be able to justify the time discrepancy between the occurrence of the suspected activity and the formation of the reasonable suspicion of insider dealing, market manipulation or attempted insider dealing or market manipulation.

- (12) Retention of and access to STORs which have been submitted and of the analysis performed on suspicious orders and transactions which did not result in the submission of a STOR forms an important part of the procedures to detect market abuse. The ability to recall and review the analysis performed on STORs which have been submitted, as well as those suspicious orders and transactions which were analysed, but in relation to which it was concluded that the grounds for suspicion were not reasonable, will assist persons professionally executing or arranging transactions and market operators or investment firms operating a trading venue in exercising their judgement when considering subsequent suspicious orders or transactions. The analysis performed on suspicious orders and transactions which did not ultimately lead to a STOR being submitted assists those persons in refining their surveillance systems and in detecting patterns of repeated behaviour, the aggregate of which could, considered as a whole, result in a reasonable suspicion of insider dealing, market manipulation or attempted insider dealing or market manipulation. Furthermore, the above records will also assist in evidencing compliance with the requirements laid down in this Regulation and facilitate the performance by competent authorities of their supervisory, investigatory and enforcement functions under Regulation (EU) No 596/2014.
- (13) Any processing of personal data under this Regulation should be carried out in compliance with the national laws, regulations or administrative provisions transposing Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾.
- (14) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority to the Commission.
- (15) The European Securities and Markets Authority 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 Securities Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and the Council ⁽²⁾.
- (16) In order to ensure the smooth functioning of the financial markets, it is necessary that this Regulation enters into force as a matter of urgency and that the provisions laid down in this Regulation apply from the same date as those laid down in Regulation (EU) No 596/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'suspicious transaction and order report' (STOR) means the report on suspicious orders and transactions, including any cancellation or modification thereof, that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation to be made pursuant to Article 16(1) and (2) of Regulation (EU) No 596/2014.

⁽¹⁾ 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 (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

- (b) 'electronic means' are means of electronic equipment for the processing (including digital compression), storage and transmission of data, employing wires, radio, optical technologies, or any other electromagnetic means;
- (c) 'group' means a group as defined in Article 2(11) of Directive 2013/34/EU of the European Parliament and of the Council ⁽¹⁾;
- (d) 'order' means each and every order, including each and every quote, irrespective of whether its purpose is initial submission, modification, update or cancellation of an order and irrespective of its type.

Article 2

General requirements

1. Persons professionally arranging or executing transactions shall establish and maintain arrangements, systems and procedures that ensure:
 - (a) effective and ongoing monitoring, for the purposes of detecting and identifying orders and transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, of all orders received and transmitted and all transactions executed;
 - (b) the transmission of STORs to competent authorities in accordance with the requirements set out in this Regulation and using the template set out in the Annex.
2. The obligations referred to in paragraph 1 shall apply to orders and transactions relating to any financial instrument and shall apply irrespective of:
 - (a) the capacity in which the order is placed or the transaction is executed;
 - (b) the types of clients concerned;
 - (c) whether the orders were placed or transactions executed on or outside a trading venue.
3. Market operators and investment firms operating a trading venue shall establish and maintain arrangements, systems and procedures that ensure:
 - (a) effective and ongoing monitoring, for the purposes of preventing, detecting and identifying insider dealing, market manipulation and attempted insider dealing and market manipulation, of all orders received and all transactions executed;
 - (b) the transmission of STORs to competent authorities in accordance with the requirements set out in this Regulation and using the template set out in the Annex.
4. The obligations referred to in paragraph 3 shall apply to orders and transactions relating to any financial instrument and shall apply irrespective of:
 - (a) the capacity in which the order is placed or the transaction is executed;
 - (b) the types of clients concerned.

⁽¹⁾ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

5. Persons professionally arranging or executing transactions, market operators and investment firms operating a trading venue shall ensure that the arrangements, systems and procedures referred to in paragraphs 1 and 3:

- (a) are appropriate and proportionate in relation to the scale, size and nature of their business activity;
- (b) are regularly assessed, at least through an annually conducted audit and internal review, and updated when necessary;
- (c) are clearly documented in writing, including any changes or updates to them, for the purposes of complying with this Regulation, and that the documented information is maintained for a period of five years.

The persons referred to in the first subparagraph shall, upon request, provide the competent authority with the information referred to in point (b) and (c) of that subparagraph.

Article 3

Prevention, monitoring and detection

1. The arrangements, systems and procedures referred to in Article 2(1) and (3) shall:

- (a) allow for the analysis, individually and comparatively, of each and every transaction executed and order placed, modified, cancelled or rejected in the systems of the trading venue and, in the case of persons professionally arranging or executing transactions, also outside a trading venue;
- (b) produce alerts indicating activities requiring further analysis for the purposes of detecting potential insider dealing or market manipulation or attempted insider dealing or market manipulation;
- (c) cover the full range of trading activities undertaken by the persons concerned.

2. Persons professionally executing or arranging transactions and market operators and investment firms operating trading venues shall, upon request, provide the competent authority with the information to demonstrate the appropriateness and proportionality of their systems in relation to the scale, size and nature of their business activity, including the information on the level of automation put in place in such systems.

3. Market operators and investment firms operating trading venues shall, to a degree which is appropriate and proportionate in relation to the scale, size and nature of their business activity, employ software systems and have in place procedures which assist the prevention and detection of insider dealing, market manipulation or attempted insider dealing or market manipulation.

The systems and procedures referred to in the first subparagraph shall include software capable of deferred automated reading, replaying and analysis of order book data, and such software shall have sufficient capacity to operate in an algorithmic trading environment.

4. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall put in place and maintain arrangements and procedures that ensure an appropriate level of human analysis in the monitoring, detection and identification of transactions and orders that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation.

5. Market operators and investment firms operating a trading venue shall put in place and maintain arrangements and procedures that ensure an appropriate level of human analysis also in the prevention of insider dealing, market manipulation or attempted insider dealing or market manipulation.

6. A person professionally arranging or executing transactions shall have the right, by a written agreement, to delegate to a legal person forming part of the same group the performance of the functions of monitoring, detection and identification of orders and transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation. The person delegating those functions shall remain fully responsible for discharging all of its obligations under this Regulation and Article 16 of Regulation (EU) No 596/2014 and shall ensure the arrangement is clearly documented and the tasks and responsibilities are assigned and agreed, including the duration of the delegation.

7. A person professionally arranging or executing transactions may, by written agreement, delegate the performance of data analysis, including order and transaction data, and the generation of alerts necessary for such person to conduct monitoring, detection and identification of orders and transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation to a third party ('provider'). The person delegating those functions shall remain fully responsible for discharging all of its obligations under this Regulation and Article 16 of Regulation (EU) No 596/2014 and shall comply at all times with the following conditions:

- (a) it shall retain the expertise and resources necessary for evaluating the quality of the services provided and the organisational adequacy of the providers, for supervising the delegated services and for the management of the risks associated with the delegation of those functions on an ongoing basis;
- (b) it shall have direct access to all the relevant information regarding the data analysis and the generation of alerts.

The written agreement shall contain the description of the rights and obligations of the person delegating the functions referred to in the first subparagraph and those of the provider. It shall also set out the grounds that allow the person delegating the functions to terminate such agreement.

8. As part of the arrangements and procedures referred to in Article 2(1) and (3), persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall maintain for a period of five years the information documenting the analysis carried out with regard to orders and transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation which have been examined and the reasons for submitting or not submitting a STOR. That information shall be provided to the competent authority upon request.

The persons referred to in the first subparagraph shall ensure that the arrangements and procedures referred to in Article 2(1) and (3) guarantee and maintain the confidentiality of the information referred to in the first subparagraph.

Article 4

Training

1. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall organise and provide effective and comprehensive training to the staff involved in the monitoring, detection and identification of orders and transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, including the staff involved in the processing of orders and transactions. Such training shall take place on a regular basis and shall be appropriate and proportionate in relation to the scale, size and nature of the business.

2. Market operators and investment firms operating a trading venue shall in addition provide the training referred to in paragraph 1 to staff involved in the prevention of insider dealing, market manipulation or attempted insider dealing or market manipulation.

Article 5

Reporting obligations

1. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall establish and maintain effective arrangements, systems and procedures that enable them to assess, for

the purpose of submitting a STOR, whether an order or transaction could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation. Those arrangements, systems and procedures shall take due account of the elements constituting the actual or attempted insider dealing or market manipulation under Articles 8 and 12 of Regulation (EU) No 596/2014 and of the non-exhaustive indicators of market manipulation referred to in Annex I to that Regulation, as further specified in the Commission Delegated Regulation (EU) 2016/522 ⁽¹⁾.

2. All persons referred to in paragraph 1 and involved in the processing of the same order or transaction shall be responsible for assessing whether to submit a STOR.

3. Persons referred to in paragraph 1 shall ensure that information submitted as part of a STOR is based on facts and analysis, taking into account all information available to them.

4. Persons referred to in paragraph 1 shall have in place procedures to ensure that the person in respect of which the STOR was submitted and anyone who is not required to know about the submission of a STOR by virtue of their function or position within the reporting person, is not informed of the fact that a STOR has been or will or is intended to be submitted to the competent authority.

5. The persons referred to in paragraph 1 shall complete the STOR without informing the person in respect of which the STOR was submitted, or anyone who is not required to know, that a STOR will be submitted, including through requests of information relating to the person in respect of which the STOR was submitted in order to complete certain fields.

Article 6

Timing of STORs

1. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall ensure that they have in place effective arrangements, systems and procedures for the submission of a STOR without delay, in accordance with Article 16(1) and (2) of Regulation (EU) No 596/2014, once reasonable suspicion of actual or attempted insider dealing or market manipulation is formed.

2. The arrangements, systems and procedures referred to in paragraph 1 shall entail the possibility to report STORs in relation to transactions and orders which occurred in the past, where suspicion has arisen in the light of subsequent events or information.

In such cases, the person professionally arranging or executing transactions and the market operator and investment firm operating a trading venue shall explain in the STOR to the competent authority the delay between the suspected breach and the submission of the STOR according to the specific circumstances of the case.

3. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall submit to the competent authority any relevant additional information which they become aware of after the STOR has been originally submitted, and shall provide any information or document requested by the competent authority.

⁽¹⁾ Commission Delegated Regulation (EU) 2016/522 of 17 December 2015 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council as regards an exemption for certain third countries public bodies and central banks, the indicators of market manipulation, the disclosure thresholds, the competent authority for notifications of delays, the permission for trading during closed periods and types of notifiable managers' transactions (OJ L 88, 5.4.2016, p. 1).

*Article 7***Content of STORs**

1. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall submit a STOR using the template set out in the Annex.
2. The persons referred to in paragraph 1 submitting the STOR shall complete the information fields relevant to the reported orders or transactions in a clear and accurate manner. The STOR shall contain at the least the following information:
 - (a) identification of the person submitting the STOR and, in the case of persons professionally arranging or executing transactions, also the capacity in which the person submitting the STOR operates, in particular when dealing on own account or executing orders on behalf of third parties;
 - (b) description of the order or transaction, including:
 - (i) the type of order and the type of trading, in particular block trades, and where the activity occurred,
 - (ii) price and volume;
 - (c) reasons for which the order or transaction is suspected to constitute insider dealing, market manipulation or an attempted insider dealing or market manipulation;
 - (d) means of identifying any person involved in the order or transaction that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, including the person who placed or executed the order and the person on whose behalf the order has been placed or executed;
 - (e) any other information and supporting documents which may be deemed relevant for the competent authority for the purposes of detecting, investigating and enforcing insider dealing, market manipulation and attempted insider dealing and market manipulation.

*Article 8***Means of transmission**

1. Persons professionally arranging or executing transactions and market operators and investment firms operating a trading venue shall submit a STOR, including any supporting documents or attachments, to the competent authority referred to in Article 16(1) and (3) of Regulation (EU) No 596/2014 using the electronic means specified by that competent authority.
2. Competent authorities shall publish on their website the electronic means referred to in paragraph 1. Those electronic means shall ensure that completeness, integrity and confidentiality of the information are maintained during the transmission.

*Article 9***Entry into force**

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

It shall apply from 3 July 2016.

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

Done at Brussels, 9 March 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

STOR template

SECTION 1 — IDENTITY OF ENTITY/PERSON SUBMITTING THE STOR

Persons professionally arranging or executing transactions/Market operators and investment firms that operate a trading venue — Specify in each case:

Name of the natural person	[First name(s) and surname(s) of the natural person in charge of the submission of the STOR within the submitting entity.]
Position within the reporting entity	[Position of the natural person in charge of the submission of the STOR within the submitting entity.]
Name of the reporting entity	[Full name of the reporting entity, including for legal persons: — the legal form as provided for in the register of the country pursuant to the law of which it is incorporated, where applicable, and — the Legal Entity Identifier (LEI) code in accordance with ISO 17442 LEI code, where applicable.]
Address of the reporting entity	[Full address (e.g. street, street number, postal code, city, state/province) and country.]
Acting capacity of entity with respect to the orders or transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation	[Description of the capacity in which the reporting entity was acting with regards to the order(s) or transaction(s) that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, e.g. executing orders on behalf of clients, dealing on own account, operating a trading venue, systematic internaliser.]
Type of trading activity (market making, arbitrage etc.) and type of instrument traded (securities, derivatives, etc.) by the reporting entity	(If available)
Relationship with the person in respect of which the STOR is submitted	[Description of any corporate, contractual or organisational arrangements or circumstances or relationships]
Contact for additional request for information	[Person to be contacted within the reporting entity for additional request for information relating to this report (e.g. compliance officer) and relevant contact details: — first name(s) and surname(s), — position of the contact person within the reporting entity, — professional e-mail address.]

SECTION 2 — TRANSACTION/ORDER

Description of the financial instrument:	[Describe the financial instrument which is the subject of the STOR, specifying: — the full name or description of the financial instrument, — the instrument identifier code as defined in a Commission Delegated Regulation adopted under Article 26 of Regulation (EU) No 600/2014, when applicable, or other codes,
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	<ul style="list-style-type: none"> — the type of financial instrument according to the taxonomy used to classify the financial instrument and the associated code (ISO 10962 CFI code).] <p>[Additional elements for orders and transactions relating to OTC derivatives (The list of data below is not exhaustive)</p> <ul style="list-style-type: none"> — Identify the type of OTC derivative (e.g. contracts for difference (CFD), swaps, credit default swaps (CDS) and over-the-counter (OTC) options) using the types referred to in Article 4(3)(b) of Commission Implementing Regulation (EU) No 1247/2012. — Describe the characteristics of the OTC derivative including at least, where relevant to the particular derivative type, the following: <ul style="list-style-type: none"> — nominal amount (face value), — currency of the price denomination, — maturity date, — premium (price), — interest rate. — Describe at the least the following, where relevant for the particular type of OTC derivative: <ul style="list-style-type: none"> — Margin, up-front payment and nominal size or value of the underlying financial instrument, — Transaction terms such as the strike price, the contract terms (e.g. spread bet gain or loss per tick move). — Describe the underlying financial instrument of the OTC derivative specifying: <ul style="list-style-type: none"> — The full name of the underlying financial instrument or description of the financial instrument, — The instrument identifier code as defined under Commission Delegated Regulation to be adopted under Article 26 of Regulation (EU) No 600/2014 when applicable, or other codes, — The type of financial instrument according to the taxonomy used to classify the financial instrument and the associated code (ISO 10962 CFI code).]
Date and time of transactions or orders that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation	[Indicate the date(s) and time(s) of the order(s) or transaction(s) specifying the time zone.]
Market where order or transaction occurred	<p>[Specify:</p> <ul style="list-style-type: none"> — name and code to identify the trading venue, the systematic internaliser or the organised trading platform outside the Union where the order was placed and the transaction was executed as defined under Commission Delegated Regulation adopted under Article 26 of Regulation (EU) No 600/2014, or — if the order was not placed or transaction was not executed on any of the abovementioned venues, please mention 'outside a trading venue'.]

Location (country)	<p>[Full name of the country and the ISO 3166-1 two-character country code.]</p> <p>[Specify:</p> <ul style="list-style-type: none"> — where the order is given (if available), — where the order is executed.]
Description of the order or transaction	<p>[Describe at least the following characteristics of the order(s) or the transaction(s) reported</p> <ul style="list-style-type: none"> — transaction reference number/order; reference number (where applicable), — settlement date and time, — purchase price/sale price, — volume/quantity of financial instruments, <p>[Where there are multiple orders or transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, the details on the prices and volumes of such orders and transactions can be provided to the competent authority in an Annex to the STOR.]</p> <ul style="list-style-type: none"> — information on the order submission, including at least the following: <ul style="list-style-type: none"> — type of order (e.g. 'buy with limit EUR x'), — the way the order was placed (e.g. electronic order book), — the timing when the order was placed, — the person that actually placed the order, — the person that actually received the order, — the means by which the order is transmitted. — Information on the order cancellation or alteration (where applicable): <ul style="list-style-type: none"> — the time of the alteration or cancellation, — the person who altered or cancelled the order, — the nature of the alteration (e.g. change in price or quantity) and the extent of the alteration, <p>[Where there are multiple orders or transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, the details on the prices and volumes of such orders and transactions can be provided to the competent authority in an Annex to the STOR.]</p> <ul style="list-style-type: none"> — the means to alter the order (e.g. via e-mail, phone, etc.).]

SECTION 3 — DESCRIPTION OF THE NATURE OF THE SUSPICION

Nature of the suspicion	<p>[Specify the type of breach the reported orders or transactions could constitute:</p> <ul style="list-style-type: none"> — market manipulation, — insider dealing,
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	<ul style="list-style-type: none"> — attempted market manipulation, — attempted insider dealing.]
Reasons for the suspicion	<p>[Description of the activity (transactions and orders, way of placing the orders or executing the transaction and characteristics of the orders and transactions that make them suspicious) and how the matter came to the attention of the reporting person, and specify the reasons for suspicion.</p> <p>As non-exhaustive guiding criteria, the description may include:</p> <ul style="list-style-type: none"> — for financial instruments admitted to trading on/traded on a trading venue, a description of the nature of the order book interaction/transactions that could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation, — for OTC derivatives, details concerning transactions or orders placed in the underlying asset and information on any possible link between dealings in the cash market of the underlying asset and the reported dealings in the OTC derivative.]

SECTION 4 — IDENTITY OF PERSON THE ORDERS OR TRANSACTIONS OF WHICH COULD CONSTITUTE INSIDER DEALING, MARKET MANIPULATION OR ATTEMPTED INSIDER DEALING OR MARKET MANIPULATION ('SUSPECTED PERSON')

Name	<p>[For natural persons: the first name(s) and the last name(s).]</p> <p>[For legal persons: full name including legal form as provided for in the register of the country pursuant to the laws of which it is incorporated, if applicable, and Legal Entity Identifier (LEI) code in accordance with ISO 17442, where applicable.]</p>
Date of birth	<p>[For natural persons only.]</p> <p>[yyyy-mm-dd]</p>
National Identification Number (where applicable)	<p>[Where applicable in the concerned Member State.]</p> <p>[Number and/or text]</p>
Address	<p>[Full address (e.g. street, street number, postal code, city, state/province) and country.]</p>
Information about the employment: — Place — Position	<p>[Information about the employment of the suspected person, from information sources available internally to the reporting entity (e.g. account documentation in case of clients, staff information system in case of an employee of the reporting entity).]</p>
Account number(s)	<p>[Numbers of the cash and securities account(s), any joint accounts or any Powers of Attorney on the account the suspected entity/person holds.]</p>
Client identifier under transaction reporting pursuant to Regulation (EU) No 600/2014 on markets in financial instruments (or any other code of identification)	<p>[In case the suspected person is a client of the reporting entity.]</p>
Relationship with the issuer of the financial instruments concerned (where applicable and where known)	<p>[Description of any corporate, contractual or organisational arrangements or circumstances or relationships]</p>

SECTION 5 — ADDITIONAL INFORMATION**Background or any other information considered by the reporting entity relevant to the report**

[The following list is not exhaustive.

