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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/2220

of 2 December 2016

on the conclusion, on behalf of the European Union, of the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2016/920 ⁽²⁾ the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences (the 'Agreement') was signed on 2 June 2016, subject to its conclusion at a later date.
- (2) The Agreement aims at establishing a comprehensive framework of data protection principles and safeguards when personal information is transferred for criminal law enforcement purposes between the United States of America (United States), on the one hand, and the European Union or its Member States on the other. The objective is to ensure a high level of data protection and, thereby, enhance cooperation between the parties. Whilst not being itself the legal basis for any transfer of personal information to the United States, the Agreement supplements, where necessary, data protection safeguards in existing and future data transfer agreements or national provisions authorising such transfers.
- (3) The Union has competence covering all the provisions of the Agreement. In particular, the Union has adopted Directive (EU) 2016/680 of the European Parliament and of the Council ⁽³⁾ on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data. Transfers by Member States subject to appropriate safeguards are foreseen by point (a) of Article 37(1) of that Directive.

⁽¹⁾ Consent of 1 December 2016 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2016/920 of 20 May 2016 on the signing, on behalf of the European Union, of the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences (OJ L 154, 11.6.2016, p. 1).

⁽³⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (4) In accordance with Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), the United Kingdom and Ireland are not bound by the rules laid down in the Agreement which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or 5 of Title V of Part Three of the TFEU where the United Kingdom and Ireland are not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down in the Agreement.
- (5) In accordance with Articles 2 and 2a of Protocol No 22 on the position of Denmark annexed to the TEU and the TFEU, Denmark is not bound by the rules laid down in the Agreement or subject to their application which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or 5 of Title V of Part Three of the TFEU.
- (6) Any notification under Article 27 of the Agreement as regards the United Kingdom, Ireland or Denmark should be done in accordance with the status of those Member States under the relevant provisions of Union law and in close consultation with them.
- (7) The European Data Protection Supervisor delivered an opinion on 12 February 2016 ⁽¹⁾.
- (8) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 29(1) of the Agreement ⁽²⁾.

Article 3

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

Done at Brussels, 2 December 2016.

For the Council
The President
M. LAJČÁK

⁽¹⁾ OJ C 186, 25.2.2016, p. 4.

⁽²⁾ The date of entry into force of the Agreement for the European Union will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences****TABLE OF CONTENTS**

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MINDFUL that the United States and the European Union are committed to ensuring a high level of protection of personal information exchanged in the context of the prevention, investigation, detection, and prosecution of criminal offences, including terrorism;

INTENDING to establish a lasting legal framework to facilitate the exchange of information, which is critical to prevent, investigate, detect and prosecute criminal offences, including terrorism, as a means of protecting their respective democratic societies and common values;

INTENDING, in particular, to provide standards of protection for exchanges of personal information on the basis of both existing and future agreements between the US and the EU and its Member States, in the field of preventing, investigating, detecting, and prosecuting criminal offences, including terrorism;

RECOGNISING that certain existing agreements between the Parties concerning the processing of personal information establish that those agreements provide an adequate level of data protection within the scope of those agreements, the Parties affirm that this Agreement should not be construed to alter, condition, or otherwise derogate from those agreements; noting however, that the obligations established by Article 19 of this Agreement on judicial redress would apply with respect to all transfers that fall within the scope of this Agreement, and that this is without prejudice to any future review or modification of such agreements pursuant to their terms;

ACKNOWLEDGING both Parties' longstanding traditions of respect for individual privacy including as reflected in the Principles on Privacy and Personal Data Protection for Law Enforcement Purposes elaborated by the EU-US High Level Contact Group on Information Sharing and Privacy and Personal Data Protection, the Charter of Fundamental Rights of the European Union and applicable EU laws, the United States Constitution and applicable US laws, and the Fair Information Practice Principles of the Organization for Economic Cooperation and Development; and

RECOGNISING the principles of proportionality and necessity, and relevance and reasonableness, as implemented by the Parties in their respective legal frameworks;

THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION HAVE AGREED AS FOLLOWS:

Article 1

Purpose of the Agreement

1. The purpose of this Agreement is to ensure a high level of protection of personal information and enhance cooperation between the United States and the European Union and its Member States, in relation to the prevention, investigation, detection or prosecution of criminal offences, including terrorism.
2. For this purpose, this Agreement establishes the framework for the protection of personal information when transferred between the United States, on the one hand, and the European Union or its Member States, on the other.
3. This Agreement in and of itself shall not be the legal basis for any transfers of personal information. A legal basis for such transfers shall always be required.