- The position of the suspected person (e.g. retail client, institutions),
- The nature of the suspected entity's/person's intervention (on own account, on behalf of a client, other),
- The size of the suspected entity's/person's portfolio,
- The date on which the business relationship with the client started if the suspected entity/person is a client of the reporting person/entity,
- The type of activity of the trading desk, if available, of the suspected entity,
- Trading patterns of the suspected entity/person. For guidance, the following are examples of information that may be useful:
 - trading habits of the suspected entity/person in terms of use of leverage and short selling, and frequency of use,
 - comparability of the size of the reported order/transaction with the average size of the orders submitted/transactions carried out by the suspected entity/person for the past 12 months,
 - habits of the suspected entity/person in terms of the issuers whose securities it has traded or types of financial instruments traded for the past 12 months, in particular whether the reported order/transaction relates to an issuer whose securities have been traded by the suspected entity/person for the past year.
- Other entities/persons known to be involved in the orders or transactions of which could constitute insider dealing, market manipulation or attempted insider dealing or market manipulation:
 - Names,
 - Activity (e.g. executing orders on behalf of clients, dealing on own account, operating a trading venue, systematic internaliser, etc.).]

SECTION 6 — DOCUMENTATION ATTACHED

[List the supporting attachments and material together provided with this STOR.

Examples of such documentation are e-mails, recordings of conversations, order/transaction records, confirmations, broker reports, Powers of Attorney documents, and media comment where relevant.

Where the detailed information about the orders/transactions referred to in Section 2 of this template is provided in a separate annex, indicate the title of that annex.]

COMMISSION DELEGATED REGULATION (EU) 2016/958**of 9 March 2016****supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the technical arrangements for objective presentation of investment recommendations or other information recommending or suggesting an investment strategy and for disclosure of particular interests or indications of conflicts of interest****(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 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ⁽¹⁾, and in particular the third subparagraph of Article 20(3) thereof,

Whereas:

- (1) Harmonised standards on the investment recommendations or other information recommending or suggesting an investment strategy (hereinafter 'recommendations') are necessary for the objective, clear and accurate presentation of such information and for the disclosure of interests and conflicts of interest. They should be complied with by persons producing or disseminating recommendations. In particular, in order to ensure high standards of fairness, probity and transparency in the market, recommendations should be presented objectively and in a way that does not mislead market participants or the public.
- (2) All persons who produce or disseminate recommendations should have in place arrangements to ensure that information is objectively presented and interests or conflicts of interest are effectively disclosed. Moreover, additional arrangements should be made for those categories of persons who, by virtue of their nature and their activities, generally pose greater risks to market integrity and investor protection. That group would include independent analysts, investment firms, credit institutions, any person whose main business is to produce or disseminate recommendations, and the natural persons working for them under a contract of employment or otherwise, as well as other persons proposing investment decisions in respect of financial instruments who present themselves as having financial experience or expertise, or are perceived as such by market participants (hereinafter 'experts'). Non-exhaustive indicators to be considered in relation to the identification of such experts include the frequency with which they produce recommendations; the number of followers they have when they propose recommendations; their personal work's history, including whether they have been professionally producing recommendations in the past; and whether their previous recommendations are or have been relayed by third parties, such as the media.
- (3) The identity of the persons producing recommendations, their competent authority, if any, and the dates and times when the recommendations were completed and then disseminated should be disclosed, since they may be valuable information for investors in relation to their investment decisions.
- (4) Disclosure of valuations and methodologies is useful information in order to understand recommendations, as well as to gauge the extent to which the persons producing them are consistent in the valuations and methodologies they adopt. Recommendations produced by the same person and related to companies that belong to the same industry or to the same country should aim at consistently exhibiting some consistent common factors. For those reasons, independent analysts, investment firms, credit institutions, persons whose main business is to produce recommendations, and the natural persons working for them under a contract of employment or otherwise, as well as experts, should explain in the recommendations any change in the valuations and methodologies they use.

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

- (5) The interests of persons producing recommendations, and the conflicts that those interests could entail, may influence the opinion that those persons express in their recommendations. In order to ensure that the objectivity and reliability of the information can be evaluated, it should be appropriate to disclose of any relationship and circumstance that may reasonably be expected to impair the objectivity of the information, including interests or conflicts of interest of the person producing the recommendation, or of a person belonging to the same group, concerning the financial instrument or the issuer to whom the recommendation, directly or indirectly, relates.
- (6) Disclosures of interests or conflicts of interest should be specific enough as to enable the recipient of the recommendation to take an informed view of the degree and nature of the interest or conflict of interest. Independent analysts, investment firms, credit institutions, persons whose main business is to produce recommendations, and the natural persons working for them under a contract of employment or otherwise, as well as experts, should also disclose whether they own a net long or short position above a predetermined threshold in the issued share capital of the issuer to which the recommendation relates. In that context, they should calculate the net long or short position in accordance with the methodology for calculating positions under Regulation (EU) No 236/2012 of the European Parliament and of the Council ⁽¹⁾.
- (7) In the interest of proportionality, persons producing recommendations should be allowed to adapt their arrangements for objective presentation and for disclosure of interest or conflicts of interest within the limits set out in this Regulation, including when they produce non-written recommendations that are made using modalities such as meetings, road shows or audio or video conferences as well as radio, TV or website interviews.
- (8) Recommendations may be disseminated in an unaltered, altered or summarised form by a person other than the person producing them. The way in which persons who disseminate recommendations handle those recommendations may have an important impact on the evaluation of those by investors. In particular, the knowledge of the identity of the person disseminating the recommendation and the extent of alteration of the source recommendation can be a valuable piece of information for investors when considering their investment decisions.
- (9) Where the persons disseminating recommendations extrapolate only some elements of a source recommendation, this could amount to a substantial alteration of the content of the source recommendation. A change in the direction of the source recommendation (e.g. by changing a 'buy' recommendation into a 'hold' or 'sell' recommendation, or vice versa, or by changing the price target) should always be considered a substantial alteration.
- (10) The processing of personal data in the context of this Regulation should be conducted in compliance with the national laws, regulations or administrative provisions transposing Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾.
- (11) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority to the Commission.
- (12) The European Securities and Markets Authority 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 Securities Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽³⁾.
- (13) In order to ensure the smooth functioning of the financial markets, it is necessary that this Regulation enters into force as a matter of urgency and that the provisions laid down in this Regulation apply from the same date as those laid down in Regulation (EU) No 596/2014,

⁽¹⁾ Regulation (EU) No 236/2012 of the European Parliament and of the Council of 14 March 2012 on short selling and certain aspects of credit default swap (OJ L 86, 24.3.2012, p. 1).

⁽²⁾ 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 (OJ L 281, 23.11.1995, p. 31).

⁽³⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'expert' means a person referred to in Article 3(1)(34)(ii) of Regulation (EU) No 596/2014 who repeatedly proposes investment decisions in respect of financial instruments and who:
 - (i) presents himself as having financial expertise or experience; or
 - (ii) puts forward his recommendation in such a way that other persons would reasonably believe he has financial expertise or experience;
- (b) 'group' means a group as defined in Article 2(11) of Directive 2013/34/EU of the European Parliament and of the Council ⁽¹⁾.

CHAPTER II

PRODUCTION OF RECOMMENDATIONS

Article 2

Identity of producers of recommendations

1. Persons who produce investment recommendations or other information recommending or suggesting an investment strategy ('recommendations') shall disclose clearly and prominently in all the recommendations they produce their identity and the following information about the identity of any other person(s) responsible for the production of the recommendation:

- (a) the name and the job title of all the natural persons involved in the production of the recommendation;
- (b) where a natural or a legal person involved in the production of the recommendation is acting under contract, including a contract of employment, or otherwise for a legal person, the name of such legal person.

2. Where the person who produces recommendations is an investment firm, a credit institution, or a natural person working for an investment firm or a credit institution under contract of employment or otherwise, that person shall, in addition to the information laid down in paragraph 1, state the identity of the relevant competent authority in the recommendation.

3. Where the person who produces recommendations is not a person referred to in paragraph 2, but is subject to self-regulatory standards or codes of conduct for the production of recommendations, that person shall, in addition to the information laid down in paragraph 1, state a reference to those standards or codes in the recommendation.

Article 3

General obligations in relation to objective presentation of recommendations

1. Persons who produce recommendations shall ensure that their recommendations comply with the following requirements:

- (a) facts are clearly distinguished from interpretations, estimates, opinions and other types of non-factual information;
- (b) all substantially material sources of information are clearly and prominently indicated;

⁽¹⁾ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

- (c) all sources of information are reliable or, where there is any doubt as to whether a source is reliable, this is clearly indicated;
- (d) all projections, forecasts and price targets are clearly and prominently labelled as such, and the material assumptions made in producing or using them are indicated;
- (e) the date and time when the production of the recommendation was completed is clearly and prominently indicated.

2. Where the disclosure of the information required in points (b) or (e) of paragraph 1 is disproportionate in relation to the length or form of the recommendation, including in the case of a non-written recommendation that is made using modalities, such as meetings, road shows, audio or video conferences, as well as radio, television or website interviews, the person who produces recommendations shall state in the recommendation where the required information can be directly and easily accessed by the persons receiving the recommendation free of charge.

3. Persons who produce recommendations shall substantiate any recommendation they have produced to the competent authority upon its request.

Article 4

Additional obligations in relation to objective presentation of recommendations applicable to the persons referred to Article 3(1)(34)(i) of Regulation (EU) No 596/2014 and experts

1. In addition to the information laid down in Article 3, the persons referred to Article 3(1)(34)(i) of Regulation (EU) No 596/2014 and experts shall include in the recommendation the following information in a clear and prominent manner:

- (a) if the recommendation has been disclosed to the issuer to which the recommendation, directly or indirectly, relates and it has been subsequently amended, a statement to that effect;
- (b) a summary of any basis of valuation or methodology and the underlying assumptions used to either evaluate a financial instrument or an issuer, or to set a price target for a financial instrument, as well as an indication and a summary of any changes in the valuation, methodology or underlying assumptions;
- (c) an indication of the place where detailed information about the valuation or methodology and the underlying assumptions is directly and easily accessible, in the event that the person who produces recommendations has not used proprietary models;
- (d) an indication of the place where material information about the proprietary models used is directly and easily accessible, in the event that the person who produces recommendations has used proprietary models;
- (e) the meaning of any recommendation made, such as the recommendations to 'buy', 'sell' or 'hold', and the length of time of the investment to which the recommendation relates are adequately explained and any appropriate risk warning, which shall include a sensitivity analysis of the assumptions, is indicated;
- (f) a reference to the planned frequency of updates to the recommendation;
- (g) an indication of the relevant date and time for any price of financial instruments mentioned in the recommendation;
- (h) where a recommendation differs from any of their previous recommendations concerning the same financial instrument or issuer that has been disseminated during the preceding 12-month period, the change(s) and the date of that previous recommendation are indicated; and
- (i) a list of all their recommendations on any financial instrument or issuer that were disseminated during the preceding 12-month period, containing for each recommendation: the date of dissemination, the identity of the natural person(s) referred to in Article 2(1)(a), the price target and the relevant market price at the time of dissemination, the direction of the recommendation and the validity time period of the price target or of the recommendation.

2. Where the disclosure of the information required in points (b), (e) or (i) of paragraph 1 is disproportionate in relation to the length or form of the recommendation, including in the case of a non-written recommendation that is made using modalities, such as meetings, road shows, audio or video conferences, as well as radio, television or website interviews, the person who produces recommendations shall state in the recommendation where the required information can be directly and easily accessed by the persons receiving the recommendation free of charge.

*Article 5***General obligations in relation to disclosure of interests or of conflicts of interest**

1. Persons who produce recommendations shall disclose in their recommendations all relationships and circumstances that may reasonably be expected to impair the objectivity of the recommendation, including interests or conflicts of interest, on their part or on the part of any natural or legal person working for them under a contract, including a contract of employment, or otherwise, who was involved in producing the recommendation, concerning any financial instrument or the issuer to which the recommendation directly or indirectly relates.
2. Where a person who produces recommendations referred to in paragraph 1 is a legal person, the information to be disclosed in accordance with paragraph 1 shall also include any interests or conflicts of interest of any person belonging to the same group that are:
 - (a) known, or reasonably expected to be known, to the persons involved in the production of the recommendation; or
 - (b) known to persons who, although not involved in the production of the recommendation, have or could reasonably be expected to have, access to the recommendation prior to its completion.
3. Where a person who produces recommendations referred to in paragraph 1 is a natural person, the information to be disclosed in accordance with paragraph 1 shall also include any interests or conflicts of interest of any person closely associated with him.

*Article 6***Additional obligations in relation to disclosure of interests or of conflicts of interest by persons referred to in Article 3(1)(34)(i) of Regulation (EU) No 596/2014 and experts**

1. In addition to the information required in Article 5, a person referred to in Article 3(1)(34)(i) of Regulation (EU) No 596/2014 and an expert shall include in the recommendation the following information on their interests and conflicts of interest concerning the issuer to which the recommendation, directly or indirectly, relates:
 - (a) if it owns a net long or short position exceeding the threshold of 0,5 % of the total issued share capital of the issuer, calculated in accordance with Article 3 of Regulation (EU) No 236/2012 and with Chapters III and IV of Commission Delegated Regulation (EU) No 918/2012 ⁽¹⁾, a statement to that effect specifying whether the net position is long or short;
 - (b) if holdings exceeding 5 % of its total issued share capital are held by the issuer, a statement to that effect;
 - (c) if the person producing the recommendation or any other person belonging to the same group with that person:
 - (i) is a market maker or liquidity provider in the financial instruments of the issuer, a statement to that effect;
 - (ii) has been lead manager or co-lead manager over the previous 12 months of any publicly disclosed offer of financial instruments of the issuer, a statement to that effect;
 - (iii) is party to an agreement with the issuer relating to the provision of services of investment firms set out in Sections A and B of Annex I to Directive 2014/65/EU of the European Parliament and of the Council ⁽²⁾, a statement to that effect, provided that this would not entail the disclosure of any confidential commercial information and that the agreement has been in effect over the previous 12 months or has given rise during the same period to the obligation to pay or receive compensation;
 - (iv) is party to an agreement with the issuer relating to the production of the recommendation, a statement to that effect.

⁽¹⁾ Commission Delegated Regulation (EU) No 918/2012 of 5 July 2012 supplementing Regulation (EU) No 236/2012 of the European Parliament and of the Council on short selling and certain aspects of credit default swaps with regard to definitions, the calculation of net short positions, covered sovereign credit default swaps, notification thresholds, liquidity thresholds for suspending restrictions, significant falls in the value of financial instruments and adverse events (OJ L 274, 9.10.2012, p. 1).

⁽²⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

2. Where the person referred to in paragraph 1 is an investment firm, a credit institution, or a natural or a legal person working for an investment firm or credit institution under a contract, including a contract of employment, or otherwise, that person shall, in addition to the information laid down in paragraph 1, include the following information in the recommendation:

- (a) a description of the effective internal organisational and administrative arrangements and of any information barrier it has set up for the prevention and avoidance of conflicts of interest with respect to the recommendations;
- (b) if the remuneration of natural or legal persons working for it under a contract of employment or otherwise, and who were involved in producing the recommendation, is directly tied to transactions in services of investment firms set out in Sections A and B of Annex I to Directive 2014/65/EU or other type of transactions it or any legal person part of the same group performs, or to trading fees it or any legal person that is part of the same group receives, a statement to that effect;
- (c) information on the price and date of acquisition of shares where natural persons working for the person referred to in the first subparagraph under a contract of employment or otherwise, and who were involved in producing the recommendation, receive or purchase the shares of the issuer to which the recommendation, directly or indirectly, relates, prior to a public offering of such shares.

3. Where the person referred to in paragraph 1 is an investment firm, a credit institution, or a natural or legal person working for an investment firm or credit institution under a contract, including a contract of employment, or otherwise, that person shall publish, on a quarterly basis, the proportion of all recommendations that are 'buy', 'hold', 'sell' or equivalent terms over the previous 12 months, and the proportion of issuers corresponding to each of those categories to which such person has supplied material services of investment firms set out in Sections A and B of Annex I to Directive 2014/65/EU over the previous 12 months.

4. Where the disclosure of the information referred to in paragraphs 1 and 2 is disproportionate in relation to the length or form of the recommendation, including in the case of a non-written recommendation that is made using modalities, such as meetings, road shows or audio or video conferences, as well as radio, television or website interviews, the person who produces recommendations shall state in the recommendation where the required information can be directly and easily accessed by the persons receiving the recommendation free of charge.

Article 7

Dissemination of recommendations by the producer

Where a person producing recommendations disseminates a recommendation it produced, it shall include in the recommendation the date and time when the recommendation was first disseminated.

CHAPTER III

DISSEMINATION OF RECOMMENDATIONS PRODUCED BY THIRD PARTIES

Article 8

Arrangements for dissemination of recommendations

1. Persons who disseminate recommendations produced by a third party shall communicate to the persons receiving the recommendations the following information:

- (a) their identity, in a clear and prominent manner;
- (b) all relationships and circumstances that may reasonably be expected to impair the objective presentation of the recommendation, including interests or conflicts of interest concerning any financial instrument or the issuer to which the recommendation, directly or indirectly, relates;
- (c) the date and time when the recommendation is first disseminated.

2. Where a person referred to in paragraph 1 is an investment firm, a credit institution, or a natural or legal person working for an investment firm or a credit institution under a contract, including a contract of employment, or otherwise, that person shall, in addition to the information laid down in paragraph 1, communicate to the persons receiving the recommendations the following information:

- (a) the identity of the relevant competent authority;
- (b) its own interests or indication of conflicts of interest as laid down in Article 5 and Article 6(1) and (2), unless that person is acting as the disseminating channel of the recommendations produced within the same group without exercising any discretion as to the selection of the recommendation to disseminate.

Article 9

Additional arrangements for dissemination of summary or extract of recommendations

1. In addition to the information laid down in Article 8, persons who disseminate a summary or an extract of a recommendation produced by a third party shall ensure that such summary or extract:

- (a) is clear and not misleading;
- (b) is identified as a summary or extract;
- (c) includes a clear identification of the original recommendation.

2. The persons referred to in paragraph 1 shall also ensure that the information regarding the producer of the recommendation set out in Articles 2 to 6 is made available either directly, in the summary or in the extract itself, or through reference to the place where that information can be accessed by the persons receiving the summary or extract of the recommendation free of charge.

Article 10

Additional arrangements for dissemination of substantially altered recommendations

1. In addition to the information laid down in Article 8, persons who disseminate a recommendation produced by a third party that is substantially altered, shall ensure that the recommendation clearly indicates the substantial alteration in detail.

2. The persons referred to in paragraph 1 shall meet the requirements laid down in Articles 2 to 5 to the extent of the substantial alteration and include in the substantially altered recommendation a reference to the place where the information regarding the producer of the original recommendation set out in Articles 2 to 6 can be accessed by the persons receiving the substantially altered recommendation free of charge.

CHAPTER IV

FINAL PROVISIONS

Article 11

Entry into force

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

It shall apply from 3 July 2016.

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

Done at Brussels, 9 March 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/959**of 17 May 2016****laying down implementing technical standards for market soundings with regard to the systems and notification templates to be used by disclosing market participants and the format of the records in accordance with Regulation (EU) No 596/2014 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ⁽¹⁾, and in particular the third subparagraph of Article 11(10) thereof,

Whereas:

- (1) Disclosing market participants are to keep records of the communications of information taking place for the purposes of the market soundings between themselves and all persons receiving the market soundings. Such records should assist disclosing market participants in providing evidence of proper conduct to the competent authorities, in particular where the nature of the information changes after the market sounding or where the competent authority needs to review the process of categorisation of the information. To that end, all such records should be kept in an electronic format.
- (2) To ensure that the information communicated is consistently recorded also where market soundings take place during unrecorded meetings or telephone conversations, a uniform template should be drawn up for the written minutes or notes to be taken by the disclosing market participant of those meetings and conversations.
- (3) To ensure that the information communicated is consistently recorded, disclosing market participants should keep records of the written communications to inform the persons who received the market soundings when the information disclosed in the course of the market sounding has ceased to be inside information.
- (4) This Regulation is based on the draft implementing technical standards submitted by the European Securities and Markets Authority to the Commission.
- (5) The European Securities and Markets Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽²⁾.
- (6) In order to ensure the smooth functioning of the financial markets, it is necessary that this Regulation enters into force as a matter of urgency and that the provisions laid down in this Regulation apply from the same date as those laid down in Regulation (EU) No 596/2014,

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

HAS ADOPTED THIS REGULATION:

Article 1

Electronic format for the records

All the records referred to in Article 6 of Commission Delegated Regulation (EU) 2016/960 ⁽¹⁾ shall be kept in an electronic format.

Article 2

Format for the record keeping of the written minutes or notes

Disclosing market participants shall draw up the written minutes or notes referred to in Article 6(2)(d) of Delegated Regulation (EU) 2016/960 in an electronic format using:

- (a) the template set out in Annex I where disclosing market participants consider that the market sounding involves the disclosure of inside information;
- (b) the template set out in Annex II where disclosing market participants consider that the market sounding does not involve the disclosure of inside information.

Article 3

Format for the record keeping of the data regarding potential investors

1. Disclosing market participants shall keep records of the information referred to in Article 4(1) of Delegated Regulation (EU) 2016/960 in the form of separate lists for each market sounding.
2. Disclosing market participants shall keep records of the information referred to in Article 4(2) of Delegated Regulation (EU) 2016/960 in the form of a single list.

Article 4

Format for communicating and recording that the information has ceased to be inside information

1. Disclosing market participants shall inform in writing the persons that received the market soundings that the information disclosed in the course of the market sounding has ceased to be inside information.
2. Disclosing market participants shall record the information given in accordance with paragraph 1 in compliance with the template set out in Annex III.

⁽¹⁾ Commission Delegated Regulation (EU) 2016/960 of 17 May 2016 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures for disclosing market participants conducting market soundings (see page 29 of this Official Journal).

*Article 5***Entry into force**

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

It shall apply from 3 July 2016.

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

Done at Brussels, 17 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Template for the written minutes and notes referred to in Article 6(2)(d) of Delegated Regulation (EU) 2016/960 where inside information is disclosed

Item	Text field
i. Identity of the disclosing market participant	<i>Full names of the disclosing market participant and of the person within the disclosing market participant providing the information and the contact details used for the communication.</i>
ii. Identity of the person receiving the communication	<i>Full name of the person receiving the communication and the contact details used for the communication.</i>
iii. Date and time of the communication	<i>Date and time(s) of the communication specifying the time zone.</i>
iv. Clarification of the nature of the conversation in accordance with Article 3(3)(a) of Delegated Regulation (EU) 2016/960	<i>Record of the statement that the communication takes place for the purposes of a market sounding.</i>
v. Confirmation of the identity of the person receiving the market sounding in accordance with Article 3(3)(c) of Delegated Regulation (EU) 2016/960	<i>Record of the information about the confirmation from the contacted person that the disclosing market participant is communicating with the person entrusted by the potential investor to receive the market sounding.</i>
vi. Clarification in accordance with Article 3(3)(d) of Delegated Regulation (EU) 2016/960 that inside information will be communicated	<i>Record of the statement clarifying that, if agreeing to receive the market sounding, the person receiving the communication of information will receive information which the disclosing market participant considers to be inside information and a reference to the obligation set forth in Article 11(7) of Regulation (EU) No 596/2014.</i>
vii. Information on the estimation of when the information ceases to be inside information, in accordance with Article 3(3)(e) of Delegated Regulation (EU) 2016/960	<i>Record of the information given, if any, on the estimated time when the information is expected to be made public or the transaction launched, with an explanation of why this may be subject to change and how the person receiving the market sounding will be informed in case the estimated time is no longer valid.</i>
viii. Statement regarding the obligations of the person receiving the communication in accordance with Article 3(3)(f) of Delegated Regulation (EU) 2016/960	<i>Record of the statement explaining to the person receiving the communication the obligations that apply to the possession of inside information, in accordance with points (b), (c) and (d) of subparagraph 1 of Article 11(5) of Regulation (EU) No 596/2014.</i>
ix. Confirmation of consent in accordance with Article 3(3)(g) of Delegated Regulation (EU) 2016/960	<i>Record of the information about the consent of the person receiving the market sounding to receive the inside information, as referred to in point (a) of subparagraph 1 of Article 11(5) of Regulation (EU) No 596/2014 (request and reply).</i>
x. Disclosure of information in accordance with Article 3(3)(h) of Delegated Regulation (EU) 2016/960	<i>Description of the information disclosed for the purposes of the market sounding, identifying the information considered to be inside information.</i>

ANNEX II

Template for the written minutes and notes referred to in Article 6(2)(d) of Delegated Regulation (EU) 2016/960 where no inside information is disclosed

Item	Text field
i. Identity of the disclosing market participant	<i>Full names of the disclosing market participant and of the person within the disclosing market participant providing the information and the contact details used for the communication.</i>
ii. Identity of the person receiving the communication	<i>Full name of the person receiving the communication and the contact details used for the communication.</i>
iii. Date and time of the communication	<i>Date and time(s) of the communication specifying the time zone.</i>
iv. Clarification of the nature of the conversation in accordance with Article 3(4)(a) of Delegated Regulation (EU) 2016/960	<i>Record of the statement that the communication takes place for the purposes of a market sounding.</i>
v. Confirmation of identity in accordance with Article 3(4)(c) of Delegated Regulation (EU) 2016/960	<i>Record of the information about the confirmation from the contacted person that the disclosing market participant is communicating with the person entrusted by the potential investor to receive the market sounding.</i>
vi. Clarification in accordance with Article 3(4)(d) of Delegated Regulation (EU) 2016/960 that no inside information will be communicated	<i>Record of the statement clarifying that, if agreeing to receive the market sounding, the person receiving the communication of information will receive information which the disclosing market participant does not consider inside information and a reference to the obligation set forth in Article 11(7) of Regulation (EU) No 596/2014.</i>
vii. Confirmation of consent in accordance with Article 3(4)(e) of Delegated Regulation (EU) 2016/960	<i>Record of the information about the consent of the person receiving the market sounding to proceed with the market sounding (request and reply).</i>
viii. Disclosure of information in accordance with Article 3(4)(f) of Delegated Regulation (EU) 2016/960	<i>Description of the information disclosed for the purposes of the market sounding.</i>

ANNEX III

Template for recording the communication given in accordance with the first subparagraph of Article 11(6) of Regulation (EU) No 596/2014 to inform the person having received the market sounding that the information disclosed has ceased to be inside information

Item	Text field
i. Identity of the disclosing market participant	<i>Full names of the disclosing market participant and of the person within the disclosing market participant providing the information and the contact details used for the communication.</i>
ii. Identity of the person receiving the communication	<i>Full name of the person receiving the communication and the contact details used for the communication.</i>
iii. Date and time of the communication	<i>Date and time(s) of the communication specifying the time zone.</i>
iv. Identification of the transaction	<i>Information to identify the transaction that was subject to the market sounding. It may include information about the type of transaction, e.g. IPO, secondary offer, merger, block trade, private placement, share capital increase.</i>
v. Date and time of the market sounding	<i>Information about the date and time when the inside information was disclosed as part of the market sounding.</i>
vi. Communication that the information has ceased to be inside information	<i>Statement to inform the market sounding recipient of the fact that the information disclosed has ceased to be inside information.</i>
vii. Date when the information ceased to be inside information	<i>The date when the information disclosed as part of the market sounding ceased to be inside information.</i>

COMMISSION DELEGATED REGULATION (EU) 2016/960**of 17 May 2016****supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the appropriate arrangements, systems and procedures for disclosing market participants conducting market soundings****(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 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC⁽¹⁾, and in particular the third subparagraph of Article 11(9) thereof,

Whereas:

- (1) Appropriate arrangements, procedures and record keeping requirements are necessary to ensure that market sounding activities are managed and controlled effectively. As part of the appropriate arrangements, disclosing market participants should establish procedures describing the manner in which market soundings are conducted. Such procedures should set out a standard set of information to be provided to and requested from the persons receiving the market sounding, ensuring that no unnecessary potentially sensitive information is disseminated and that all the persons receiving the market sounding receive the same level of information.
- (2) It is necessary to provide certainty as to the content of the information communicated in the course of market soundings. Therefore, where the market soundings are conducted by telephone and the disclosing market participant has access to recorded telephone lines, the disclosing market participant should use those lines. Where market soundings are conducted through channels other than by recorded telephone lines, records of the market sounding communications should be kept in the form of audio or video recordings or in written form. For personal data protection reasons, when the market sounding is made by recorded telephone lines or audio or video recording is being used, a consent to the recording should be obtained from the person receiving the market sounding.
- (3) To facilitate the conduct of investigations by competent authorities on suspected market abuse, disclosing market participants should, for each market sounding, keep a record of the persons who received the market sounding.
- (4) In order to minimise the risk of improper disclosure of inside information, a disclosing market participant should keep a record of the potential investors that have informed it that they are not willing to receive market soundings. Potential investors should be able to express their wish not to receive market soundings in relation to all potential transactions or only particular types of transactions.
- (5) When conducting a market sounding the disclosing market participants should be able to benefit from a presumption that inside information is disclosed in the normal exercise of a person's employment, profession or duties for the purposes of Article 10(1) of Regulation (EU) No 596/2014. In this respect, the disclosing market participant should be considered to be acting within the normal course of employment, profession or duties only in so far as it complies with all requirements, including record-keeping requirements set out in Article 11 of Regulation (EU) No 596/2014 and this Regulation.
- (6) Given that an assessment of what constitutes inside information, undertaken in accordance with Article 11(3) of Regulation (EU) No 596/2014, can be complex, disclosing market participants should keep records of all market soundings, including the ones that are considered by the disclosing market participant not to involve disclosure

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

of inside information. Such records assist disclosing market participants in providing evidence of proper conduct to the competent authorities, in particular where the nature of the information changes after the market sounding or where the competent authority would like to review the process of categorisation of the information.

- (7) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority to the Commission.
- (8) The European Securities and Markets Authority 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 Securities Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽¹⁾.
- (9) In order to ensure the smooth functioning of the financial markets, it is necessary that this Regulation enters into force as a matter of urgency and that the provisions laid down in this Regulation apply from the same date as those laid down in Regulation (EU) No 596/2014,

HAS ADOPTED THIS REGULATION:

Article 1

General requirements

Disclosing market participants shall ensure that the arrangements and procedures they establish to comply with paragraphs 4, 5, 6 and 8 of Article 11 of Regulation (EU) No 596/2014 are regularly reviewed and updated where necessary.

Article 2

Procedures for the purposes of conducting market soundings

1. Disclosing market participants shall establish procedures describing the manner in which market soundings are conducted.

Disclosing market participants may communicate information for the purposes of market sounding to the persons receiving the market sounding orally, in physical meetings, in audio or video telephone calls, or in writing, by mail, fax or electronic communications.

2. Disclosing market participants shall establish procedures for conducting market soundings by telephone ensuring that recorded telephone lines are used where the disclosing market participant has access to such lines and the persons receiving the market sounding have given their consent to the recording of the conversation.

3. The procedures referred to in paragraphs 1 and 2 shall ensure that persons working for a disclosing market participant under contract of employment or otherwise only use equipment provided by the disclosing market participant when sending and receiving telephone calls and electronic communications for the purposes of market soundings.

Article 3

Standard set of information for the communications to persons receiving the market sounding

1. Disclosing market participants shall have in place procedures to exchange a standard set of information with the persons receiving the market sounding during market soundings, in a pre-determined sequence.

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

2. The standard set of information referred to in paragraph 1 shall be determined by the disclosing market participant for each market sounding, prior to conducting that market sounding. The disclosing market participant shall use that standard set of information with all the persons receiving that market sounding.

3. Where disclosing market participants consider that the market sounding will involve the disclosure of inside information, the standard set of information referred to in paragraph 1 shall include and be limited to the following, in the stated order:

- (a) a statement clarifying that the communication takes place for the purposes of a market sounding;
- (b) where the market sounding is conducted by recorded telephone lines, or audio or video recording is being used, a statement indicating that the conversation is recorded and the consent of the person receiving the market sounding to be recorded;
- (c) a request for and a confirmation from the contacted person that the disclosing market participant is communicating with the person entrusted by the potential investor to receive the market sounding and the reply to that request;
- (d) a statement clarifying that, if the contacted person agrees to receive the market sounding, that person will receive information that the disclosing market participant considers to be inside information and a reference to the obligation laid down in Article 11(7) of Regulation (EU) No 596/2014;
- (e) where possible, an estimation of when the information will cease to be inside information, the factors that may alter that estimation and, in any case, information about the manner in which the person receiving the market sounding will be informed of any change in such an estimation;
- (f) a statement informing the person receiving the market sounding about the obligations laid down in Article 11(5) subparagraph 1 points (b), (c) and (d) of Regulation (EU) No 596/2014;
- (g) a request for the consent of the person receiving the market sounding to receive inside information, as referred to in Article 11(5) subparagraph 1 point (a) of Regulation (EU) No 596/2014 and the reply to that request;
- (h) where the consent required under point (g) is given, the information being disclosed for the purposes of the market sounding, identifying the information considered by the disclosing market participant to be inside information.

4. Where the disclosing market participant considers that the market sounding will not involve the disclosure of inside information, the standard set of information referred to in paragraph 1 shall include and be limited to the following, in the stated order:

- (a) a statement clarifying that the communication takes place for the purposes of a market sounding;
- (b) where the market sounding is conducted by recorded telephone lines or audio or video recording is being used, a statement indicating that the conversation is recorded and the consent of the person receiving the market sounding to be recorded;
- (c) a request for and a confirmation from the contacted person that the disclosing market participant is communicating with the person entrusted by the potential investor to receive the market sounding and the reply to that request;
- (d) a statement clarifying that, if the contacted person agrees to receive the market sounding, that person will receive information that the disclosing market participant considers not to be inside information and a reference to the obligation laid down in Article 11(7) of Regulation (EU) No 596/2014;
- (e) a request for the consent of the person receiving the market sounding to proceed with the market sounding and the reply to that request;
- (f) where the consent required under point (e) is given, the information being disclosed for the purposes of the market sounding.

5. The disclosing market participant shall ensure that the same level of information is communicated to each person receiving the market sounding in relation to the same market sounding.

*Article 4***Data regarding persons receiving the market sounding**

1. For each market sounding conducted, the disclosing market participant shall draw up a list containing the following information:
 - (a) the names of all natural and legal persons to whom information has been disclosed in the course of the market sounding;
 - (b) the date and time of each communication of information which has taken place in the course of or following the market sounding;
 - (c) the contact details of the persons receiving the market sounding used for the purposes of the market sounding.
2. Disclosing market participants shall draw up a list of any potential investors that have informed them that they do not wish to receive market soundings, in relation to either all potential transactions or particular types of potential transactions. The disclosing market participant shall refrain from communicating information for the purposes of market soundings to such potential investors.

*Article 5***Procedure for notifying where the information has ceased to be inside information**

Where disclosing market participants assess as referred to in Article 11(6) of Regulation (EU) No 596/2014, that the inside information disclosed in the course of a market sounding has ceased to be inside information, they shall provide the person having received the market sounding with the following information:

- (a) the identity of the disclosing market participant;
- (b) an identification of the transaction subject to the market sounding;
- (c) the date and time of the market sounding;
- (d) the fact that the information disclosed has ceased to be inside information;
- (e) the date on which the information ceased to be inside information.

*Article 6***Record keeping requirements**

1. Disclosing market participants shall ensure that records of the following are kept on a durable medium that ensures their accessibility and readability over the period of retention laid down in Article 11(8) of Regulation (EU) No 596/2014:
 - (a) the procedures referred to in Articles 1 and 2;
 - (b) the standard set of information determined for each market sounding in accordance with Article 3;
 - (c) the data regarding persons receiving the market sounding referred to in Article 4;
 - (d) all communications of information which have taken place between the disclosing market participant and all persons that received the market sounding for the purposes of the market sounding, including any documents provided by the disclosing market participant to the persons receiving the market sounding;
 - (e) the information leading to the assessment that the information communicated during the market sounding has ceased to be inside information and the relevant notifications referred to in Article 5.
2. For the purposes of Article 6(1)(d), the disclosing market participant shall keep:
 - (a) where the communication of information has taken place by telephone on recorded lines, recordings of telephone conversations provided that the persons to whom the information is communicated have given their consent to such a recording;
 - (b) where the communication of information has taken place in writing, a copy of the correspondence;

- (c) where the communication of information has taken place during video or audio recorded meetings, the recordings of those meetings provided that the persons to whom the information is communicated have given their consent to such a recording;
 - (d) where the communication of information has taken place during unrecorded meetings or telephone conversations, the written minutes or notes of those meetings or telephone conversations.
3. The written minutes or notes referred to in paragraph 2(d), shall be drawn up by the disclosing market participant and duly signed by both the disclosing market participant and the person receiving the market sounding and shall include:
- (a) the date and time of the meeting or telephone conversation and the identity of the participants;
 - (b) the details of the information related to the market sounding which were exchanged between the disclosing market participant and the person receiving the market sounding in the course of the market sounding, including information provided to the person receiving the market sounding and requested from the person receiving the market sounding in accordance with the standard set of information referred to in Article 3;
 - (c) any document and material provided by the disclosing market participant to the person receiving the market sounding in the course of the market sounding.

Where the disclosing market participant and the person receiving the market sounding have not agreed within 5 working days after the market sounding on the content of the written minutes or notes, the disclosing market participant shall record both a version of the written minutes or notes signed by the disclosing market participant and a version thereof signed by the person having received the market sounding.

Where the person having received the market sounding has not provided the disclosing market participant with a signed version of the written minutes or notes within 5 working days after the market sounding, the disclosing market participant shall keep a copy of the written version of the minutes or notes signed by the disclosing market participant.

4. The records referred to in paragraphs 1, 2 and 3 shall be made available to the competent authority upon request.

Article 7

Entry into force

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

It shall apply from 3 July 2016.

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

Done at Brussels, 17 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/961**of 26 May 2016****entering a name in the register of protected designations of origin and protected geographical indications (Conwy Mussels (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Conwy Mussels' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.7. Fresh fish, molluscs, and crustaceans and products derived therefrom, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*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, 26 May 2016.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 70, 24.2.2016, p. 3.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2016/962**of 16 June 2016****laying down implementing technical standards with regard to the uniform formats, templates and definitions for the identification and transmission of information by competent authorities and resolution authorities to the European Banking Authority according to Directive 2014/59/EU of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/59/EU of 15 May 2014 of the European Parliament and of the Council 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 ⁽¹⁾, and in particular Article 4(11) thereof,

Whereas:

- (1) Article 4(1) of Directive 2014/59/EU provides that simplified obligations may be applied to an institution where, having regard to the criteria referred to therein, and Guidelines prepared by the European Banking Authority (EBA) under Article 4(5) of that Directive, the competent authorities and resolution authorities determine that the institution's failure and subsequent winding-up under normal insolvency proceedings would not be likely to have a significant negative effect on financial markets, on other institutions, on funding conditions, or on the wider economy.
- (2) Subject to Article 4(9) and (10) of Directive 2014/59/EU, Article 4(8) requires Member States to ensure that competent authorities and resolution authorities may waive the application of the requirements of Sections 2 and 3 of Chapter 1 of Title II of that Directive to institutions affiliated to a central body and wholly or partially exempted from prudential requirements in national law in accordance with Article 10 of Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽²⁾. Article 4(8) of Directive 2014/59/EU also requires Member States to ensure that competent authorities and resolution authorities waive the application of the requirements of Section 2 of Chapter 1 of Title II of that Directive to institutions which are members of an institutional protection scheme (IPS). In particular, Article 4(10) of Directive 2014/59/EU specifies that institutions subject to direct supervision by the European Central Bank pursuant to Article 6(4) of Council Regulation (EU) No 1024/2013 ⁽³⁾ or those institutions, according to criteria referred to thereof, constitute a significant share in the financial system of a Member State are required to draw up their own recovery plans in accordance with Section 2 of Chapter 1 of Title II of Directive 2014/59/EU and must be the subject of individual resolution plans in accordance with Section 3 of that Chapter.
- (3) Article 4(7) of Directive 2014/59/EU requires competent authorities and resolution authorities to inform the EBA of the way they have applied Article 4(1), (8), (9) and (10) of that Directive to institutions in their jurisdiction. This Regulation should provide templates for the submission of information relating to Article 4(1) and 4(8) of Directive 2014/59/EU which can be completed, as appropriate, on an institution-specific or category basis in accordance with the practices adopted by the competent authorities and resolution authorities when assessing institutions sharing similar characteristics having regard to the criteria referred to in Article 4(1) of that Directive.
- (4) This Regulation is based on the draft implementing standards submitted by the EBA to the Commission.

⁽¹⁾ OJ L 173, 12.6.2014, p. 190.

⁽²⁾ 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).