Article 2

Definitions

For purposes of this Agreement:

- (1) 'Personal information' means information relating to an identified or identifiable natural person. An identifiable person is a person who can be identified, directly or indirectly, by reference to, in particular, an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity;

- (2) 'Processing of personal information' means any operation or set of operations involving collection, maintenance, use, alteration, organisation or structuring, disclosure or dissemination, or disposition;
- (3) 'Parties' means the European Union and the United States of America;
- (4) 'Member State' means a Member State of the European Union;
- (5) 'Competent Authority' means, for the United States, a US national law enforcement authority responsible for the prevention, investigation, detection or prosecution of criminal offences, including terrorism and, for the European Union, an authority of the European Union, and an authority of a Member State, responsible for the prevention, investigation, detection or prosecution of criminal offences, including terrorism.

Article 3

Scope

1. This Agreement shall apply to personal information transferred between the Competent Authorities of one Party and the Competent Authorities of the other Party, or otherwise transferred in accordance with an agreement concluded between the United States and the European Union or its Member States, for the prevention, detection, investigation, and prosecution of criminal offences, including terrorism.
2. This Agreement does not affect, and is without prejudice to, transfers or other forms of cooperation between the authorities of the Member States and of the United States other than those referred to in Article 2(5), responsible for safeguarding national security.

Article 4

Non-Discrimination

Each Party shall comply with its obligations under this Agreement for the purpose of protecting personal information of its own nationals and the other Party's nationals regardless of their nationality, and without arbitrary and unjustifiable discrimination.

Article 5

Effect of the Agreement

1. This Agreement supplements, as appropriate, but does not replace, provisions regarding the protection of personal information in international agreements between the Parties, or the United States and Member States that address matters within the scope of this Agreement.
2. The Parties shall take all necessary measures to implement this Agreement, including, in particular, their respective obligations regarding access, rectification and administrative and judicial redress for individuals provided herein. The protections and remedies set forth in this Agreement shall benefit individuals and entities in the manner implemented in the applicable domestic laws of each Party. For the United States, its obligations shall apply in a manner consistent with its fundamental principles of federalism.
3. By giving effect to paragraph 2, the processing of personal information by the United States, or the European Union and its Member States, with respect to matters falling within the scope of this Agreement, shall be deemed to comply with their respective data protection legislation restricting or conditioning international transfers of personal information, and no further authorisation under such legislation shall be required.

*Article 6***Purpose and Use Limitations**

1. The transfer of personal information shall be for specific purposes authorised by the legal basis for the transfer as set forth in Article 1.
2. The further processing of personal information by a Party shall not be incompatible with the purposes for which it was transferred. Compatible processing includes processing pursuant to the terms of existing international agreements and written international frameworks for the prevention, detection, investigation or prosecution of serious crimes. All such processing of personal information by other national law enforcement, regulatory or administrative authorities shall respect the other provisions of this Agreement.
3. This Article shall not prejudice the ability of the transferring Competent Authority to impose additional conditions in a specific case to the extent the applicable legal framework for transfer permits it to do so. Such conditions shall not include generic data protection conditions, that is, conditions imposed that are unrelated to the specific facts of the case. If the information is subject to conditions, the receiving Competent Authority shall comply with them. The Competent Authority providing the information may also require the recipient to give information on the use made of the transferred information.
4. Where the United States, on the one hand, and the European Union or a Member State on the other, conclude an agreement on the transfer of personal information other than in relation to specific cases, investigations or prosecutions, the specified purposes for which the information is transferred and processed shall be further set forth in that agreement.
5. The Parties shall ensure under their respective laws that personal information is processed in a manner that is directly relevant to and not excessive or overbroad in relation to the purposes of such processing.

*Article 7***Onward Transfer**

1. Where a Competent Authority of one Party has transferred personal information relating to a specific case to a Competent Authority of the other Party, that information may be transferred to a State not bound by the present Agreement or international body only where the prior consent of the Competent Authority originally sending that information has been obtained.
2. When granting its consent to a transfer under paragraph 1, the Competent Authority originally transferring the information shall take due account of all relevant factors, including the seriousness of the offence, the purpose for which the data is initially transferred and whether the State not bound by the present Agreement or international body in question ensures an appropriate level of protection of personal information. It may also subject the transfer to specific conditions.
3. Where the United States, on the one hand, and the European Union or a Member State on the other, conclude an agreement on the transfer of personal information other than in relation to specific cases, investigations or prosecutions, the onward transfer of personal information may only take place in accordance with specific conditions set forth in the agreement that provide due justification for the onward transfer. The agreement shall also provide for appropriate information mechanisms between the Competent Authorities.
4. Nothing in this Article shall be construed as affecting any requirement, obligation or practice pursuant to which the prior consent of the Competent Authority originally transferring the information must be obtained before the information is further transferred to a State or body bound by this Agreement, provided that the level of data protection in such State or body shall not be the basis for denying consent for, or imposing conditions on, such transfers.