⁽³⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

- (5) The EBA has conducted open public consultations on the draft implementing 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⁾,

HAS ADOPTED THIS REGULATION:

Article 1

General rules

1. In order to inform the European Banking Authority (EBA) about the application of Article 4(1), (8), (9) and (10) of Directive 2014/59/EU to institutions in their jurisdictions, competent authorities and resolution authorities shall transmit to the EBA the information identified in accordance with Articles 2 and 3 of this Regulation.
2. For the purposes of the transmission of information in accordance with paragraph 1, competent authorities and resolution authorities shall complete the relevant templates set out in Annex I and, where appropriate, refer to the optional indicators set out in Annex II.
3. Competent authorities and resolution authorities may choose to complete the templates set out in Annex I on a joint basis in the following manner:
 - (a) competent authorities complete the relevant parts of the templates for the purposes of recovery planning;
 - (b) resolution authorities complete the relevant parts of the templates for the purposes of resolvability assessments and resolution planning.
4. Where competent authorities and resolution authorities transmit the information identified in accordance with Articles 2 and 3 of this Regulation to the EBA, those authorities may make reference to a 'category of institutions', where they determine that two or more institutions share similar characteristics in terms of the criteria referred to in Article 4(1) of Directive 2014/59/EU for the application of simplified obligations.

Article 2

Information to be submitted by competent authorities

1. For each reporting period specified in Article 4 of this Regulation, competent authorities shall submit to the EBA the following information on the application of simplified obligations in relation to the contents and details of recovery plans and the date by which the first recovery plans are to be drawn up and the frequency for updating recovery plans:
 - (a) the number of credit institutions and the number of investment firms established in the Member State;
 - (b) the number and total assets of credit institutions and the number and total assets of investment firms for which simplified obligations have been applied under Article 4(1) of Directive 2014/59/EU for the purposes of recovery planning as compared to the number and total assets of all credit institutions and, respectively, investment firms established in the Member State concerned;
 - (c) the number and total assets of institutions to which a waiver has been granted under Article 4(8) of Directive 2014/59/EU compared to the number and total assets of all institutions established in the Member State concerned;
 - (d) for each institution, or category of institution, to which simplified obligations have been applied and remain applicable under Article 4(1) of Directive 2014/59/EU by the end of each reporting period:
 - (i) the legal entity identifier number or, where this is not available, the name of the institution or institutions falling within the category;

⁽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).

- (ii) where the report relates to a 'category of institutions', a description of the basis for establishing that category of institutions according to Article 1(4) of this Regulation;
 - (iii) quantitative information in relation to the application of the criteria on size, interconnectedness and scope and complexity of activities referred to in Article 4(1) of Directive 2014/59/EU;
 - (iv) a summary of the optional indicators provided in Annex II to this Regulation, if any, applied in relation to each of the criteria referred to in Article 4(1) of Directive 2014/59/EU;
 - (v) a description of the simplified obligations as compared to full obligations;
- (e) for each institution, or category of institutions, to which a waiver has been granted under Article 4(8) of Directive 2014/59/EU, a description of the basis on which the waiver has been granted having regard to the criteria set out in points (a) and (b) of Article 4(8) of Directive 2014/59/EU.

2. For the purposes of submitting the information required under paragraph 1, the competent authorities shall complete each of the reporting templates in Annex I to this Regulation. Where a competent authority has applied a weighting to particular criteria among those referred to in Article 4(1) of Directive 2014/59/EU such that they have been particularly determinative in establishing that an institution, or category of institutions, should be subject to simplified obligations, the competent authority shall identify the weighting assigned to these criteria in its report. Where the competent authority has not applied a weighting to particular criteria among those referred to in Article 4(1) of Directive 2014/59/EU, that competent authority shall identify in its report the relative importance of the criteria in establishing that an institution, or category of institutions, should be subject to simplified obligations.

Article 3

Information to be submitted by resolution authorities

1. For each reporting period specified in Article 4 of this Regulation, resolution authorities shall submit to the EBA the following information on the application of simplified obligations in relation to the contents and details of resolution plans and the date by which the first resolution plans are to be drawn up and the frequency for updating the plans:
- (a) the number and total assets of credit institutions and the number and total assets of investment firms for which simplified obligations have been applied under Article 4(1) of Directive 2014/59/EU for the purposes of resolvability assessments and resolution planning as compared to the number and total assets of all credit institutions and, respectively, investment firms established in the Member State concerned;
 - (b) the number of credit institutions and the number of investment firms to which a waiver has been granted under Article 4(8) of Directive 2014/59/EU;
 - (c) for each institution, or category of institution, to which simplified obligations have been applied and remain applicable under Article 4(1) of Directive 2014/59/EU by the end of each reporting period:
 - (i) the legal entity identifier number or, where this is not available, the name of the institution or institutions falling within the category;
 - (ii) where the report relates to a 'category of institutions', a description of the basis for establishing that category of institutions according to Article 1(4) of this Regulation;
 - (iii) quantitative information in relation to the application of the criteria on size, interconnectedness and scope and complexity of activities referred to in Article 4(1) of Directive 2014/59/EU;
 - (iv) a summary of the optional indicators provided in Annex II to this Regulation, if any, applied in relation to each of the criteria;
 - (v) a description of the simplified obligations as compared to full obligations;
 - (d) for each institution, or category of institutions, to which a waiver has been granted under Article 4(8) of Directive 2014/59/EU, a description of the basis on which the waiver has been granted having regard to the criteria set out in points (a) and (b) of Article 4(8) of Directive 2014/59/EU.

2. For the purposes of submitting the information referred to in paragraph 1, the resolution authorities shall complete each of the reporting templates set out in Annex I to this Regulation. Where a resolution authority has applied a weighting to particular criteria among those referred to in Article 4(1) of Directive 2014/59/EU such that they have been particularly determinative in establishing that an institution, or category of institutions, should be subject to simplified obligations, the resolution authority shall identify and describe the weighting assigned to those criteria in its report. Where the resolution authority has not applied a weighting to particular criteria among those referred to in Article 4(1) of Directive 2014/59/EU, that resolution authority shall identify in its report the relative importance of the criteria in establishing that an institution, or category of institutions, should be subject to simplified obligations.

Article 4

Reporting periods and submission dates

1. With regard to the information referred to in Article 2(1) and Article 3(1), the first reporting period shall commence on 1 January 2015 and shall end on 30 April 2016. The information relating to the first reporting period shall be submitted to the EBA by the 30th day following entry into force of this Regulation.

2. With regard to the information referred to in Article 2(1) and Article 3(1), the second reporting period shall commence on 1 May 2016 and end on 30 April 2017. The information relating to the second reporting period shall be submitted to the EBA by 1 June 2017.

Article 5

Entry into force

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, 16 June 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Reporting templates

TEMPLATE 1

Article 4 of Directive 2014/59/EU: Quantitative data report template

[The notes included in this template are intended to assist the authorities when completing the template and do not form part of the template.]

Member State	
Name of competent authority/resolution authority submitting the report	
Reference date	
Number of credit institutions established in the Member State	
Number of investment firms established in the Member State	
Number of credit institutions for which simplified obligations have been applied under Article 4(1) of Directive 2014/59/EU	<i>[Figures should be provided by the relevant authority, separately, with regard to obligations relating to: recovery planning, resolvability assessments and resolution planning.]</i>
Number of investment firms for which simplified obligations have been applied under Article 4(1) of Directive 2014/59/EU	<i>[Figures should be provided by the relevant authority, separately, with regard to obligations relating to: recovery planning, resolvability assessments and resolution planning.]</i>
Number of institutions to which a waiver has been granted under Article 4(8) of Directive 2014/59/EU	
Legal entity identifier (LEI) numbers or, where these are not available, the names of the institutions established in the Member State subject to direct supervision by the European Central Bank pursuant to Article 6(4) of Regulation (EU) No 1024/2013 or constituting a significant share in the financial system of a Member State as defined in Article 4(10) of Directive 2014/59/EU and are therefore ineligible for waivers pursuant to Article 4(8) of Directive 2014/59/EU	<i>[Only competent authorities need complete this section of the template as it relates to supervisory classifications.]</i>

Article 4(1) of Directive 2014/59/EU: Report template

[The notes included in this template are intended to assist the authorities when completing the template and do not form part of the template.]

Member State	
Name of competent authority/resolution authority submitting the report	<p>[Competent authorities and resolution authorities are expected to complete a report dealing with those institutions to which simplified obligations are applied in relation to, respectively, requirements as regards recovery plans and requirements relating to resolvability assessments and resolution plans (see the list in Article 4(1) of Directive 2014/59/EU).</p> <p>Competent and resolution authorities must report on all institutions to which simplified obligations are applied. In order to satisfy this requirement competent and resolution authorities may choose to complete this template on an institution-by-institution basis or with regard to specific categories of institutions that have common characteristics and therefore are assessed the same way against the criteria listed in Article 4(1) of Directive 2014/59/EU.]</p>
Reference period	
<p>Name of category of credit institution or name of credit institution</p> <p>[When reporting on a category basis, the LEI numbers should be provided for each institution in the category; where these are not available, the names of the institutions should be provided.]</p>	<p>[If the report is completed with regard to a specific category of institution, a description of the category, including the key characteristics of institutions in that category (e.g. by reference to SREP classification in accordance with the EBA's Guidelines under Article 107(3) of 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), or other applicable classification system), must be provided. In addition, a list of the LEI numbers, or in the absence of these numbers, the names of the institutions within that category must be provided. Where more than one category of institution exists, a report must be completed for each category.]</p>
<p>Name of category of investment firm or name of investment firm</p> <p>[When reporting on a category basis, the LEI numbers should be provided for each institution in the category; where these are not available, the names of the institutions should be provided.]</p>	<p>[As above.]</p>
Number of institutions falling within category	<p>[This box need be completed only where the report relates to a category of institution.]</p>

⁽¹⁾ If indicator values in accordance with the definitions prescribed in this template are not available due to the fact that relevant entities, which fall within the scope do not report in International Financial Reporting Standard (IFRS) and to which Financial Information Templates (Finrep) requirements do not apply competent and resolution authorities should use appropriate proxies. In this case, relevant authorities should ensure that those proxies are properly explained and correlate to the greatest extent possible with the definitions specified in this template.

Basis for determining, having regard to the relevant criteria set out in Article 4(1) of Directive 2014/59/EU, that the failure and subsequent winding-up under normal insolvency proceedings of the [institutions falling within this category/institution] would not be likely to have a significant negative effect on financial markets, on other institutions, on funding conditions, or on the wider economy. The description must include quantitative information where possible.

[Within this section please provide, having regard to the criteria set out in Article 4(1) of Directive 2014/59/EU, the mandatory indicators referred to in the template below and any optional indicators from the list in Annex II to this Regulation against which the institution, or category of institution, has been assessed a description of the characteristics of the institution/category of institution to which simplified obligations are applied. Each authority should identify in the report any weighting assigned to each criterion.]

Weighting [Please describe the weighting, if any, attributed to each of the criterion for the purposes of the assessment process.]

Criterion	Indicator	Description of institution(s) [Please complete with quantitative data where indicated. Where the report is completed in relation to a category of institution, quantitative data may be provided in the form of a range (e.g. total assets of euro Amount A to euro Amount B). In other places, please provide a narrative description.]
Size	Total assets ⁽¹⁾	[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]
	Total assets/Member State's GDP	[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
	For investment firms only:	
	Total liabilities	[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]
	Total client money	[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]
	Total client assets	[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]
Total fees and commission income	[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]	

Interconnectedness	Interbank liabilities ⁽²⁾	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Interbank assets ⁽³⁾	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Debt securities outstanding ⁽⁴⁾	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Number of foreign subsidiaries and branches	<i>[Please provide quantitative data. This need not be completed where the template is completed on a category basis.]</i>
	Clearing, payment and settlement services provided to institutions and others	<i>[Please insert a description of any such services provided by the institution or category of institution concerned.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
Scope and complexity of activities	Value of OTC derivatives (notional) ⁽⁵⁾	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Cross-jurisdictional liabilities ⁽⁶⁾	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Cross-jurisdictional claims ⁽⁷⁾	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Total deposits	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Total covered deposits	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	

Risk profile	Overall Supervisory review and evaluation process (SREP) score	<i>[This may include a value range where the template is completed on a category basis.]</i>
	SREP score assigned to capital adequacy	<i>[This may include a value range where the template is completed on a category basis.]</i>
	SREP score assigned to liquidity adequacy	<i>[This may include a value range where the template is completed on a category basis.]</i>
	SREP score assigned to internal governance and institution-wide controls	<i>[This may include a value range where the template is completed on a category basis.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
Legal status	Regulatory permissions and authorisations, in particular in relation to the use of advanced models for the calculation of own funds requirements for credit, market and operational risk	<i>[Please provide a description of the regulated activities for which the institution, or category of institution, has permission to carry on and describe whether advanced models are used (and, if so, please describe the model applied).]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
Nature of business	SREP score assigned to business model and strategy	<i>[This may include a value range where the template is completed on a category basis.]</i>
	The institution's position in the jurisdictions in which it operates in terms of the critical functions and core business lines offered in each jurisdiction and the market share of the institution	<i>[Please provide a description of the critical functions and core business lines offered in each jurisdiction. Where the template is completed on a category basis this may take the form of a general description of the critical functions and core business lines offered by the institutions failing within the category.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	

Shareholding structure	Degree of concentration of shareholders	<i>[Please include in your response the % shareholding held by the top 5 shareholders of ordinary shares. Where the template is completed on a category basis this may take the form of a general description of the degree of concentration of shareholders of institutions within the category.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
Legal form	Structure of the institution: is the institution part of a group and, if so, does the group has a complex, highly interconnected structure	<i>[Where the template is completed on a category basis this may take the form of a general description of the structure of the institutions within the category.]</i>
	The type of incorporation of the institution (e.g. private limited company, limited liability company or other type of company defined in national law)	<i>[Where the template is completed on a category basis this may take the form of a general description of the type of incorporation of the institutions within the category.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
Membership of an institutional protection scheme (IPS) or other cooperative mutual solidarity system as referred to in Article 113(7) of Regulation (EU) No 575/2013	Function of the institution in the system as participant or central institution or as a provider of critical functions to the system	<i>[Please provide a description of the function of the institution in the system (e.g. as participant or central institution or as provider of critical functions to other participants, or potentially as a party exposed to the scheme's concentration risk).] <i>[Where the template is completed on a category basis this may take the form of a general description of the institutions within the category.]</i></i>
	Relative size of the guarantee fund v the institution's total funds	<i>[Please provide quantitative data. This may include a value range where the template is completed on a category basis.]</i>
	Any indicators taken into account from the list of 'optional' indicators in Annex II	
Other remarks		<i>[Please provide a description of any other factors which were taken into account in making the determination referred to above.]</i>

Description of simplified obligations applied to the category of institution/institution

[Within this section please provide, having regard, as relevant, to:

- the relevant Articles [please be more specific] of Directive 2014/59/EU set out in the relevant row of the table;
- Section A of the Annex to Directive 2014/59/EU and the Commission Supplementing Regulation on the content of recovery plans;
- Section B of the Annex to Directive 2014/59/EU and the Commission Supplementing Regulation on resolution plan requirements;
- Section C of the Annex to Directive 2014/59/EU,
- a description of the difference between full obligations and the applicable simplified obligations.]

Describe the simplified obligations as regards the contents and details of recovery plan	[Please describe the difference between full obligations and the applicable simplified obligations (i.e. what is it that the institution does not/the institutions do not need to comply with), for example, having regard to the list in Section A of the Annex to Directive 2014/59/EU and the Commission Supplementing Regulation on the content of recovery plans, which elements are not required pursuant to the simplified obligations applied to the institution/category of institution.]
Describe the simplified obligations as regards the contents and details of resolution plan	
When was/is the first recovery plan/resolution plan to be drawn up and how frequently is it to be updated	
Describe the simplified obligations as regards the contents and details of information required under Article 5(5), Article 11(1) and Article 12(2) and in Sections A and B of the Annex to Directive 2014/59/EU	
Describe the simplified obligations as regards the level of detail required for the assessment of resolvability provided for in Articles 15 and 16 and Section C of the Annex to Directive 2014/59/EU	

(¹) For the purposes of this template 'total assets' is to be calculated on a global basis in accordance with Finrep (IFRS or Generally Accepted Accounting Principles [GAAP]) → F 01.01, row 380 column 010.

(²) For the purposes of this template 'interbank liabilities' is to be calculated on a global basis in accordance with Finrep (IFRS or GAAP) → F 20.06, rows 020 + 030 + 050 + 060 + 100 + 110, column 010, All countries (z-axis).

(³) For the purposes of this template 'interbank assets' is to be calculated on a global basis in accordance with Finrep (IFRS or GAAP) → F 20.04, rows 020 + 030 + 050 + 060 + 110 + 120 + 170 + 180, column 010, All countries (z-axis).

(⁴) For the purposes of this template 'debt securities outstanding' is to be calculated on a global basis in accordance with Finrep (IFRS or GAAP) → F 01.02, rows 050 + 090 + 130, column 010.

(⁵) For the purposes of this template 'value of OTC derivatives (notional)' is to be calculated on a global basis in accordance with: Finrep (IFRS) → F 10.00, rows 300 + 310 + 320, column 030 + F 11.00, rows 510 + 520 + 530, column 030 or FINREP (GAAP) → F 10.00, rows 300 + 310 + 320, column 050 + F 11.00, rows 510 + 520 + 530, column 030.

(⁶) For the purposes of this template 'cross-jurisdiction liabilities' is to be calculated on a global basis in accordance with Finrep (IFRS or GAAP) → F 20.06, rows 010 + 040 + 070, column 010, All countries except home country (z-axis). Note: The calculated value should exclude (i) intra-office liabilities and (ii) liabilities of foreign branches and subsidiaries vis-à-vis counterparties in the same host country.

(⁷) For the purposes of this template 'cross-jurisdictional claims' is to be calculated on a global basis in accordance with Finrep (IFRS or GAAP) → F 20.04, rows 010 + 040 + 080 + 140, column 010, All countries except home country (z-axis). Note: The calculated value should exclude (i) intra-office assets and (ii) assets of foreign branches and subsidiaries vis-à-vis counterparties in the same host country.

TEMPLATE 3

Article 4(8) of Directive 2014/59/EU: Report template

[The notes included in this template are intended to assist the authorities when completing the template and do not form part of the template.]

Member State	
Name of competent authority/resolution authority submitting the report	[Competent authorities and resolution authorities are expected to complete a report dealing with those institutions to which waivers are granted in relation to the relevant requirements of Sections 2 and 3 of Chapter I of Directive 2014/59/EU. Competent and resolution authorities must report on all institutions to which waivers are granted.]
Reference period	
Name of category of credit institution or name of credit institution [When reporting on a category basis, the LEI numbers should be provided for each institution in the category; where these are not available, the names of the institutions should be provided.]	[If the report is completed with regard to a specific category of institution, please provide a description of the category, including the key characteristics of institutions in that category (e.g. by reference to SREP classification or other applicable classification system). Please also provide a list of the LEI numbers or, where LEI numbers are not available, the names of the institutions within the category. Where more than one category of institution exists, please complete the report for each category.]
Basis for granting the waiver having regard to the relevant criteria set out in Article 4(8) of Directive 2014/59/EU	
Institutions affiliated to a central body and wholly or partially exempted from prudential requirements in national law in accordance with Article 10 of Regulation (EU) No 575/2013	[Within this section please provide a description of the characteristics of the [category of institution/institution].]
Institutions which are members of an IPS	

ANNEX II

List of optional indicators

Optional indicators ⁽¹⁾
Total assets ⁽²⁾
Total EAD
Total assets/Member State's GDP
Total EAD/Member State's GDP
Total RWAs
Total liabilities
Total client money
Total client assets
Total fees and commission income
Market capitalisation
Value of assets under custody
Value of OTC derivatives (notional) ⁽³⁾
Interbank assets
Interbank liabilities
Inter-financial sector liabilities
Inter-financial sector assets
Cross-jurisdictional liabilities
Cross-jurisdictional claims
Debt securities outstanding
Value of domestic payment transactions
Total deposits
Total covered deposits
Private sector deposits from depositors in the Union
Value of private sector loans, including committed facilities and syndicated loans

Number of private sector loans

Number of deposit accounts — business

Number of deposit accounts — retail

Number of retail customers

Number of domestic subsidiaries and branches

Number of foreign subsidiaries and branches (to be broken down into subsidiaries and branches established in other Member States and in third countries)

Membership of financial market infrastructure

Critical functions provided by the institution to other group companies or by group companies to the institution

Critical functions and core business lines in each relevant jurisdiction, including the provision of services to other institutions

Clearing, payment and settlement services provided to market participants or others and number of other providers available to the market

Payment services provided to market participants or others and number of other providers available to the market

Geographical breakdown of the institution's activity (including the number of jurisdictions in which the institution, and subsidiary entities, operates and the size of the operations)

The institution's market share per business line per jurisdiction (for example, deposit taking, retail mortgages, unsecured loans, credit cards, SME lending, corporate lending, trade finance, payments activities and the provision of other critical services)

The type of regulatory permissions and authorisations (e.g. investment firm or a credit institution; the use of advanced models for the calculation of own funds requirements for credit, market and operational risk)

Private sector loans to domestic recipients

Private sector loans to recipients in a specific region

Mortgage loans to recipients in the Union

Mortgage loans to domestic recipients

Retail loans to recipients established in the Union

Retail loans to domestic recipients

Supervisory Review and Evaluation Process — SREP — score (overall)

SREP scores assigned to capital adequacy, liquidity adequacy, internal governance and institution-wide controls assessments

Regulatory permissions and authorisations, in particular in relation to the use of advanced models for the calculation of own funds requirements for credit, market and operational risk

The overall institution's business model, its viability and sustainability of the institution's strategy based on the outcomes of the business model analysis performed as part of SREP according to the EBA Guidelines for common procedures and methodologies for SREP. For this purpose authorities may use the SREP score assigned to business model and strategy

The institution's position in the jurisdictions in which it operates in terms of the critical functions and core business lines offered in each jurisdiction and the market share of the institution (concentration)

Whether shareholders are concentrated or dispersed, in particular taking account of the number of qualified shareholders and the extent to which the shareholding structure may impact the availability of certain recovery actions for the institution and the resolution tools for the resolution authority

The structure of an institution in terms of assessing whether the institution is part of a group and, if so, whether the group has a complicated or simple structure having regard to financial and operational inter-dependencies

The type of the incorporation of the institution into a private limited company, a limited liability company or any other type of company defined within national law

The size of the guarantee fund relative to the institution's total funds (IPS and other mutual solidarity systems only)

The type of the mutual solidarity system and its risk management policies and procedures

The degree of interconnectedness to other IPS participants

⁽¹⁾ If indicator values in accordance with the definitions prescribed in this Annex are not available due to the fact that relevant entities, which fall within the scope do not report in IFRS and to which Finrep requirements do not apply competent and resolution authorities should use appropriate proxies (e.g. from national GAAP). In this case, relevant authorities should ensure that those proxies are properly explained and correlate to the greatest extent possible with the definitions specified in this template.

⁽²⁾ 'Total assets' is to be calculated on a worldwide basis in accordance with Finrep (IFRS or GAAP) — F 01.01, row 380 column 010.

⁽³⁾ 'Value of OTC derivatives' (notional) is to be calculated on a worldwide basis in accordance with: Finrep (IFRS) → F 10.00, rows 300 + 310 + 320, column 030 + F 11.00, rows 510 + 520 + 530, column 030 or Finrep (GAAP) → F 10.00, rows 300 + 310 + 320, column 050 + F 11.00, rows 510 + 520 + 530, column 030.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/963**of 16 June 2016****amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union****(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 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/EC ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 ⁽²⁾ established the list of air carriers which are subject to an operating ban within the Union, referred to in Chapter II of Regulation (EC) No 2111/2005.
- (2) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, certain Member States and the European Aviation Safety Agency ('EASA') communicated to the Commission information that is relevant in the context of updating that list. Relevant information was also communicated by third countries and international organisations. On the basis of that information, the list should be updated.
- (3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations which would form the basis for a decision to impose an operating ban on them within the Union or to modify the conditions of an operating ban imposed on an air carrier which is included in the list.
- (4) The Commission gave the air carriers concerned the opportunity to consult the documents provided by the Member States, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Council Regulation (EEC) No 3922/1991 ⁽³⁾ ('Air Safety Committee').
- (5) The Commission has updated the Air Safety Committee on the on-going joint consultations, in the framework of Regulation (EC) No 2111/2005 and Commission Regulation (EC) No 473/2006 ⁽⁴⁾, with the competent authorities and air carriers of Angola, Botswana, Georgia, the Republic of Guinea, India, Indonesia, Iran, Kazakhstan, Madagascar, Mozambique, Sudan, Taiwan, Thailand and Zambia. The Commission also provided information to the Air Safety Committee on the aviation safety situation in Afghanistan, Iraq, Kyrgyz Republic, Lebanon, Nepal, Pakistan, Ukraine and Zimbabwe and on the technical consultations with the Russian Federation.
- (6) EASA presented to the Commission and the Air Safety Committee the results of the analysis of audit reports carried out by the International Civil Aviation Organisation ('ICAO') in the framework of ICAO's Universal Safety Oversight Audit Programme. In this context, Member States were invited to prioritise ramp inspections on air carriers licensed by states in respect of which Significant Safety Concerns ('SSC') have been identified by ICAO or

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 14).

⁽³⁾ Council Regulation (EEC) No 3922/1991 of 16 December 1991 on the harmonization of the technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

⁽⁴⁾ Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 8).

in respect of which EASA concluded that there are significant deficiencies in the safety oversight system. In addition to the consultations undertaken by the Commission under Regulation (EC) No 2111/2005, the prioritisation of ramp inspections will allow the acquisition of further information regarding the safety performance of the air carriers licensed in those states.

- (7) EASA also informed the Commission and the Air Safety Committee of the results of the analysis of ramp inspections carried out under the Safety Assessment of Foreign Aircraft programme ('SAFA') in accordance with Commission Regulation (EU) No 965/2012 ⁽¹⁾.
- (8) In addition, EASA informed the Commission and the Air Safety Committee about the technical assistance projects carried out in states affected by measures or monitoring under Regulation (EC) No 2111/2005. It provided information on the plans and requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities, with a view to helping resolve any non-compliance with applicable international civil aviation standards. Member States were invited to respond to such requests on a bilateral basis, in coordination with the Commission and EASA. In this regard, the Commission underlined the usefulness of providing information to the international aviation community, particularly through ICAO's Safety Collaborative Assistance Network ('SCAN') database, on technical assistance provided by the Union and its Member States to improve aviation safety around the world.
- (9) Eurocontrol provided the Commission and the Air Safety Committee with an update on the status of the SAFA alarming function and on the current statistics for alert messages for banned air carriers.

Union air carriers

- (10) Following the analysis by EASA of information resulting from ramp inspections carried out on aircraft of Union air carriers or from standardisation inspections carried out by EASA, as well as specific inspections and audits carried out by national aviation authorities, several Member States have taken certain enforcement measures and informed the Commission and the Air Safety Committee about those measures. Norway informed the Commission and the Air Safety Committee about actions it had taken with regard to the air carrier *Airwing A/S*.
- (11) Member States reiterated their readiness to act as necessary should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance by Union air carriers with the appropriate safety standards.

Air carriers from Angola

- (12) Regulation (EC) No 474/2006 allows air carrier *TAAG Angola Airlines*, certified in Angola, to operate into the Union four aircraft of type Boeing 737-700 with registration marks D2-TBF, D2-TBG, D2-TBH and D2-TBJ, three aircraft of type Boeing 777-200 with registration marks D2-TED, D2-TEE and D2-TEF, and three aircraft of type Boeing 777-300 with registration marks D2-TEG, D2-TEH and D2-TEI.
- (13) *TAAG Angola Airlines* has submitted on 25 April 2016, through the competent authorities of Angola, the *Instituto Nacional da Aviação Civil* ('INAVIC'), a request to add a new aircraft of type Boeing 777-300, with registration mark D2-TEJ, and a new aircraft of type Boeing 737-700, with registration mark D2-TBK, to Annex B to Regulation (EC) No 474/2006.
- (14) In the context of its third country operator authorisation under Commission Regulation (EU) No 452/2014 ⁽²⁾, *TAAG Angola Airlines* has been engaged in a continuous dialogue with EASA since November 2014 and has been supplying factual and detailed data on their fleet of aircraft and operations. This process culminated in a TCO

⁽¹⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down the technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

⁽²⁾ Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 133, 6.5.2014, p. 12).

on-site audit which took place from 1 to 3 February 2016. The audit team raised a limited number of level-2 findings and one observation pursuant to Part-TCO. TAAG Angola Airlines has submitted a corrective action plan to EASA, which was accepted, and the findings are being resolved.

- (15) The continuous dialogue that has been established with TAAG Angola Airlines, the detailed and accurate data that TAAG Angola Airlines provided on its fleet and its operations, as well as the positive outcome of the TCO on-site audit, all indicate that TAAG Angola Airlines is capable of operating its Boeing 737-700, Boeing 777-200 and 777-300 aircraft in accordance with international safety standards. Therefore, the Commission considers it appropriate, in addition to granting the request from TAAG Angola Airlines, to partially alleviate the current ban, by allowing TAAG Angola Airlines to operate into the Union with any aircraft of the types Boeing 737-700, Boeing 777-200 and Boeing 777-300 in its fleet.
- (16) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to include all aircraft of type Boeing 737-700 as well as all aircraft of type Boeing 777-200 and 777-300 of TAAG Angola Airlines in Annex B to Regulation (EC) No 474/2006 as aircraft which are allowed to operate into the Union.
- (17) Member States are to continue to verify effective compliance by TAAG Angola Airlines with the relevant safety standards, through the prioritisation of ramp inspections to be carried out on aircraft of this air carrier, pursuant to Regulation (EU) No 965/2012.

Air carriers from Botswana

- (18) The Civil Aviation Authority of Botswana ('CAAB') provided information on the progress of the resolution of the SSCs and other ICAO findings in a letter of 23 December 2015 to the Commission. The results of the ICAO Coordinated Validation Mission are an improvement of the effective implementation of international safety standards up to 71 %. Based on this result, ICAO confirmed on 31 December 2015 that both SSCs have been resolved. The CAAB has provided additional information on the safety oversight on air carriers certified in Botswana.
- (19) The improved implementation of international safety standards and the available safety information show a strong development of the CAAB and do not indicate that there are remaining negative trends relating to the safety of air carriers certified in Botswana which would form a reason for concern from an aviation safety perspective.
- (20) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Botswana.

Air carriers from Georgia

- (21) ICAO reviewed in April 2016 the corrective actions taken by the Civil Aviation Authority of Georgia ('GCAA') to address the SSC regarding the certification process for the issuance of air operator certificates. That SSC was identified during the ICAO Coordinated Validation Mission of October 2013. On the basis of that review, ICAO determined that the corrective actions taken by the GCAA had successfully resolved the SSC.
- (22) The improved implementation of international safety standards and the available safety information show a strong commitment of the GCAA towards resolving safety deficiencies and do not indicate that there are remaining negative trends relating to the safety of air carriers certified in Georgia which would form a reason for concern from an aviation safety perspective.
- (23) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Georgia.

Air carriers from the Republic of Guinea

- (24) As agreed in the technical meeting with the Commission, held in Brussels in January 2013, the competent authorities of the Republic of Guinea, the *Direction nationale de l'aviation civile* (DNAC), have regularly provided the Commission with information on the on-going implementation of the corrective action plan, which was approved by ICAO in December 2012, as well as on all the activities linked to it.
- (25) The latest progress report submitted by DNAC, received by the Commission on 3 May 2016, describes the most recent activities and developments regarding the implementation of the corrective action plan, which currently focusses on inspector training in the areas of operations, airworthiness, personnel licensing and aerodromes, the continuation of the certification process of the air carriers and the surveillance programme. The full ICAO-compliant (5-phase) certification of the air carrier *Konair Guinée* has been concluded and that air carrier obtained its Air Operator Certificate (‘AOC’) on 17 September 2015 (AOC no. 03/DNAC/2015). Three other air carriers, namely *Sahel Aviation Service Guinée*, *Fly Nimba Airlines* and *Ijet Aviation*, continue their certification process. According to DNAC, a surveillance programme has been prepared and implemented.
- (26) An ICAO Coordinated Validation Mission is planned to take place from 23 to 29 November 2016.
- (27) The gradual implementation of the corrective action plan, in accordance with what was approved by ICAO in December 2012, and the available safety information do not justify, at present, a decision to impose a ban or operational restrictions on air carriers certified in the Republic of Guinea. However, the Commission intends to continue to closely monitor the situation, taking account of the results of the ICAO coordinated validation mission of November 2016.
- (28) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from the Republic of Guinea.
- (29) Should any relevant safety information indicate that there are imminent safety risks as a consequence of lack of compliance with international safety standards, the Commission may be forced to take action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from India

- (30) On 3 May 2016, technical consultations were held between the Commission, EASA, a Member State and representatives from the Directorate-General of Civil Aviation of India (‘Indian DGCA’) and the air carrier *Air India*, certified in India. Those consultations were held within the context of the earlier agreement of the Indian DGCA to hold technical consultations with the Commission, in order to discuss the Indian DGCA’s certification and surveillance obligations, with respect to air carriers from India that it has certified.
- (31) During those consultations, the Indian DGCA provided its analysis of the performance of Indian air carriers, including *Air India*, under the SAFA programme. The Indian DGCA reported that it has developed a dedicated ramp inspection unit, in order to assist it with SAFA management measures. The Indian DGCA also provided data pertaining to the first quarter of 2016 resulting from its own ramp inspection activity. In addition, the Indian DGCA provided specific detail with respect to surveillance activity it conducts on certain Indian air carriers. The data presented included an overview of surveillance activity conducted during 2015. Furthermore, the Indian DGCA provided an update of sustainability initiatives it has been taking. These initiatives included recruitment and training of qualified staff, database management development and an update on re-certification tasking.
- (32) *Air India* provided detail with respect to its safety and quality management system. *Air India* also presented flight safety analysis data for 2015, as well as its approach to the dissemination of flight safety information and its SAFA management programme. The SAFA data presented by *Air India* included its own in-depth analysis of SAFA activity that it has been subjected to. In this regard, *Air India* provided an overview of its internal processes and procedures, including details with respect to root cause analysis and the resulting mitigating measures that it has implemented. Furthermore, *Air India* reported that it interacts with the Indian DGCA on a regular basis, including in relation to its SAFA management measures.

- (33) In letters dated 24 May 2016, the Commission reiterated to the Indian DGCA a number of messages, including that it must continue to monitor closely the SAFA performance of Indian air carriers. The Commission also indicated to *Air India* that it had taken note of the SAFA management measures that *Air India* has implemented, but indicated that those measures must bring consistent and sustainable improvements under the SAFA programme. In addition, the Commission reiterated both to the Indian DGCA and to *Air India* the responsibility that EASA has pursuant to Commission Regulation (EU) No 452/2014 to conduct safety assessments of third country operators and that performance under the SAFA programme is one of the key elements which EASA takes into account when conducting those assessments.
- (34) The Commission takes note of the information provided by the Indian DGCA and *Air India*. It is considered that, on the basis of all available information, including the details provided by both the Indian DGCA and *Air India* at the technical consultation meeting of 3 May 2016, as well as the preliminary results stemming from the recent audit by EASA of *Air India* in the framework of Commission Regulation (EU) No 452/2014, there are at this stage no grounds for imposing a ban or operational restrictions on air carriers certified in India. However, further technical consultations remain necessary in order to ensure that safety-related issues can be addressed on an ongoing basis.
- (35) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from India.
- (36) The Commission intends to continue its official consultations with the Indian DGCA, pursuant to the provisions laid down in Article 3(2) of Regulation (EC) No 473/2006.
- (37) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on Indian air carriers, pursuant to Regulation (EU) No 965/2012.

Air carriers from Indonesia

- (38) A Union on-site assessment visit to Indonesia was organised in April 2016 involving experts from the Commission, EASA and Member States. The assessment visit was conducted at the offices of the Directorate-General of Civil Aviation in Indonesia ('Indonesian DGCA') and at a number of air carriers certified in Indonesia, namely *Citilink*, *Lion Air*, *Batik Air*, *Indonesia Air Asia* and *Aviastar Mandiri* (certified under CASR-135, commuter and charter operations).
- (39) The experts found that the initial certification of air carriers is carried out through the appropriate five-phase approach and sufficient coordination takes place with other departments within the Indonesian DGCA. The certification audits are documented, findings are made and follow up is requested from the air carriers, including corrective actions and root-cause analysis.
- (40) The experts could determine that surveillance activities, both audits and inspections, are planned on a yearly basis and that, in general, the surveillance activities are carried out according to the plan. It was noted by the experts that a significant number of flight operations and cabin safety inspectors were recently recruited and still need to be trained on inspection methods and specific regulations. Furthermore, standardisation of the working methods of inspectors regarding reporting, communication of findings, the acceptance of corrective actions, including the root-cause analysis and the agreement on timelines for the follow-up of findings, remains necessary.
- (41) The Indonesian DGCA was able to demonstrate that enforcement measures are taken. For example, the AOC of *Aviastar Mandiri* (certified under CASR-121, domestic, flag and supplemental air carrier operations, AOC number 121-043) was revoked due to non-compliance with the regulation on the minimum number of aircraft in the fleet.
- (42) Evidence presented by *Citilink* during the Union on-site assessment visit shows that *Citilink* is able to ensure compliance with the national and international safety standards. *Citilink* has demonstrated that it has a well-developed safety and quality management system, as well as a well-developed continuous airworthiness organisation and that it applies a proactive approach towards safety.

- (43) The *Lion Group* consists of six air carriers certified in three different States and applies an integrated approach to its operations and the safety and quality management. Within the *Lion Group*, *Lion Air* and *Batik Air* are two AOC holders certified in Indonesia. *Lion Air* and *Batik Air* demonstrated to the satisfaction of the experts that each of them have well-functioning safety and quality assurance and management systems. The top management of those two air carriers, as well as the management of the *Lion Group*, have a good understanding of those systems and use them to identify risks and take appropriate measures to mitigate the highest risks to acceptable levels. The experts found that *Lion Air* and *Batik Air* employ professional crews and staff and have systems in place to manage the various operations. The management, both at individual air carrier level and at group level, receives and acts on safety and quality information and analyses. The management also promulgates the information and corrective actions through internal publications, electronic and otherwise.
- (44) The Indonesian DGCA and the air carriers *Citilink*, *Lion Air* and *Batik Air* were heard by the Commission and the Air Safety Committee on 31 May 2016. The Indonesian DGCA presented its current organisational structure, including details on the workforce assigned to its Directorate for Airworthiness and Aircraft Operations and the available budget for safety oversight tasks and the training of inspectors. The Indonesian DGCA provided details on important measures taken over the past year, in particular the update of the Civil Aviation Safety Regulations, an update of the Staff Instructions to the inspectors, improvements to the safety information management system and the start of the development of the State Safety Programme. The Indonesian DGCA provided in its presentation a summary of the corrective actions with regard to the observations made by the experts during the Union on-site assessment visit.
- (45) *Citilink* presented its corrective action plan which it developed on the basis of the observations resulting from the Union on-site assessment visit. This corrective action plan contains corrective and preventive actions and has been based on a sound root-cause analysis of those observations. Furthermore, the most important developments since November 2015 were highlighted, including improved implementation of the Flight Data Analysis Programme, additional resources for safety and quality, as well as the on-going development of Safety eReporting software.
- (46) In the presentation of *Lion Air* and *Batik Air* the strategy for the six air carriers in the *Lion Group* was highlighted. Based on market development, the strategy of the group focusses now on growth in markets outside of Indonesia. *Lion Air* and *Batik Air* both gave a presentation on the corrective action plan that was developed on the basis of the observations resulting from the Union on-site assessment visit. This plan contains corrective actions based on a root-cause analysis of those observations. Furthermore, *Batik Air* explained its investigation into the recent runway incursion involving one of their aircraft, including the safety actions *Batik Air* has taken immediately after the accident.
- (47) During the hearing, the Indonesian DGCA informed the Commission that over the past 6 months ICAO has performed an off-site validation of the corrective actions undertaken by the Indonesian DGCA. The final result of this validation is not yet available. The Indonesian DGCA also explained that it is engaged with the Federal Aviation Administration on the improvement of its safety oversight system. The Federal Aviation Administration performed an *International Aviation Safety Assessment* in February 2016, resulting in seven findings, with a follow-up visit in May 2016. According to the Indonesian DGCA, all findings have been resolved, although the Indonesian DGCA is requested by the Federal Aviation Administration to report on a monthly basis on the progress of the training of inspectors.
- (48) On the basis of all available information, including the results of the Union on-site assessment visit and the information provided at the hearing, the Commission considers that the Indonesian DGCA has made improvements since 2014. However, the Indonesian DGCA clearly needs to make, among other issues, further improvements to its safety oversight system as well as the training and the standardisation of the working methods of its inspectors.
- (49) The Commission noted that *Citilink*, *Lion Air* and *Batik Air* are all able to provide specific details in respect to the safe conduct of their respective operations. The Commission considers that there is sufficient evidence of compliance with applicable Indonesian regulations and international safety standards on the part of those air carriers.
- (50) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to remove *Aviastar Mandiri* (AOC number 121-043), *Citilink*, *Lion Air* and *Batik Air* from Annex A to Regulation (EC) No 474/2006.