*Article 8***Maintaining Quality and Integrity of Information**

The Parties shall take reasonable steps to ensure that personal information is maintained with such accuracy, relevance, timeliness and completeness as is necessary and appropriate for lawful processing of the information. For this purpose, the Competent Authorities shall have in place procedures, the object of which is to ensure the quality and integrity of personal information, including the following:

- (a) the measures referred to in Article 17;
- (b) where the transferring Competent Authority becomes aware of significant doubts as to the relevance, timeliness, completeness or accuracy of such personal information or an assessment it has transferred, it shall, where feasible, advise the receiving Competent Authority thereof;
- (c) where the receiving Competent Authority becomes aware of significant doubts as to the relevance, timeliness, completeness or accuracy of personal information received from a governmental authority, or of an assessment made by the transferring Competent Authority of the accuracy of information or the reliability of a source, it shall, where feasible, advise the transferring Competent Authority thereof.

*Article 9***Information Security**

The Parties shall ensure that they have in place appropriate technical, security and organisational arrangements for the protection of personal information against all of the following:

- (a) accidental or unlawful destruction;
- (b) accidental loss; and
- (c) unauthorised disclosure, alteration, access, or other processing.

Such arrangements shall include appropriate safeguards regarding the authorisation required to access personal information.

*Article 10***Notification of an Information Security Incident**

1. Upon discovery of an incident involving accidental loss or destruction, or unauthorised access, disclosure, or alteration of personal information, in which there is a significant risk of damage, the receiving Competent Authority shall promptly assess the likelihood and scale of damage to individuals and to the integrity of the transferring Competent Authority's programme, and promptly take appropriate action to mitigate any such damage.

2. Action to mitigate damage shall include notification to the transferring Competent Authority. However, notification may:

- (a) include appropriate restrictions as to the further transmission of the notification;
- (b) be delayed or omitted when such notification may endanger national security;
- (c) be delayed when such notification may endanger public security operations.

3. Action to mitigate damage shall also include notification to the individual, where appropriate given the circumstances of the incident, unless such notification may endanger:

- (a) public or national security;
- (b) official inquiries, investigations or proceedings;
- (c) the prevention, detection, investigation, or prosecution of criminal offences;
- (d) rights and freedoms of others, in particular the protection of victims and witnesses.

4. The Competent Authorities involved in the transfer of the personal information may consult concerning the incident and the response thereto.

*Article 11***Maintaining Records**

1. The Parties shall have in place effective methods of demonstrating the lawfulness of processing of personal information, which may include the use of logs, as well as other forms of records.
2. The Competent Authorities may use such logs or records for maintaining orderly operations of the databases or files concerned, to ensure data integrity and security, and where necessary to follow backup procedures.

*Article 12***Retention Period**

1. The Parties shall provide in their applicable legal frameworks specific retention periods for records containing personal information, the object of which is to ensure that personal information is not retained for longer than is necessary and appropriate. Such retention periods shall take into account the purposes of processing, the nature of the data and the authority processing it, the impact on relevant rights and interests of affected persons, and other applicable legal considerations.
2. Where the United States, on the one hand, and the European Union or a Member State on the other, conclude an agreement on the transfer of personal information other than in relation to specific cases, investigations or prosecutions, such agreement will include a specific and mutually agreed upon provision on retention periods.
3. The Parties shall provide procedures for periodic review of the retention period with a view to determining whether changed circumstances require further modification of the applicable period.
4. The Parties shall publish or otherwise make publicly available such retention periods.

*Article 13***Special Categories of Personal Information**

1. Processing of personal information revealing racial or ethnic origin, political opinions or religious or other beliefs, trade union membership or personal information concerning health or sexual life shall only take place under appropriate safeguards in accordance with law. Such appropriate safeguards may include: restricting the purposes for which the information may be processed, such as allowing the processing only on a case by case basis; masking, deleting or blocking the information after effecting the purpose for which it was processed; restricting personnel permitted to access the information; requiring specialised training to personnel who access the information; requiring supervisory approval to access the information; or other protective measures. These safeguards shall duly take into account the nature of the information, particular sensitivities of the information, and the purpose for which the information is processed.
2. Where the United States, on the one hand, and the European Union or a Member State on the other, conclude an agreement on the transfer of personal information other than in relation to specific cases, investigations or prosecutions, such agreement will further specify the standards and conditions under which such information can be processed, duly taking into account the nature of the information and the purpose for which it is used.

*Article 14***Accountability**

1. The Parties shall have in place measures to promote accountability for processing personal information within the scope of this Agreement by their Competent Authorities, and any other of their authorities to which personal information has been transferred. Such measures shall include notification of the safeguards applicable to transfers of personal information under this Agreement, and of the conditions that may have been imposed by the transferring Competent Authority pursuant to Article 6(3). Serious misconduct shall be addressed through appropriate and dissuasive criminal, civil or administrative sanctions.

2. The measures set out in paragraph 1 shall include, as appropriate, discontinuation of transfer of personal information to authorities of constituent territorial entities of the Parties not covered by this Agreement that have not effectively protected personal information, taking into account the purpose of this Agreement, and in particular the purpose and use limitations and onward transfer provisions of this Agreement.

3. In case of allegations of improper implementation of this Article, a Party may request the other Party to provide relevant information, including, where appropriate, regarding the measures taken under this Article.

Article 15

Automated Decisions

Decisions producing significant adverse actions concerning the relevant interests of the individual may not be based solely on the automated processing of personal information without human involvement, unless authorised under domestic law, and with appropriate safeguards that include the possibility to obtain human intervention.

Article 16

Access

1. The Parties shall ensure that any individual is entitled to seek access to his or her personal information and, subject to the restrictions set forth in paragraph 2, to obtain it. Such access shall be sought and obtained from a Competent Authority in accordance with the applicable legal framework of the State in which relief is sought.

2. The obtaining of such information in a particular case may be subject to reasonable restrictions provided under domestic law, taking into account legitimate interests of the individual concerned, so as to:

- (a) protect the rights and freedoms of others, including their privacy;
- (b) safeguard public and national security;
- (c) protect law enforcement sensitive information;
- (d) avoid obstructing official or legal inquiries, investigations or proceedings;
- (e) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- (f) otherwise protect interests provided for in legislation regarding freedom of information and public access to documents.

3. Excessive expenses shall not be imposed on the individual as a condition to access his or her personal information.

4. An individual is entitled to authorise, where permitted under applicable domestic law, an oversight authority or other representative to request access on his or her behalf.

5. If access is denied or restricted, the requested Competent Authority will, without undue delay, provide to the individual, or to his or her duly authorised representative as set forth in paragraph 4, the reasons for the denial or restriction of access.

Article 17

Rectification

1. The Parties shall ensure that any individual is entitled to seek correction or rectification of his or her personal information that he or she asserts is either inaccurate or has been improperly processed. Correction or rectification may include supplementation, erasure, blocking or other measures or methods for addressing inaccuracies or improper processing. Such correction or rectification shall be sought and obtained from a Competent Authority in accordance with the applicable legal framework of the State in which relief is sought.

2. Where the receiving Competent Authority concludes following:

- (a) a request under paragraph 1;
- (b) notification by the provider; or
- (c) its own investigations or inquiries;

that information it has received under this Agreement is inaccurate or has been improperly processed, it shall take measures of supplementation, erasure, blocking or other methods of correction or rectification, as appropriate.

3. An individual is entitled to authorise, where permitted under applicable domestic law, an oversight authority or other representative to seek correction or rectification on his or her behalf.

4. If correction or rectification is denied or restricted, the requested Competent Authority will, without undue delay, provide to the individual, or to his or to her duly authorised representative as set forth in paragraph 3, a response setting forth the basis for the denial or restriction of correction or rectification.

Article 18

Administrative Redress

1. The Parties shall ensure that any individual is entitled to seek administrative redress where he or she believes that his or her request for access pursuant to Article 16 or rectification of inaccurate information or improper processing pursuant to Article 17 has been improperly denied. Such redress shall be sought and obtained from a Competent Authority in accordance with the applicable legal framework of the State in which relief is sought.

2. An individual is entitled to authorise, where permitted under applicable domestic law, an oversight authority or other representative to seek administrative redress on his or her behalf.

3. The Competent Authority from which relief is sought shall carry out the appropriate inquiries and verifications and without undue delay shall respond in written form, including through electronic means, with the result, including the ameliorative or corrective action taken where applicable. Notice of the procedure for seeking any further administrative redress shall be as provided for in Article 20.

Article 19

Judicial Redress

1. The Parties shall provide in their applicable legal frameworks that, subject to any requirements that administrative redress first be exhausted, any citizen of a Party is entitled to seek judicial review with regard to:

- (a) denial by a Competent Authority of access to records containing his or her personal information;
- (b) denial by a Competent Authority of amendment of records containing his or her personal information; and
- (c) unlawful disclosure of such information that has been willfully or intentionally made, which shall include the possibility of compensatory damages.