- (51) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Indonesia, pursuant to Regulation (EU) No 965/2012.
- (52) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Iran

- (53) The air carrier *Iran Air*, certified by the Civil Aviation Organisation of the Islamic Republic of Iran ('CAO-IRI'), was included in Annex B to Regulation (EC) No 474/2006 in March 2010. Following a Union on-site assessment visit, the operational restrictions to the fleet of *Iran Air* were further specified in July 2010.
- (54) A new Union on-site assessment visit to Iran took place in May 2016 involving experts from the Commission, EASA and Member States. That assessment visit was conducted at the offices of the Civil Aviation Organisation of the Islamic Republic of Iran and at the offices and facilities of *Iran Air*.
- (55) The experts found that the CAO-IRI is a well-structured civil aviation authority, dealing with all aspects of civil aviation as a regulatory body. The experts also found that Iran has a comprehensive regulatory system in place, which is frequently updated. In the light of the facts observed during the Union on-site assessment visit, the experts concluded that there is no lack of ability and willingness on the part of the CAO-IRI to address safety deficiencies.
- (56) The experts found that, since the previous Union on-site assessment visit in July 2010, *Iran Air* has addressed the observations made on that occasion. The continued airworthiness management of the Airbus A320 fleet has improved and is now at the same standard as for the Airbus A300 and A310 fleet. The experts found that the safety management system of *Iran Air* has improved over the years, even though it can benefit from further improvements, mainly in the areas of effectively applying the described procedures and further integrating the safety management and quality management function at corporate level. In the area of airworthiness, the experts made a number of observations, which can help *Iran Air* to further improve the safety and quality of its operations.
- (57) On 1 June 2016, the CAO-IRI and *Iran Air* were heard by the Commission and the Air Safety Committee. The CAO-IRI gave a presentation on the aviation activities in Iran, the organisational structure of the CAO-IRI and the outline of aviation safety regulations in Iran. Furthermore, CAO-IRI presented details on its ICAO audit report and the corrective actions undertaken. Those actions include legislative amendments to ensure sufficient resources and independence for the CAO-IRI to perform its safety oversight functions. That presentation confirmed the overall positive developments observed during the Union on-site assessment visit.
- (58) *Iran Air* gave a high level overview of the company, including its current fleet and the available resources and facilities, underlining that in its view it has the capacity to renew and expand its fleet. In addition, *Iran Air* presented the corrective actions that it carried out on the basis of the observations resulting from the Union on-site assessment visit that took place in July 2010, including the improvements made to the airworthiness management of the Airbus A320 fleet and the improvements to its safety and quality management. *Iran Air* presented the corrective action plan that was developed on the basis of the observations made during the Union on-site assessment visit of May 2016. The main elements in this plan are the improvement of the Flight Data Analysis Programme and the introduction of better software to support the safety management system.
- (59) An important part of the presentation was dedicated to the plans of *Iran Air* for the renewal and expansion of its fleet. *Iran Air* plans to add aircraft of an existing type to its fleet and to introduce a new type of aircraft to the fleet. According to their presentation, a comprehensive management of change project is set up with a dedicated project team, to proactively identify, manage and mitigate any safety risks that come with the introduction of a new aircraft type. The standard documented processes are used for all external and internal changes in the operations, associated with the introduction of a new aircraft type, which may have an adverse effect on safety.

- (60) However, with respect to the existing aircraft of the types Fokker F100 and Boeing B747 in the fleet of *Iran Air*, no relevant information was provided on the improvements with regard to their airworthiness management.
- (61) On the basis of all available information, including the results of the Union on-site assessment visit of May 2016 and the hearing, the Commission considers that *Iran Air* has made sustained improvements in the airworthiness management of the Airbus A320 fleet and that *Iran Air* has shown that it has the ability to introduce new aircraft types into its fleet.
- (62) It is equally recognised that there has been no lack of willingness of CAO-IRI and *Iran Air* to engage with the Commission. It is considered that, in general, CAO-IRI has sufficient ability to discharge its responsibilities with respect to the oversight of air carriers certified in Iran. With regard to *Iran Air*, the Commission considers that there is sufficient evidence of compliance with applicable international safety standards and recommended practices. However, the management of the Fokker F100 and Boeing B747 fleet still requires improvements. On that basis, the Commission considers that the current operational restrictions on *Iran Air* can be removed, with the exception of the current restrictions on the aircraft of the types Fokker F100 and Boeing B747 in the fleet of *Iran Air*, which needs to be maintained.
- (63) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to limit the operational restrictions with regard to *Iran Air* to all aircraft of the type Fokker F100 and Boeing B747 in Annex B to Regulation (EC) No 474/2006.
- (64) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Iran, pursuant to Regulation (EU) No 965/2012.
- (65) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Kazakhstan

- (66) Since July 2009, all air carriers certified in Kazakhstan, except one, are subject to a full operating ban, mainly due to the inability of the authority responsible for the safety oversight of air carriers certified in Kazakhstan, the Civil Aviation Committee of Kazakhstan ("CAC"), to implement and enforce applicable international safety standards. The air carrier *Air Astana*, certified in Kazakhstan, was removed from Annex B to Regulation (EC) No 474/2006 in December 2015 and is allowed to operate into the Union.
- (67) An ICAO Coordinated Validation Mission was conducted in April 2016 in Kazakhstan. The CAC informed the Commission that, as a preliminary result, the effective implementation of international safety standards improved from 64 % to 74 %. Based on the preliminary results of that ICAO Coordinated Validation Mission, ICAO determined on 20 April 2016 that the SSC has successfully been resolved by the CAC. The final report of the ICAO Coordinated Validation Mission will be available in July 2016.
- (68) On the basis of the information available to the Commission at present, it is concluded that the project for regulatory reform in Kazakhstan in the field of civil aviation has made further progress. However, detailed information on the results of the ICAO Coordinated Validation Mission of April 2016 is not yet available. Before any decision on an amendment of the restrictions on air carriers certified in Kazakhstan can be taken, on-site verification of the improvements of the CAC civil aviation safety oversight system is required.
- (69) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Kazakhstan.

Air carriers from Madagascar

- (70) The air carrier *Air Madagascar*, certified in Madagascar, is subject to operational restrictions and is listed in Annex B to Regulation (EC) No 474/2006. Consultations with the competent authorities of Madagascar, *Aviation civile de Madagascar* ('ACM'), and with *Air Madagascar* have been pursued with a view to receiving updates on progress made in the implementation of corrective actions.
- (71) On 2 October 2015, technical consultations were held between experts from the Commission, EASA and senior representatives from ACM and from *Air Madagascar*. During that meeting, ACM and *Air Madagascar* provided information on the progress that they made with regard to the respective corrective and preventive action plans that they implemented to address the safety deficiencies mentioned in recitals 66 to 74 of Commission Implementing Regulation (EU) No 390/2011⁽¹⁾. Considering that those safety deficiencies have been adequately addressed, ACM, together with *Air Madagascar*, requested a re-assessment of the operational restrictions imposed on *Air Madagascar*.
- (72) That request was discussed in November 2015. While recognising the progress achieved by ACM and *Air Madagascar*, the Commission concluded that verification on the spot of the actual implementation of international safety standards remained necessary before any adjustment of the current partial ban on *Air Madagascar*.
- (73) In March 2016, experts of EASA, accompanied by an expert observer from a Member State, conducted an audit of *Air Madagascar* in the framework of the application submitted by *Air Madagascar* for a third country operator authorisation from EASA under Commission Regulation (EU) No 452/2014.
- (74) In the context of that audit, the experts from EASA and the expert observer also visited ACM. During that visit, ACM provided the expert team with evidence of the effectiveness of its corrective and preventive action plan developed and implemented after the imposition of the operational restrictions on *Air Madagascar*. It also provided evidence of its capacity to discharge its obligations under ICAO standards for its certification and oversight activities. It demonstrated that, since the Union on-site assessment visit of February 2014, ACM has successfully completed the re-certification of nine air carriers, denied the renewal of the air operator certificate of one air carrier and proceeded with the certification of a new air carrier. The certification files reviewed by the expert team were found to be well organised and structured in accordance with the ICAO certification process. The oversight programme was reviewed for four operators and the expert team noted that ACM had evolved from a traditional compliance oversight programme to a risk-based approach oversight activities plan. The expert team also noted that 90 % of the planned activities had been effectively performed for the period 2014/2015 in the areas of operations, licensing and continuing airworthiness.
- (75) The audit to *Air Madagascar* demonstrated the effectiveness of the corrective and preventive action developed and implemented by that air carrier. In particular, *Air Madagascar* provided evidence that the management of its Airbus A340 fleet is identical to all its other fleets and that the Airbus A340 fleet is also fully included in its quality and safety managements systems. Relevant samples of the activities of *Air Madagascar* did not reveal any evidence of safety-critical non-compliances with international safety standards.
- (76) The on-site assessment visit of March 2016, with respect to the common criteria set out in the Annex to Regulation (EC) No 2111/2005, demonstrated that ACM and *Air Madagascar* are willing and able to address remaining safety deficiencies. In addition, it has been demonstrated that ACM has sufficient ability to implement and, when necessary, enforce relevant international safety standards, including the aviation safety regulations promulgated by ACM.
- (77) On the basis of all information available at present, including the results of the audit of March 2016, the Commission considers that ACM and *Air Madagascar* have made sustained improvements over a continuous time period. It is also recognised that there has been no lack of willingness of ACM and *Air Madagascar* to engage on

⁽¹⁾ Commission Implementing Regulation (EU) No 390/2011 of 19 April 2011 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 104, 20.4.2011, p. 10).

an ongoing basis with the Commission. It is considered that ACM has the ability to discharge its responsibilities with respect to the oversight of air carriers certified in Madagascar and that there is sufficient evidence of compliance with applicable international safety standards and recommended practices on the part of *Air Madagascar*.

- (78) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to remove *Air Madagascar*, certified in Madagascar, from Annex B to Regulation (EC) No 474/2006.
- (79) Member States are to continue to verify effective compliance by *Air Madagascar* with the relevant safety standards, through the prioritisation of ramp inspections, pursuant to Regulation (EU) No 965/2012. Should the results of such inspections, or any other relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Mozambique

- (80) The technical assistance project, which was set up following the Union on-site assessment visit of April 2015, has continued to provide support in various domains to the competent civil aviation authorities in Mozambique, the *Instituto de Aviação Civil de Moçambique* (IACM). The legislation establishing the IACM with extended powers and autonomy has been approved by the parliament with a unanimous vote on 30 March 2016 and awaits promulgation by the Head of State. A number of legal and technical specific regulations have been reviewed in depth and are currently at different stages of development or approval. The training of existing technical staff in the areas of airworthiness, operations, personnel licensing, aerodromes, air traffic management, aeronautical information management and aviation security has continued. A new round of recruitment of technical staff in the areas of operations, airworthiness and aviation security has been carried out. Medical assessors have been trained under a cooperation protocol with Portugal. Work continues to systematically address and close all the open findings of the ICAO Universal Safety Oversight Audit, with a view to significantly improve the effective implementation ratio. Regular contacts with all the existing operators have continued and various rounds of discussion regarding improvements of their operations have taken place. All internal procedures and processes of IACM that require a significant overhaul had previously been identified and work to introduce significant improvements is progressing.
- (81) The air carrier *Linhas Aéreas de Moçambique* (LAM), certified in Mozambique, suffered a crash in Namibia on 29 November 2013. The final report of the accident was officially published by the Directorate of Aircraft Accident Investigation of the Ministry of Works and Transport of the Republic of Namibia on 30 March 2016. It concludes that the crash was the result of intentional action by the captain. The report includes five recommendations addressed to ICAO and one recommendation addressed to IACM to mandate the presence of two crew members in the flight deck during all phases of flight. IACM implemented the recommendation through Safety Directive DOS-02/16, published in May 2016.
- (82) However, the ability of IACM to oversee the civil aviation activities in Mozambique is at this stage not yet fully in accordance with international safety standards. There is therefore insufficient evidence to justify a decision on an adjustment of the operating ban of all air carriers certified in Mozambique.
- (83) While improvements are not sufficient to warrant an adjustment of the current ban, the situation is promising enough to warrant an additional Union on-site assessment visit in the coming months.
- (84) According to a list provided by IACM on 13 May 2016, two new air carriers have been certified in Mozambique, namely *CHC Helicópteros Lda* (AOC MOZ-22) and *Inter Airways Lda* (AOC MOZ-24). However, IACM was not able to provide evidence that the safety oversight of those air carriers is ensured in compliance with international safety standards. Through that same list, IACM informed the Commission that the AOCs of the air carriers *Kaya Airlines Lda* (AOC MOZ-09) and *Trabalhos e Transportes Aéreos Lda* (AOC MOZ-16) have been revoked.
- (85) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to include the air carriers *CHC Helicópteros Lda* and *Inter Airways Lda* in Annex A to Regulation (EC) No 474/2006 and to remove the air carriers *Kaya Airlines Lda* and *Trabalhos e Transportes Aéreos Lda* from that Annex.

Air carriers from the Russian Federation

- (86) The Commission, EASA and the Member States have over the past period continued to closely monitor the safety performance of air carriers certified in the Russian Federation and operating within the Union, including through prioritisation of the ramp inspections to be carried out on certain Russian air carriers in accordance with Regulation (EU) No 965/2012.
- (87) On 4 March 2016, the Commission, assisted by EASA, met with representatives of the Russian Federal Air Transport Agency ('FATA'). The purpose of this meeting was to review the safety performance of Russian air carriers on the basis of SAFA ramp inspections reports for the period between 21 February 2015 and 20 February 2016 and to identify cases which deserve special attention.
- (88) During the meeting, the Commission reviewed more in detail the SAFA results of four air carriers from the Russian Federation. FATA informed the Commission about the revocation in December 2015 of the AOC of one of these four air carriers, as well as the actions taken by two other of those four air carriers themselves.
- (89) In addition, during that meeting FATA committed to intensify its work with the fourth air carrier in order to ensure that it improves its SAFA records. As this air carrier had also submitted an application for a third country operator authorisation from EASA under Commission Regulation (EU) No 452/2014, the Commission took the opportunity of this meeting to clarify the link between Regulation (EC) No 2111/2005 and Commission Regulation (EU) No 452/2014. As a result of further discussions between FATA and this fourth air carrier, FATA removed the authorisation of this air carrier for flights into the EU from the scope of its AOC. Subsequently, this air carrier decided to withdraw its application to EASA.
- (90) Based on the available information, it was concluded that a hearing before the Commission and the Air Safety Committee of the Russian aviation authorities or of air carriers certified in the Russian Federation was not necessary. However, it was agreed that the regular meetings of safety expert between the Commission and the Russian authorities, at least once before each meeting of the Air Safety Committee, are to continue.
- (91) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union to include air carriers from the Russian Federation.
- (92) Member States are to continue to verify effective compliance with the international safety standards by the air carriers from the Russian Federation, through the prioritisation of ramp inspections, in accordance with Regulation (EU) No 965/2012.
- (93) Should those inspections point to an imminent safety risk as a consequence of non-compliance with the relevant safety standards, the Commission may be obliged to take action against air carriers from the Russian Federation, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Sudan

- (94) The Sudan Civil Aviation Authority ("SCAA") has over the past period maintained regular contacts with the Commission, in particular with regard to the assessment of air carriers registered in Sudan. According to an updated list of air carriers from Sudan, provided by SCAA on 22 December 2015, no new air carriers were certified and six air carriers had their Air Operator Certificates revoked: *Almajal Aviation Service, Bentiu Air Transport, Dove Airlines, Fourty Eight Aviation, Marsland Company* and *Mid Airlines*. In the same letter, the SCAA informed the Commission that Sudan has developed its State Safety Programme manual and the Sudan Civil Aviation Regulations Part 19 — Safety Management, which contains Standards and regulatory requirements for the establishment and maintenance of safety management systems by applicable service providers.
- (95) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the list of air carriers which are subject to an operating ban within the Union should be amended to remove the air carriers *Almajal Aviation Service, Bentiu Air Transport, Dove Airlines, Fourty Eight Aviation, Marsland Company* and *Mid Airlines* from Annex A to Regulation (EC) No 474/2006.

Air carriers from Taiwan

- (96) The Commission has continued consultations with the competent authorities of Taiwan, the Civil Aeronautics Administration ('CAA Taiwan'). On 23 May 2016, a meeting took place between the Commission, EASA and experts from the CAA Taiwan and from the air carrier *TransAsia Airways* ('TNA'), certified in Taiwan.
- (97) During that meeting, the CAA Taiwan presented the progress of the implementation of the actions launched after the accidents and incidents involving TNA as well as the results of the oversight programme for TNA. CAA Taiwan also indicated that all recommendations issued by external organisations, as a result of their respective on-site assessment visits in 2015, had been accepted and implemented.
- (98) In addition, CAA Taiwan informed the Commission that it will only allow TNA to increase its number of operations only after CAA Taiwan has validated the effectiveness of the mitigating actions undertaken by TNA. Finally, CAA Taiwan and TNA agreed to further technical consultations in order to allow the Commission to follow the implementation of the respective corrective and preventive action plans and to ensure that any safety-related issues can be discussed as appropriate.
- (99) On the basis of the information available to the Commission, it was considered that it was not necessary for the CAA Taiwan and TNA to appear before the Commission and the Air Safety Committee and that no operating ban on air carriers from Taiwan is necessary.
- (100) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Taiwan.

Air carriers from Thailand

- (101) On 2 May 2016, a technical meeting was held as part of the active consultations with the Civil Aviation Authority of Thailand ('CAAT'), in order to update the Commission on the progress that has been achieved since November 2015. The CAAT provided an update on the key safety assurance enforcement activities, including the revocation of one AOC, the grounding of aircraft due to safety issues, the deregistration of aircraft due to financial unfitness of the air carriers and the inspection of flight and duty times. Furthermore, CAAT informed on the AOC recertification progress with support from an external organisation, the sustainability and capacity building of the CAAT organisation, as well as on the current organisation of the CAAT.
- (102) The CAAT expressed several times that it considers it of more importance to take sustainable corrective actions instead of 'quick fixes'. The CAAT explained that there is sufficient political commitment for this approach, but time is needed. With the contract with an external organisation in place, the re-certification of the air carriers will commence shortly with a view to recertifying the international operators over the coming 9 months. This will also form the basis for the resolution of the ICAO SSC.
- (103) With respect to the long term capacity building project that the CAAT wants to undertake with the support from EASA under the Memorandum of Understanding that was signed in 2015, CAAT requests to have EASA experts in seven key strategic CAAT departments that would act as coaches to the CAAT managers in implementing international safety standards.
- (104) The government of Thailand and the CAAT show a clear commitment to improving the safety oversight system in Thailand and have provided evidence that relevant progress has been achieved over the past year. Moreover, the available safety information on air carriers certified in Thailand does not support a decision to impose a ban or operational restrictions. In order to monitor the situation closely, consultations with the authorities from Thailand are to continue, in accordance with Article 3(2) of Regulation (EC) No 473/2006.
- (105) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the list of air carriers which are subject to an operating ban within the Union with respect to air carriers from Thailand.