2. Such judicial review shall be sought and obtained in accordance with the applicable legal framework of the State in which relief is sought.

3. Paragraphs 1 and 2 are without prejudice to any other judicial review available with respect to the processing of an individual's personal information under the law of the State in which relief is requested.

4. In the event of the suspension or termination of the Agreement, Articles 26(2) or 29(3) shall not create a basis for judicial redress that is no longer available under the law of the Party concerned.

*Article 20***Transparency**

1. The Parties shall provide notice to an individual, as to his or her personal information, which notice may be effected by the Competent Authorities through publication of general notices or through actual notice, in a form and at a time provided for by the law applicable to the authority providing notice, with regard to the:

- (a) purposes of processing of such information by that authority;
- (b) purposes for which the information may be shared with other authorities;
- (c) laws or rules under which such processing takes place;
- (d) third parties to whom such information is disclosed; and
- (e) access, correction or rectification, and redress available.

2. Such notice requirement is subject to the reasonable restrictions under domestic law with respect to the matters set forth in Article 16(2) (a) through (f).

*Article 21***Effective Oversight**

1. The Parties shall have in place one or more public oversight authorities that:

- (a) exercise independent oversight functions and powers, including review, investigation and intervention, where appropriate on their own initiative;
- (b) have the power to accept and act upon complaints made by individuals relating to the measures implementing this Agreement; and
- (c) have the power to refer violations of law related to this Agreement for prosecution or disciplinary action when appropriate.

2. The European Union shall provide for oversight under this Article through its data protection authorities and those of the Member States.

3. The United States shall provide for oversight under this Article cumulatively through more than one authority, which may include, inter alia, inspectors general, chief privacy officers, government accountability offices, privacy and civil liberties oversight boards, and other applicable executive and legislative privacy or civil liberties review bodies.

*Article 22***Cooperation between Oversight Authorities**

1. Consultations between authorities conducting oversight under Article 21 shall take place as appropriate with respect to carrying out the functions in relation to this Agreement, with a view towards ensuring effective implementation of the provisions of Articles 16, 17, and 18.

2. The Parties shall establish national contact points that will assist with the identification of the oversight authority to be addressed in a particular case.

*Article 23***Joint Review**

1. The Parties shall conduct periodic joint reviews of the policies and procedures that implement this Agreement and of their effectiveness. Particular attention in the joint reviews shall be paid to the effective implementation of the protections under Article 14 on accountability, Article 16 on access, Article 17 on rectification, Article 18 on administrative redress, and Article 19 on judicial redress.

2. The first joint review shall be conducted no later than three years from the date of entry into force of this Agreement and thereafter on a regular basis. The Parties shall jointly determine in advance the modalities and terms thereof and shall communicate to each other the composition of their respective delegations, which shall include representatives of the public oversight authorities referred to in Article 21 on effective oversight, and of law enforcement and justice authorities. The findings of the joint review will be made public.

3. Where the Parties or the United States and a Member State have concluded another agreement, the subject matter of which is also within the scope of this Agreement, which provides for joint reviews, such joint reviews shall not be duplicated and, to the extent relevant, their findings shall be made part of the findings of the joint review of this Agreement.

Article 24

Notification

1. The United States shall notify the European Union of any designation made by US authorities in relation to Article 19, and any modifications thereto.

2. The Parties shall make reasonable efforts to notify each other regarding the enactment of any laws or the adoption of regulations that materially affect the implementation of this Agreement, where feasible before they become effective.

Article 25

Consultation

Any dispute arising from the interpretation or application of this Agreement shall give rise to consultations between the Parties with a view to reaching a mutually agreeable resolution.

Article 26

Suspension

1. In the event of a material breach of this Agreement, either Party may suspend this Agreement in whole or in part by written notification to the other Party through diplomatic channels. Such written notification shall not be made until after the Parties have engaged in a reasonable period of consultation without reaching a resolution and suspension shall take effect twenty days from the date of receipt of such notification. Such suspension may be lifted by the suspending Party upon written notification to the other Party. The suspension shall be lifted immediately upon receipt of such notification.

2. Notwithstanding any suspension of this Agreement, personal data falling within the scope of this Agreement and transferred prior to its suspension shall continue to be processed in accordance with this Agreement.

Article 27

Territorial Application

1. This Agreement shall only apply to Denmark, the United Kingdom, or Ireland if the European Commission notifies the United States in writing that Denmark, the United Kingdom, or Ireland has decided that this Agreement applies to its State.