- (106) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Thailand, pursuant to Regulation (EU) No 965/2012.
- (107) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Zambia

- (108) A Union on-site assessment visit to Zambia took place in April 2016. Experts from the Commission, EASA and Member States participated in that assessment visit. The Union on-site assessment visit was conducted at the offices of the Zambia Civil Aviation Authority ('ZCAA') and, by way of a relevant sample, at the offices of the air carriers *Proflight Commuter Services (dba Proflight Zambia)* and *Royal Air Charters*, certified in Zambia.
- (109) The main conclusions of that Union on-site assessment visit with respect to the ZCAA can be summarised as follows. The ZCAA is, on the whole, willing and able to address safety deficiencies and has sufficient ability to implement and where necessary enforce relevant international safety standards, as well as its own Zambia Civil Aviation Requirements. The ZCAA was able to demonstrate that, on the whole, its staff are suitably experienced and qualified to properly conduct oversight duties. On the other hand, the experts indicated that it would be useful for the ZCAA to further build upon its progress to date, as regards the standardisation of its oversight activity including the continuation training of its oversight inspectors. Equally, the ZCAA could usefully pay specific attention to further improving its processes and procedures with regard to documentation control and access.
- (110) The main conclusion of the Union on-site assessment visit with respect to *Proflight Commuter Services (dba Proflight Zambia)* is that there is no lack of willingness and, on the whole, no lack of ability of the air carrier to address safety deficiencies. In addition, the experts found that sufficient evidence exists to indicate that, in general *Proflight Commuter Services (dba Proflight Zambia)* is able to ensure compliance with relevant international safety standards and the Zambia Civil Aviation Requirements.
- (111) The main conclusion of the Union on-site assessment visit with respect to *Royal Air Charters* is that there is no lack of willingness or ability of the air carrier to address safety deficiencies. In addition, the experts found that sufficient evidence exists to indicate that *Royal Air Charters* is able to ensure compliance with relevant international safety standards and the Zambia Civil Aviation Requirements.
- (112) The ZCAA was heard by the Commission and the Air Safety Committee on 1 June 2016. On that occasion, *Proflight Commuter Services (dba Proflight Zambia)* was also heard.
- (113) The ZCAA presented its current organisational structure, including the training and qualifications of its inspectors. It explained that it is committed to continue with the standardisation of its inspecting force. In terms of certification and surveillance activity, the ZCAA reported that it has oversight responsibility for currently only 10 AOC holders. The ZCAA provided information concerning their certification and summarised the main surveillance elements that they are subjected to. In addition, the ZCAA emphasised its commitment to further pursuing its policy of continuous improvement, including its essential work on safety oversight standardisation.
- (114) The ZCAA also provided a summary of its corrective actions with regard to the observations raised during the Union on-site assessment visit of April 2016.
- (115) *Proflight Commuter Services (dba Proflight Zambia)* presented details on its organisational structure, its development plans and specifics relating to its Safety and Quality management systems, including the process and detail of its handling and assessment of safety reports. In addition, it reported on its corrective actions with regard to the observations raised during the Union on-site assessment visit of April 2016.

- (116) The Commission noted that *Proflight Commuter Services (dba Proflight Zambia)* at the hearing presented to a satisfactory standard and was able to provide specific details in respect to the safe conduct of its operations.
- (117) On the basis of all available information, including the results of the Union on-site assessment visit and the information provided at the hearing, the Commission considers there is sufficient evidence of compliance with applicable international safety standards and recommended practices on the part of air carriers certified in Zambia.
- (118) On the basis of all information available at present, including the results of the Union on-site assessment visit and the information provided at the hearing, the Commission considers that the ZCAA has made sustainable improvements. The Commission also recognises that there has been no lack of willingness of the ZCAA to engage on an ongoing basis with the Commission and that ZCAA is transparent in its recognition that it is to continue to further develop its safety oversight and surveillance procedures. It is assessed that the ZCAA has the ability to discharge its responsibilities with respect to the oversight of air carriers certified in Zambia. During the hearing, the ZCAA agreed to continue the safety dialogue with the Commission, including through additional meetings or visits, if and when deemed necessary by the Commission.
- (119) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the Union list of air carriers which are subject to an operating ban within the Union should be amended to remove all air carriers certified in Zambia from Annex A to Regulation (EC) No 474/2006.
- (120) Member States are to continue to verify the effective compliance with relevant safety standards through the prioritisation of ramp inspections to be carried out on air carriers certified in Zambia, pursuant to Regulation (EU) No 965/2012.
- (121) Should any relevant safety information indicate that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission may be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.
- (122) Regulation (EC) No 474/2006 should therefore be amended accordingly,
- (123) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 474/2006 is amended as follows:

- (1) Annex A is replaced by the text set out in Annex I to this Regulation;
- (2) Annex B is replaced by the text set out in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 16 June 2016.

*For the Commission,
On behalf of the President,
Violeta BULC
Member of the Commission*

ANNEX I

ANNEX A

LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH EXCEPTIONS ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAQI AIRWAYS	001	IAW	Iraq
All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including			Islamic Republic of Afghanistan
ARIANA AFGHAN AIRLINES	AOC 009	AFG	Islamic Republic of Afghanistan
KAM AIR	AOC 001	KMF	Islamic Republic of Afghanistan
PAMIR AIRLINES	Unknown	PIR	Islamic Republic of Afghanistan
SAFI AIRWAYS	AOC 181	SFW	Islamic Republic of Afghanistan
All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of TAAG Angola Airlines put in Annex B, including			Republic of Angola
AEROJET	AO 008-01/11	TEJ	Republic of Angola
AIR GICANGO	009	Unknown	Republic of Angola
AIR JET	AO 006-01/11-MBC	MBC	Republic of Angola
AIR NAVE	017	Unknown	Republic of Angola
AIR26	AO 003-01/11-DCD	DCD	Republic of Angola
ANGOLA AIR SERVICES	006	Unknown	Republic of Angola
DIEXIM	007	Unknown	Republic of Angola

⁽¹⁾ Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
FLY540	AO 004-01 FLYA	Unknown	Republic of Angola
GIRA GLOBO	008	GGL	Republic of Angola
HELIANG	010	Unknown	Republic of Angola
HELIMALONGO	AO 005-01/11	Unknown	Republic of Angola
MAVEWA	016	Unknown	Republic of Angola
SONAIR	AO 002-01/10-SOR	SOR	Republic of Angola
All air carriers certified by the authorities with responsibility for regulatory oversight of Benin, including			Republic of Benin
AERO BENIN	PEA No 014/MDCTTATP-PR/ANAC/DEA/SCS	AEB	Republic of Benin
AFRICA AIRWAYS	Unknown	AFF	Republic of Benin
ALAFIA JET	PEA No 014/ANAC/MDCTTATP-PR/DEA/SCS	Unknown	Republic of Benin
BENIN GOLF AIR	PEA No 012/MDCTTP-PR/ANAC/DEA/SCS.	BGL	Republic of Benin
BENIN LITTORAL AIRWAYS	PEA No 013/MDCTTATP-PR/ANAC/DEA/SCS.	LTL	Republic of Benin
COTAIR	PEA No 015/MDCTTATP-PR/ANAC/DEA/SCS.	COB	Republic of Benin
ROYAL AIR	PEA No 11/ANAC/MDCTTP-PR/DEA/SCS	BNR	Republic of Benin
TRANS AIR BENIN	PEA No 016/MDCTTATP-PR/ANAC/DEA/SCS	TNB	Republic of Benin
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Congo, including			Republic of Congo
AERO SERVICE	RAC06-002	RSR	Republic of Congo
CANADIAN AIRWAYS CONGO	RAC06-012	Unknown	Republic of Congo

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
EMERAUDE	RAC06-008	Unknown	Republic of Congo
EQUAFLIGHT SERVICES	RAC 06-003	EKA	Republic of Congo
EQUAJET	RAC06-007	EKJ	Republic of Congo
EQUATORIAL CONGO AIRLINES S.A.	RAC 06-014	Unknown	Republic of Congo
MISTRAL AVIATION	RAC06-011	Unknown	Republic of Congo
TRANS AIR CONGO	RAC 06-001	TSG	Republic of Congo
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including			Democratic Republic of Congo (DRC)
AIR FAST CONGO	409/CAB/MIN/ TVC/0112/2011	Unknown	Democratic Republic of Congo (DRC)
AIR KASAI	409/CAB/MIN/ TVC/0053/2012	Unknown	Democratic Republic of Congo (DRC)
AIR KATANGA	409/CAB/MIN/ TVC/0056/2012	Unknown	Democratic Republic of Congo (DRC)
AIR TROPIQUES	409/CAB/MIN/ TVC/00625/2011	Unknown	Democratic Republic of Congo (DRC)
BLUE AIRLINES	106/CAB/MIN/TVC/2012	BUL	Democratic Republic of Congo (DRC)
BLUE SKY	409/CAB/MIN/ TVC/0028/2012	Unknown	Democratic Republic of Congo (DRC)
BUSY BEE CONGO	409/CAB/MIN/ TVC/0064/2010	Unknown	Democratic Republic of Congo (DRC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/ TVC/0050/2012	Unknown	Democratic Republic of Congo (DRC)
CONGO AIRWAYS	019/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
DAKOTA SPRL	409/CAB/MIN/ TVC/071/2011	Unknown	Democratic Republic of Congo (DRC)
DOREN AIR CONGO	102/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
GOMAIR	409/CAB/MIN/TVC/011/2010	Unknown	Democratic Republic of Congo (DRC)
KIN AVIA	409/CAB/MIN/TVC/0059/2010	Unknown	Democratic Republic of Congo (DRC)
KORONGO AIRLINES	409/CAB/MIN/TVC/001/2011	KGO	Democratic Republic of Congo (DRC)
MALU AVIATION	098/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
MANGO AIRLINES	409/CAB/MIN/TVC/009/2011	Unknown	Democratic Republic of Congo (DRC)
SERVE AIR	004/CAB/MIN/TVC/2015	Unknown	Democratic Republic of Congo (DRC)
SERVICES AIR	103/CAB/MIN/TVC/2012	Unknown	Democratic Republic of Congo (DRC)
SWALA AVIATION	409/CAB/MIN/TVC/0084/2010	Unknown	Democratic Republic of Congo (DRC)
TRANSAIR CARGO SERVICES	409/CAB/MIN/TVC/073/2011	Unknown	Democratic Republic of Congo (DRC)
WILL AIRLIFT	409/CAB/MIN/TVC/0247/2011	Unknown	Democratic Republic of Congo (DRC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including			Djibouti
DAALLO AIRLINES	Unknown	DAO	Djibouti
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including			Equatorial Guinea
CEIBA INTERCONTINENTAL	2011/0001/MTTCT/DGAC/SOPS	CEL	Equatorial Guinea
Cronos AIRLINES	2011/0004/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
PUNTO AZUL	2012/0006/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
TANGO AIRWAYS	Unknown	Unknown	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including			Eritrea
ERITREAN AIRLINES	AOC No 004	ERT	Eritrea
NASAIR ERITREA	AOC No 005	NAS	Eritrea
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Gabon, with the exception of Afrijet and SN2AG put in Annex B, including			Republic of Gabon
AFRIC AVIATION	010/MTAC/ANAC-G/DSA	EKG	Republic of Gabon
ALLEGIANCE AIR TOURIST	007/MTAC/ANAC-G/DSA	LGE	Republic of Gabon
NATIONALE REGIONALE TRANSPORT (N.R.T)	008/MTAC/ANAC-G/DSA	NRG	Republic of Gabon
SKY GABON	009/MTAC/ANAC-G/DSA	SKG	Republic of Gabon
SOLENTA AVIATION GABON	006/MTAC/ANAC-G/DSA	SVG	Republic of Gabon
TROPICAL AIR-GABON	011/MTAC/ANAC-G/DSA	Unknown	Republic of Gabon
All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, with the exception of Garuda Indonesia, Airfast Indonesia, Ekspres Transportasi Antarbenua, Indonesia Air Asia, Citilink, Lion Air and Batik Air, including			Republic of Indonesia
AIR BORN INDONESIA	135-055	Unknown	Republic of Indonesia
AIR PACIFIC UTAMA	135-020	Unknown	Republic of Indonesia
ALDA TRANS PAPUA	135-056	Unknown	Republic of Indonesia
ALFA TRANS DIRGANTATA	135-012	Unknown	Republic of Indonesia
ANGKASA SUPER SERVICES	135-050	LBZ	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
<i>ASI PUDJIASTUTI</i>	135-028	SQS	Republic of Indonesia
<i>AVIASTAR MANDIRI</i>	135-029	VIT	Republic of Indonesia
<i>DABI AIR NUSANTARA</i>	135-030	Unknown	Republic of Indonesia
<i>DERAYA AIR TAXI</i>	135-013	DRY	Republic of Indonesia
<i>DERAZONA AIR SERVICE</i>	135-010	DRZ	Republic of Indonesia
<i>DIRGANTARA AIR SERVICE</i>	135-014	DIR	Republic of Indonesia
<i>EASTINDO</i>	135-038	ESD	Republic of Indonesia
<i>ELANG LINTAS INDONESIA</i>	135-052	Unknown	Republic of Indonesia
<i>ELANG NUSANTARA AIR</i>	135-053	Unknown	Republic of Indonesia
<i>ENGGANG AIR SERVICE</i>	135-045	Unknown	Republic of Indonesia
<i>ERSA EASTERN AVIATION</i>	135-047	Unknown	Republic of Indonesia
<i>GATARI AIR SERVICE</i>	135-018	GHS	Republic of Indonesia
<i>HEAVY LIFT</i>	135-042	Unknown	Republic of Indonesia
<i>INDONESIA AIR ASIA EXTRA</i>	121-054	Unknown	Republic of Indonesia
<i>INDONESIA AIR TRANSPORT</i>	121-034	IDA	Republic of Indonesia
<i>INTAN ANGKASA AIR SERVICE</i>	135-019	Unknown	Republic of Indonesia
<i>JAYAWIJAYA DIRGANTARA</i>	121-044	JWD	Republic of Indonesia
<i>JOHNLIN AIR TRANSPORT</i>	135-043	JLB	Republic of Indonesia
<i>KAL STAR</i>	121-037	KLS	Republic of Indonesia
<i>KARTIKA AIRLINES</i>	121-003	KAE	Republic of Indonesia
<i>KOMALA INDONESIA</i>	135-051	Unknown	Republic of Indonesia
<i>KURA-KURA AVIATION</i>	135-016	KUR	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
MARTABUANA ABADION	135-049	Unknown	Republic of Indonesia
MATTHEW AIR NUSANTARA	135-048	Unknown	Republic of Indonesia
MIMIKA AIR	135-007	Unknown	Republic of Indonesia
MY INDO AIRLINES	121-042	Unknown	Republic of Indonesia
NAM AIR	121-058	Unknown	Republic of Indonesia
NATIONAL UTILITY HELICOPTER	135-011	Unknown	Republic of Indonesia
NUSANTARA AIR CHARTER	121-022	SJK	Republic of Indonesia
PEGASUS AIR SERVICES	135-036	Unknown	Republic of Indonesia
PELITA AIR SERVICE	121-008	PAS	Republic of Indonesia
PENERBANGAN ANGKASA SEMESTA	135-026	Unknown	Republic of Indonesia
PURA WISATA BARUNA	135-025	Unknown	Republic of Indonesia
RIAU AIRLINES	121-016	RIU	Republic of Indonesia
SAYAP GARUDA INDAH	135-004	Unknown	Republic of Indonesia
SMAC	135-015	SMC	Republic of Indonesia
SRIWIJAYA AIR	121-035	SJY	Republic of Indonesia
SURYA AIR	135-046	Unknown	Republic of Indonesia
TRANSNUSA AVIATION MANDIRI	121-048	TNU	Republic of Indonesia
TRANSWISATA PRIMA AVIATION	135-021	TWT	Republic of Indonesia
TRAVEL EXPRESS AVIATION SERVICE	121-038	XAR	Republic of Indonesia
TRAVIRA UTAMA	135-009	TVV	Republic of Indonesia
TRI MG INTRA ASIA AIRLINES	121-018	TMG	Republic of Indonesia
TRIGANA AIR SERVICE	121-006	TGN	Republic of Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
UNINDO	135-040	Unknown	Republic of Indonesia
WESTSTAR AVIATION INDONESIA	135-059	Unknown	Republic of Indonesia
WING ABADI AIRLINES	121-012	WON	Republic of Indonesia
All air carriers certified by the authorities with responsibility for regulatory oversight of Kazakhstan, with the exception of Air Astana, including			Republic of Kazakhstan
AIR ALMATY	AK-0483-13	LMY	Republic of Kazakhstan
ATMA AIRLINES	AK-0469-12	AMA	Republic of Kazakhstan
AVIA-JAYNAR/AVIA-ZHAYNAR	AK-0467-12	SAP	Republic of Kazakhstan
BEK AIR	AK-0463-12	BEK	Republic of Kazakhstan
BEYBARS AIRCOMPANY	AK-0473-13	BBS	Republic of Kazakhstan
BURUNDAYAVIA AIRLINES	KZ-01/001	BRY	Republic of Kazakhstan
COMLUX-KZ	KZ-01/002	KAZ	Republic of Kazakhstan
EAST WING	KZ-01/007	EWZ	Republic of Kazakhstan
EURO-ASIA AIR	AK-0472-13	EAK	Republic of Kazakhstan
FLY JET KZ	AK-0477-13	FJK	Republic of Kazakhstan
INVESTAVIA	AK-0479-13	TLG	Republic of Kazakhstan
IRTYSH AIR	AK-0468-13	MZA	Republic of Kazakhstan
JET AIRLINES	KZ-01/003	SOZ	Republic of Kazakhstan
KAZAIR JET	AK-0474-13	KEJ	Republic of Kazakhstan
KAZAIRTRANS AIRLINE	AK-0466-12	KUY	Republic of Kazakhstan

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
KAZAVIASPAS	AK-0484-13	KZS	Republic of Kazakhstan
PRIME AVIATION	AK-0478-13	PKZ	Republic of Kazakhstan
SCAT	KZ-01/004	VSV	Republic of Kazakhstan
ZHETYSU AIRCOMPANY	AK-0470-12	JTU	Republic of Kazakhstan
All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including			Kyrgyz Republic
AIR BISHKEK (formerly EASTOK AVIA)	15	EAA	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
CENTRAL ASIAN AVIATION SERVICES (CAAS)	13	CBK	Kyrgyz Republic
HELI SKY	47	HAC	Kyrgyz Republic
AIR KYRGYZSTAN	03	LYN	Kyrgyz Republic
MANAS AIRWAYS	42	BAM	Kyrgyz Republic
S GROUP INTERNATIONAL (formerly S GROUP AVIATION)	45	IND	Kyrgyz Republic
SKY BISHKEK	43	BIS	Kyrgyz Republic
SKY KG AIRLINES	41	KGK	Kyrgyz Republic
SKY WAY AIR	39	SAB	Kyrgyz Republic
TEZ JET	46	TEZ	Kyrgyz Republic
VALOR AIR	07	VAC	Kyrgyz Republic
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia.			Liberia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
All air carriers certified by the authorities with responsibility for regulatory oversight of Libya, including			Libya
AFRIQIYAH AIRWAYS	007/01	AAW	Libya
AIR LIBYA	004/01	TLR	Libya
BURAQ AIR	002/01	BRQ	Libya
GHADAMES AIR TRANSPORT	012/05	GHT	Libya
GLOBAL AVIATION AND SERVICES	008/05	GAK	Libya
LIBYAN AIRLINES	001/01	LAA	Libya
PETRO AIR	025/08	PEO	Libya
All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Mozambique, including			Republic of Mozambique
AMBASSADOR LDA	MOZ-21	Unknown	Republic of Mozambique
CFM — TRABALHOS E TRANSPORTES AÉREOS LDA	MOZ-07	Unknown	Republic of Mozambique
CHC HELICÓPTEROS LDA	MOZ-22	Unknown	Republic of Mozambique
COA — COASTAL AVIATION	MOZ-15	Unknown	Republic of Mozambique
CPY — CROPSPRAYERS	MOZ-06	Unknown	Republic of Mozambique
CRA — CR AVIATION LDA	MOZ-14	Unknown	Republic of Mozambique
ETA — EMPRESA DE TRANSPORTES AÉREOS LDA	MOZ-04	Unknown	Republic of Mozambique
EVERETT AVIATION LDA	MOZ-18	Unknown	Republic of Mozambique
HCP — HELICÓPTEROS CAPITAL LDA	MOZ-11	Unknown	Republic of Mozambique