2. If the European Commission notifies the United States before the entry into force of this Agreement that this Agreement will apply to Denmark, the United Kingdom, or Ireland, this Agreement shall apply to such States from the date of entry into force of this Agreement.

3. If the European Commission notifies the United States after the entry into force of this Agreement that it applies to Denmark, the United Kingdom, or Ireland, this Agreement shall apply to such State on the first day of the month following receipt of the notification by the United States.

Article 28

Duration of the Agreement

This Agreement is concluded for an unlimited duration.

Article 29

Entry into force and Termination

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties have exchanged notifications indicating that they have completed their internal procedures for entry into force.

2. Either Party may terminate this Agreement by written notification to the other Party through diplomatic channels. Such termination shall take effect thirty days from the date of receipt of such notification.

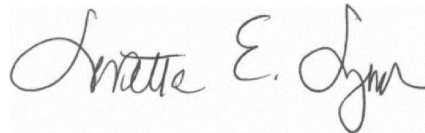
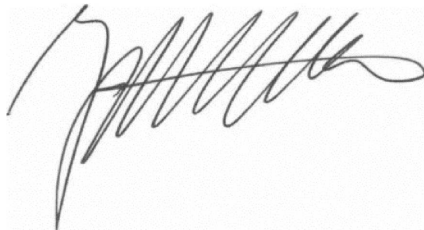
3. Notwithstanding any termination of this Agreement, personal information falling within the scope of this Agreement and transferred prior to its termination shall continue to be processed in accordance with this Agreement.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Agreement.

Done at Amsterdam this second day of June in the year two thousand and sixteen, in two originals, in the English language. Pursuant to EU law, this Agreement shall also be drawn up by the EU in the Bulgarian, Croatian, Czech, Danish, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages. These additional language versions can be authenticated by an exchange of diplomatic notes between the United States and the European Union. In the case of divergence between authentic language versions, the English language shall prevail.

For the European Union

For the United States of America



REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2221

of 5 December 2016

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

Article 3

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

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

Done at Brussels, 5 December 2016.

For the Commission

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An article consisting of three flexible tubes joined together with a Y-shaped connection piece. Each of the tubes has a Luer connector at the end. The article has a total length of approximately 16 cm and the diameter of the tubes is approximately 4 mm. The article is made of various plastics such as polyvinyl chloride and acrylic polymer.</p> <p>The Luer connector is used to connect the article to other tubes and/or devices (for example syringes) in a manner which prevents leakage.</p> <p>The article is used in various fields such as medical environment, laboratory work, research and other environments where a connection which prevents leaking is required.</p> <p>See image (*).</p>	3917 33 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 8 to Chapter 39 and by the wording of CN codes 3917 and 3917 33 00.</p> <p>Upon presentation to customs the article is not identifiable as part of a medical instrument within the meaning of note 2 to Chapter 90. Consequently, classification under heading 9018 is excluded.</p> <p>Given its objective characteristics and properties, the article meets the terms of heading 3917 and fulfils the requirements of Note 8 to Chapter 39.</p> <p>It is therefore to be classified under CN code 3917 33 00 as other tubes, not reinforced or otherwise combined with other materials, with fittings.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/2222**of 5 December 2016****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature'), which is set out in Annex I to that Regulation.
- (2) Subheading 9505 10 of the Combined nomenclature covers articles for Christmas festivities.
- (3) Some guidance on the interpretation of the term 'articles for Christmas festivities' is given in the Harmonised System Explanatory Notes ('HSEN') to heading 9505, points (A)(1) and (2). However, divergent views still exist on the scope of articles falling under subheading 9505 10.
- (4) In the interest of legal certainty, the scope of subheading 9505 10 should therefore be clarified by distinguishing the traditional articles used for Christmas festivities referred to in the HSEN to heading 9505, points (A)(1) and (2), from fashionable articles that are used more generally as decorations during the winter season.
- (5) It is therefore necessary to insert an Additional note in Chapter 95 of the Combined Nomenclature to ensure a uniform interpretation of subheading 9505 10 throughout the Union.
- (6) Annex I to Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 95 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following Additional note 1 is inserted:

'1. Subheading 9505 10 covers:

- (a) articles that are broadly recognised as traditionally used at Christmas festivities and exclusively manufactured and designed as articles for Christmas festivities.

These are:

- (1) articles associated with the nativity (i.e. articles for the traditional Christmas crib), such as nativity figures, nativity animals, Bethlehem stars, the three nativity kings, and nativity scenes;

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

(2) articles recognised as being used at Christmas festivities due to long standing national traditions, such as:

- artificial Christmas trees,
- Christmas stockings,
- imitation yule logs,
- Christmas crackers,
- Father Christmases with or without a sledge,
- Christmas angels.

The subheading does not cover articles of the winter season which are suitable for a more general use as decorations during that season, because their objective characteristics suggest that they are not exclusively used for Christmas festivities but mainly as decorations during the winter season, such as icicles, snow-crystals, stars, reindeers, robins, snowmen, and other images of the winter season, whether or not the colours or outfits etc. suggest a connection with Christmas.

(b) decorative articles for Christmas trees.

These are articles designed to be hung on a Christmas tree (i.e. lightweight articles of generally non-durable material designed to decorate a Christmas tree). The articles must have a connection with Christmas.'

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, 5 December 2016.

For the Commission

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2223
of 5 December 2016
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of 3 months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 5 December 2016.

For the Commission

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An article (so-called 'digital microscope') in cylindrical form with a length of approximately 10 cm and a diameter of approximately 3 cm. The digital microscope is equipped with four light emitting diodes, a complementary metal-oxide-semiconductor (CMOS) sensor and a cable with a USB connector. The article functions only in conjunction with an automatic data-processing (ADP) machine and has no inbuilt recording capabilities.</p> <p>The article is capable of magnifying objects in a range of 10-200 times by means of an optical lens and capturing still images as well as video images that can subsequently be recorded on an ADP machine using dedicated software.</p> <p>See image (*).</p>	8525 80 19	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 5(E) to Chapter 84 and by the wording of the CN codes 8525, 8525 80 and 8525 80 19.</p> <p>The article is able to function as an input unit for an ADP machine, a television camera, and as a digital microscope.</p> <p>Classification as an input unit for an ADP machine of heading 8471 is excluded since the article performs a specific function other than data-processing.</p> <p>Classification as a compound optical microscope of heading 9011 is also excluded as this article does not have the characteristics of an article of that heading (see also the Harmonized System Explanatory Notes to heading 9011 first paragraph and second paragraph (I)).</p> <p>As an image of the magnified object can be displayed and if necessary recorded by an ADP machine only after being captured by the CMOS sensor, the article has a character of a television camera.</p> <p>Consequently, the article is to be classified under CN code 8525 80 19 as a television camera.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/2224
of 5 December 2016
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of 3 months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 5 December 2016.

For the Commission

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An electrical apparatus (so-called 'wireless speaker adapter') in a housing with dimensions of approximately 52 × 52 × 13 mm and a weight of 26 g.</p> <p>The wireless speaker adapter consists of:</p> <ul style="list-style-type: none"> — a built-in rechargeable battery, — a digital/analogue converter, — a Bluetooth technology based transmitter and receiver (Advanced Audio Distribution Profile (A2DP), — a USB port for charging, and — a 3,5 mm audio port, for connection to a speaker system (not present upon presentation to customs). <p>The apparatus allows the user to listen to music from a smartphone or similar portable device on a home audio system or via separate loudspeakers.</p> <p>The audio signal is sent wirelessly via Bluetooth from the smartphone to the apparatus. In the apparatus, the digital signal is converted to an analogue signal and sent by cables to the home audio system or to separate loudspeakers. The apparatus has a pause/play button that allows stopping and starting the music, but does not allow for selection of music or volume control.</p>	8517 62 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8517 and 8517 62 00.</p> <p>As the apparatus can only send and receive audio signals wirelessly via Bluetooth (A2DP), and does not itself generate the audio signal or produce the sound it cannot be considered a sound reproducing apparatus. Classification under heading 8519 is therefore excluded.</p> <p>The function of the apparatus is to receive audio data wirelessly from a device (for example a mobile phone) and to transmit those data using cables to loudspeakers. The function of receiving, converting and transmitting data is covered by the wording of CN code 8517 62 00.</p> <p>The apparatus is therefore to be classified under CN code 8517 62 00 as a machine for the reception, conversion and transmission of voice or other data.</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2225
of 5 December 2016
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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

Done at Brussels, 5 December 2016.