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
INAER AVIATION MOZAMBIQUE LDA	MOZ-19	Unknown	Republic of Mozambique
INTER AIRWAYS LDA	MOZ-24	Unknown	Republic of Mozambique
LAM — LINHAS AÉREAS DE MOÇAMBIQUE S.A.	MOZ-01	LAM	Republic of Mozambique
MAKOND, LDA	MOZ-20	Unknown	Republic of Mozambique
MEX — MOÇAMBIQUE EXPRESSO, SARL MEX	MOZ-02	MXE	Republic of Mozambique
OHI — OMNI HELICÓPTEROS INTERNATIONAL LDA	MOZ-17	Unknown	Republic of Mozambique
SAF — SAFARI AIR LDA	MOZ-12	Unknown	Republic of Mozambique
SAM — SOLENTA AVIATION MOZAMBIQUE, SA	MOZ-10	Unknown	Republic of Mozambique
All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including			Republic of Nepal
AIR DYNASTY HELI. S.	035/2001	Unknown	Republic of Nepal
AIR KASTHAMANDAP	051/2009	Unknown	Republic of Nepal
BUDDHA AIR	014/1996	BHA	Republic of Nepal
FISHTAIL AIR	017/2001	Unknown	Republic of Nepal
GOMA AIR	064/2010	Unknown	Republic of Nepal
HIMALAYA AIRLINES	084/2015	Unknown	Republic of Nepal
MAKALU AIR	057A/2009	Unknown	Republic of Nepal
MANANG AIR PVT LTD	082/2014	Unknown	Republic of Nepal
MOUNTAIN HELICOPTERS	055/2009	Unknown	Republic of Nepal
MUKTINATH AIRLINES	081/2013	Unknown	Republic of Nepal

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
NEPAL AIRLINES CORPORATION	003/2000	RNA	Republic of Nepal
SAURYA AIRLINES	083/2014	Unknown	Republic of Nepal
SHREE AIRLINES	030/2002	SHA	Republic of Nepal
SIMRIK AIR	034/2000	Unknown	Republic of Nepal
SIMRIK AIRLINES	052/2009	RMK	Republic of Nepal
SITA AIR	033/2000	Unknown	Republic of Nepal
TARA AIR	053/2009	Unknown	Republic of Nepal
YETI AIRLINES DOMESTIC	037/2004	NYT	Republic of Nepal
All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including			Sao Tome and Principe
AFRICA'S CONNECTION	10/AOC/2008	ACH	Sao Tome and Principe
STP AIRWAYS	03/AOC/2006	STP	Sao Tome and Principe
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including			Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO airline designation number	State of the Operator
All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including			Republic of Sudan
<i>ALFA AIRLINES SD</i>	54	AAJ	Republic of the Sudan
<i>BADR AIRLINES</i>	35	BDR	Republic of the Sudan
<i>BLUE BIRD AVIATION</i>	11	BLB	Republic of the Sudan
<i>ELDINDER AVIATION</i>	8	DND	Republic of the Sudan
<i>GREEN FLAG AVIATION</i>	17	Unknown	Republic of the Sudan
<i>HELEJETIC AIR</i>	57	HJT	Republic of the Sudan
<i>KATA AIR TRANSPORT</i>	9	KTV	Republic of the Sudan
<i>KUSH AVIATION CO.</i>	60	KUH	Republic of the Sudan
<i>NOVA AIRWAYS</i>	46	NOV	Republic of the Sudan
<i>SUDAN AIRWAYS CO.</i>	1	SUD	Republic of the Sudan
<i>SUN AIR</i>	51	SNR	Republic of the Sudan
<i>TARCO AIR</i>	56	TRQ	Republic of the Sudan'

ANNEX II

ANNEX B

LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number	ICAO airline designation number	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
TAAG AN-GOLA AIR-LINES	001	DTA	Republic of Angola	All fleet with the exception of: aircraft of type Boeing B737-700, aircraft of type Boeing B777-200, and aircraft of type Boeing B777-300.	All fleet with the exception of: aircraft within the Boeing B737-700 fleet, as mentioned on the AOC; aircraft within the Boeing B777-200 fleet, as mentioned on the AOC; and aircraft within the Boeing B777-300 fleet, as mentioned on the AOC.	Republic of Angola
AIR SERVICE COMORES	06-819/ TA-15/ DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP.	All fleet with the exception of: D6-CAM (851336).	Comoros
AFRIJET BUSINESS SERVICE ⁽¹⁾	002/ MTAC/ ANAC-G/ DSA	ABS	Republic of Gabon	All fleet with the exception of: 2 aircraft of type Falcon 50, 2 aircraft of type Falcon 900.	All fleet with the exception of: TR-LGV; TR-LGY; TR-AFJ; TR-AFR.	Republic of Gabon
NOUVELLE AIR AFFAIRES GABON (SN2AG)	003/ MTAC/ ANAC-G/ DSA	NVS	Republic of Gabon	All fleet with the exception of: 1 aircraft of type Challenger CL-601, 1 aircraft of type HS-125-800.	All fleet with the exception of: TR-AAG, ZS-AFG.	Republic of Gabon; Republic of South Africa
IRAN AIR	FS100	IRA	Islamic Republic of Iran	All aircraft of type Fokker F100 and of type Boeing B747	Aircraft of type Fokker F100 as mentioned on the AOC; aircraft of type Boeing B747 as mentioned on the AOC	Islamic Republic of Iran
AIR KORYO	GAC-AOC/KOR-01	KOR	Democratic People's Republic of Korea	All fleet with the exception of: 2 aircraft of type TU-204.	All fleet with the exception of: P-632, P-633.	Democratic People's Republic of Korea

⁽¹⁾ Afrijet is only allowed to use the specific aircraft mentioned for its current level of operations within the Union.

⁽¹⁾ Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/964**of 16 June 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, 16 June 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	127,9
	ZZ	127,9
0709 93 10	TR	145,6
	ZZ	145,6
0805 50 10	AR	155,0
	BR	92,5
	MA	179,9
	TR	145,5
	UY	147,6
	ZA	156,9
	ZZ	146,2
	0808 10 80	AR
0809 10 00	BR	131,2
	CL	129,7
	CN	102,3
	NZ	156,9
	US	120,4
	ZA	115,0
	ZZ	125,7
	TR	267,7
0809 29 00	ZZ	267,7
	TR	439,0
0809 30 10, 0809 30 90	ZZ	439,0
	TR	174,9
	ZZ	174,9

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/965**of 16 June 2016****establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 June 2016 and determining the quantities to be added to the quantity fixed for the subperiod from 1 October to 31 December 2016 under the tariff quotas opened by Regulation (EC) No 533/2007 in the poultrymeat sector**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 533/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 June 2016 for the subperiod from 1 July to 30 September 2016 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 June 2016 for the subperiod from 1 July to 30 September 2016 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 533/2007 for the subperiod from 1 July to 30 September 2016 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 533/2007, to be added to the subperiod from 1 October to 31 December 2016, are set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector (OJ L 125, 15.5.2007, p. 9).⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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, 16 June 2016.

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 July to 30 September 2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 October to 31 December 2016 (kg)
09.4067	1,084598	—
09.4068	0,394321	—
09.4069	0,180147	—
09.4070	—	445 250

COMMISSION IMPLEMENTING REGULATION (EU) 2016/966**of 16 June 2016****establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 June 2016 and determining the quantities to be added to the quantity fixed for the subperiod from 1 October to 31 December 2016 under the tariff quotas opened by Regulation (EC) No 1385/2007 in the poultrymeat sector**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Regulation (EC) No 1385/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 June 2016 for the subperiod from 1 July to 30 September 2016 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 June 2016 for the subperiod from 1 July to 30 September 2016 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 1385/2007 for the subperiod from 1 July to 30 September 2016 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 1385/2007, to be added to the subperiod from 1 October to 31 December 2016, are set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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, 16 June 2016.

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 July to 30 September 2016 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 October to 31 December 2016 (kg)
09.4410	0,157481	—
09.4411	0,15911	—
09.4412	0,163721	—
09.4420	0,164366	—
09.4421	—	420 000
09.4422	0,164366	—

COMMISSION IMPLEMENTING REGULATION (EU) 2016/967**of 16 June 2016****establishing the allocation coefficient to be applied to the quantities covered by the applications for import rights lodged from 1 to 7 June 2016 under the tariff quotas opened by Implementing Regulation (EU) 2015/2078 for poultrymeat originating in Ukraine**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2078 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Ukraine.
- (2) For the quota with order number 09.4273, the quantities covered by the applications for import licences lodged from 1 to 7 June 2016 for the subperiod from 1 July to 30 September 2016 exceed those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) In order to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by the applications for import rights lodged under Implementing Regulation (EU) 2015/2078 for the subperiod from 1 July to 30 September 2016 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2078 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine (OJ L 302, 19.11.2015, p. 63).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

Done at Brussels, 16 June 2016.

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 July to 30 September 2016 (%)
09.4273	2,365454
09.4274	—

DECISIONS

COUNCIL DECISION (EU) 2016/968

of 6 June 2016

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (ISA² programme)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement ('Protocol 31').
- (3) Protocol 31 contains provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Decision (EU) 2015/2240 of the European Parliament and of the Council ⁽³⁾.
- (5) Protocol 31 should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2016.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on the Union's behalf, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector (OJ L 318, 4.12.2015, p. 1.)

Article 2

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

Done at Luxembourg, 6 June 2016.

For the Council
The President
H.G.J. KAMP

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2016

of ...

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector ⁽¹⁾.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2016,

HAS ADOPTED THIS DECISION:

Article 1

Article 17 (Telematic interchange of data) of Protocol 31 to the EEA Agreement shall be amended as follows:

1. In paragraph 1, the following subparagraph is added:

'The EFTA States shall, as from 1 January 2016, participate in the projects and activities of the programme of the Union referred to in paragraph 6(d).'

2. The following paragraph is inserted after paragraph 5:

'5a. The EFTA States shall, as from the start of cooperation in the programme referred to in paragraph 6(d), participate fully, without the right to vote, in the Committee on Interoperability Solutions for European Public Administrations, Businesses and Citizens (the ISA² Committee), which assists the European Commission in the implementation, management and development of that programme.'

3. In paragraph 6, the following point is added:

'(d) with a view to participation as from 1 January 2016:

- **32015 D 2240**: Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector (OJ L 318, 4.12.2015, p. 1).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.'

⁽¹⁾ OJ L 318, 4.12.2015, p. 1.

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2016.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COMMISSION IMPLEMENTING DECISION (EU) 2016/969**of 15 June 2016****laying down standard reporting requirements for national programmes for the eradication, control and surveillance of animal diseases and zoonoses co-financed by the Union and repealing Implementing Decision 2014/288/EU***(notified under document C(2016) 3615)***(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 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC ⁽¹⁾, and in particular Article 36(5) thereof.

Whereas:

- (1) Regulation (EU) No 652/2014 lays down, inter alia, provisions for the management of expenditure relating to the food chain and animal health and requirements for the submission and the content of the national programmes for the eradication, control and surveillance of animal diseases and zoonoses.
- (2) The first paragraph of Article 14 of Regulation (EU) No 652/2014 provides that each year, by 30 April, Member States are to submit to the Commission, for each approved annual or multiannual national programme, an annual detailed technical and financial report covering the previous year.
- (3) The second paragraph of Article 14 of Regulation (EU) No 652/2014 provides that each year, by 31 August, Member States are to submit to the Commission, for each approved national programme, an intermediate financial report.
- (4) Article 15 of Regulation (EU) No 652/2014 provides that each year, by 30 April, Member States are to submit to the Commission, for each approved national programme, a payment request concerning the programmes implemented the previous year.
- (5) Article 5 of Commission Implementing Decision 2014/288/EU ⁽²⁾ provides that for programmes implemented as of 1 January 2015 intermediate and final reports are to be submitted online by Member States using the corresponding standard electronic templates provided by the Commission (except for the programmes related to certain aquaculture diseases).
- (6) Article 4 of Implementing Decision 2014/288/EU defines the information which is to be provided in the reports.
- (7) To be in line with evolving Union legislation, the electronic standard templates for intermediate and final reports, including the payment requests, provided online on the Commission's website should be used for veterinary programmes on African swine fever, avian influenza, bluetongue, bovine brucellosis, sheep and goat brucellosis, classical swine fever, rabies, *Salmonella* infection in certain poultry populations, bovine tuberculosis and transmissible spongiform encephalopathies, to facilitate necessary modifications or including further details.

⁽¹⁾ OJ L 189, 27.6.2014, p. 1.

⁽²⁾ Commission Implementing Decision 2014/288/EU of 12 May 2014 as regards the standard reporting requirements for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses co-financed by the Union and repealing Decision 2008/940/EC (OJ L 147, 17.5.2014, p. 88).

The Commission will inform and discuss with Member States all necessary modifications of the electronic standard templates in the framework of the Standing Committee on Plants, Animals, Food and Feed. The revised electronic standard templates, in addition to being available on the Commission's website, will be sent to all Member States at the latest during the first week of June (intermediate reports) and at the latest during the first week of March (final reports and payment requests) of the concerned year.

- (8) For other diseases not included in electronic standard templates and for aquaculture diseases the use of non-electronic standard templates is considered to be the appropriate tool for submission of the reports, given the low number of approved programmes in the last years, which does not require the development of specific electronic templates.
- (9) For the sake of clarity, Implementing Decision 2014/288/EU should therefore be repealed and replaced by this Decision.
- (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:

Article 1

For national programmes approved for Union financial contribution and concerning African swine fever, avian influenza, bluetongue, bovine brucellosis, sheep and goat brucellosis, classical swine fever, rabies, *Salmonella* infection in certain poultry populations, bovine tuberculosis and transmissible spongiform encephalopathies, intermediate and annual reports (including the payment requests) shall contain the information provided for in the forms referred to in Annexes I and II to this Decision.

Article 2

Intermediate and annual reports referred to in Article 1 shall be submitted online by using the corresponding standard electronic templates set out in Annexes I and II.

Article 3

For other diseases not included in the electronic templates, the Commission shall develop reports templates on an ad hoc basis and provide them to the concerned Member States. The reports shall be submitted by post or electronic means.

For the annual report on aquaculture diseases, the Member States shall use the corresponding template set out in Annex III and submit the report by post or electronic means.

Article 4

Implementing Decision 2014/288/EU is repealed.

Article 5

This Decision shall apply to submissions of intermediate reports and of annual reports, including the payment requests, concerning programmes implemented as of 2016.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 15 June 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

The specific PDF template to be used to draft and submit the intermediate reports of national programmes referred to in Article 2 is available on DG SANTE web:

http://ec.europa.eu/dgs/health_food-safety/funding/cff/animal_health/vet_progs_en.htm

ANNEX II

The specific PDF template to be used to draft and submit the annual reports (including the payment requests) of national programmes referred to in Article 2 is available on DG SANTE web:

http://ec.europa.eu/dgs/health_food-safety/funding/cff/animal_health/vet_progs_en.htm

ANNEX III

Standard requirements for the submission of the annual reports of national programmes of eradication of aquaculture animal diseases

The aquaculture animal diseases concerned:

- infectious haematopoietic necrosis (IHN)
- infectious salmon anaemia (ISA)
- koi herpes virus disease (KHV)
- viral haemorrhagic septicaemia (VHS)
- infection with *Marteilia refringens*
- infection with *Bonamia ostreae*
- white spot disease in crustaceans

**ANNUAL REPORT AND PAYMENT APPLICATION FOR AQUACULTURE
ANIMAL PROGRAMMES**

Member State:

Year of implementation:

Disease/zoonosis ⁽¹⁾:

Content and structure of the report:

1. Description and evaluation of the evolution of the epidemiological situation, the technical implementation of the activities foreseen under the programme and the cost-effectiveness of the programmes.
2. Details on the level of achievement of the targets set in the approved programme and technical difficulties.
3. Epidemiological maps for infection and other relevant data on the disease/activities.
4. Additional epidemiological information: information on epidemiological inquiries, types involved lesions found in abattoir or necropsy, etc.

A. TECHNICAL REPORT

1. Diseases ^(a)

1.1. Fish	<input type="checkbox"/> IHN <input type="checkbox"/> ISA <input type="checkbox"/> KHV <input type="checkbox"/> VHS
1.2. Molluscs	<input type="checkbox"/> <i>Marteilia refringens</i> <input type="checkbox"/> <i>Bonamia ostreae</i>
1.3. Crustaceans	<input type="checkbox"/> White spot disease

^(a) Disease and species if necessary.

2. General information on the programmes

2.1. Competent authority ^(a)	(*)
2.2. Organisation, supervision of all stakeholders involved in the programme ^(b)	(*)
2.3. Duration of the programme	(*)

^(a) A description shall be provided of the structure, competencies, duties and powers of the competent authority or competent authorities involved.

^(b) A description shall be provided of the authorities in charge of the supervision and coordination of the programme and the different operators involved.

⁽¹⁾ Disease or zoonosis and animal species if necessary.

3. Data on testing animals

Member State, zone or compartment ^(a)

Disease: **Year:**

Farm or mollusc farming area	Number of samplings	Number of clinical inspections	Water temperature at sampling/ Inspection	Species at sampling	Species sampled	Number of animals sampled (total and by species)	Number of tests	Positive results of laboratorial examination	Positive results of clinical inspections
TOTAL								TOTAL	

^(a) Member State, zone or compartment as defined in the approved programme.

4. Data on testing farms or farming areas

Disease:

Year:

Member State, zone or compartment ^(a)	Total number of farms or mollusc farming areas ^(b)	Total number of farms or mollusc farming areas under the programme	Number of farms or mollusc farming areas checked ^(c)	Number of positive farms or mollusc farming areas ^(d)	Number of new positive farms or mollusc farming areas ^(e)	Number of farms or mollusc farming areas depopulated	% positive farms or mollusc farming areas depopulated	Animals removed and disposed of ^(f)	TARGET INDICATORS		
									% farms or mollusc farming areas coverage	% positive farms or mollusc farming areas period farms or mollusc farming areas prevalence	% new positive farms or mollusc farming areas farms or mollusc farming areas incidence
1	2	3	4	5	6	7	$8 = (7/5) \times 100$	9	$10 = (4/3) \times 100$	$11 = (5/4) \times 100$	$12 = (6/4) \times 100$
Total											

^(a) Member State, zone or compartment as defined in the approved programme.
^(b) Total number of farms or mollusc farming areas existing in the Member State, zone or compartment as defined in the approved programme.
^(c) Check means to perform a farm/mollusc farming area level test under the programme for the respective disease with the purpose of upgrading the health status of the farm/mollusc farming area. In this column a farm/mollusc farming area must not be counted twice even if has been checked more than once.
^(d) Farms or mollusc farming areas with at least one positive animal during the period independent of the number of times the farms or mollusc farming areas has been checked. Shall also be counted farms or mollusc areas which were found positive before the period reported herein but which have not been emptied, cleaned and fallowed since then.
^(e) Farms or mollusc farming areas the health status of which in the previous period was, in accordance with Part A of Annex III to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14), category I, category II, category III or category IV and which have at least one positive animal in this period.
^(f) Animals × 1 000 or total weight of animals removed and disposed of.

B. REPORT ON ACTIVITIES AND COSTS

Table A

Eligible measures		Number of units	1 ^(a)	2 ^(a)	
			Financing on the basis of real costs	Financing through simplified forms of grants	
			Total real cost claimed ^(c)	Unit cost/Lump sum/Flat rate amount (100 %)	Cost claimed ^(b)
Sampling					
Total sampling					
Testing					
Total testing					
Vaccination					
Total vaccination					
Compensation					
Total compensation					
Other eligible measures					
Total other eligible measures					
Total			3		4
TOTAL AMOUNT CLAIMED ^(c)					

^(a) For each eligible measure fill in either column 1 or 2 in line with the method of co-funding specified in the financing decision.

^(b) The defined unit cost/lump sum/flat rate at 100 % multiplied by the number of units.

^(c) Sum of cells 3 and 4.

Table B ^(a)**Additional information on compensation ^(b)**

Species of animals	Aquaculture animals depopulated ^(c)	Number/weight of depopulated animals	Total amount paid for the compensated animals	Amount received for salvage
Total				

^(a) To be filled in only in the case eligible costs include amounts for the compensation paid to owners for their animals or products slaughtered or culled/destroyed.

^(b) Data to be given in national currency, VAT excluded.

^(c) Destroyed (D) or sent for human consumption (HC).

C. SIGNED DECLARATION TO ACCOMPANY THE ANNUAL REPORT

Member State:

Programme:

Year of implementation:

We certify that:

- *the declared activities were actually performed and that declared expenditure was actually incurred, accurately accounted for and eligible under the approved programme,*
- *all supporting documents relating to the activities and expenditure are available for inspection, notably to justify the level of compensation for animals,*
- *the programme was executed in accordance with the relevant Union legislation, in particular the rules on competition, the award of public contracts and State aid,*
- *no other Union contribution was requested for this programme and all revenue accruing from operations under the programme is declared to the Commission,*
- *control procedures apply, in particular to verify the accuracy of the amount of activities and expenditure declared, to prevent, detect and correct irregularities.*

Date

Name and signature of operational director

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