For the Commission

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A cylindrical article predominantly made of steel (other than of cast steel) of a length of approximately 35 cm and a diameter of approximately 19 cm at its widest point (so-called 'track roller'). It consists of the following main components: a cylindrical shell with a graduated cage for the chain guide; a highly polished shaft, and two bronze bushings and collars at both ends.</p> <p>The article is designed for use with the track chain of a crawler type excavator in conjunction with other similar track rollers for longitudinal and lateral guidance of the track chain.</p> <p>See image (*)</p>	8431 49 80	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature (CN), note 2(b) to Section XVI, and by the wording of CN codes 8431, 8431 49 and 8431 49 80.</p> <p>Classification under heading 8708 as parts or accessories of the motor vehicles of headings 8701 to 8705 is excluded as the article is not designed for use with motor vehicles of those headings. The objective characteristics of the article (size and shape) are those of a track roller designed for use with the track chain of a crawler type excavator of heading 8429.</p> <p>The article is therefore to be classified under CN code 8431 49 80 as parts suitable for use solely or principally with the machinery of headings 8425 to 8430 other than of cast steel.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/2226**of 9 December 2016****operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(1), (2) and (3) thereof,

Whereas:

(1) Fishing quotas for the year 2015 have been established by:

- Council Regulation (EU) No 1221/2014 ⁽²⁾,
- Council Regulation (EU) No 1367/2014 ⁽³⁾,
- Council Regulation (EU) 2015/104 ⁽⁴⁾, and
- Council Regulation (EU) 2015/106 ⁽⁵⁾.

(2) Fishing quotas for the year 2016 have been established by:

- Council Regulation (EU) No 1367/2014,
- Council Regulation (EU) 2015/2072 ⁽⁶⁾,
- Council Regulation (EU) 2016/72 ⁽⁷⁾, and
- Council Regulation (EU) 2016/73 ⁽⁸⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 1221/2014 of 10 November 2014 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 43/2014 and (EU) No 1180/2013 (OJ L 330, 15.11.2014, p. 16).

⁽³⁾ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 366, 20.12.2014, p. 1).

⁽⁴⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

⁽⁵⁾ Council Regulation (EU) 2015/106 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 19, 24.1.2015, p. 8).

⁽⁶⁾ Council Regulation (EU) 2015/2072 of 17 November 2015 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104 (OJ L 302, 19.11.2015, p. 1).

⁽⁷⁾ Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

⁽⁸⁾ Council Regulation (EU) 2016/73 of 18 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea (OJ L 16, 23.1.2016, p. 1).

- (3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.
- (4) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions have to be operated in the following year or years by applying the respective multiplying factors as set out therein.
- (5) Certain Member States have exceeded their fishing quotas for the year 2015. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2016 and, where relevant, in subsequent years, for the overfished stocks.
- (6) Commission Implementing Regulation (EU) 2015/1801 ⁽¹⁾ and Commission Implementing Regulation (EU) 2015/2404 ⁽²⁾ have provided for deductions from fishing quotas for certain countries and species for 2015. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2015 and could therefore not be operated entirely in that year. To ensure that in such cases the full amount for the respective stocks be deducted, the remaining quantities should be taken into account when establishing deductions for 2016 and, where appropriate, from subsequent quotas.
- (7) By letter dated 25 October 2015, pursuant to Article 3(3) of Council Regulation (EC) No 847/96 ⁽³⁾, Germany requested Commission's permission to land additional quantities of turbot and brill in Union waters of IIa and IV (T/B/2AC4-C) within the limits of 10 % of the quota. The additional quantities granted under that procedure should be considered as exceeding permitted landings for the purpose of the deductions envisaged in Article 105 of Regulation (EC) No 1224/2009.
- (8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2016 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013 ⁽⁴⁾.
- (9) Since quotas are expressed in tonnes, quantities below 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) No 1367/2014, (EU) 2015/2072, (EU) 2016/72 and (EU) 2016/73 for the year 2016 shall be reduced as set out in the Annex to this Regulation.
2. Paragraph 1 shall apply without prejudice to deductions provided for in Implementing Regulation (EU) No 185/2013.

Article 2

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

⁽¹⁾ Commission Implementing Regulation (EU) 2015/1801 of 7 October 2015 operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing in the previous years (OJ L 263, 8.10.2015, p. 19).

⁽²⁾ Commission Implementing Regulation (EU) 2015/2404 of 16 December 2015 operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2015/1801 (OJ L 333, 19.12.2015, p. 73).

⁽³⁾ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

⁽⁴⁾ Commission Implementing Regulation (EU) No 185/2013 of 5 March 2013 providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009 (OJ L 62, 6.3.2013, p. 62).

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

Done at Brussels, 9 December 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2015 (in kilograms)	Permitted landings 2015 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2015 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2016 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
BE	SOL	24-C.	Common sole	Union waters of IIa and IV	991 000	929 510	939 590	101,08 %	10 080	/	/	/	10 080
BE	SRX	07D.	Skates and rays	Union waters of VIId	72 000	70 511	69 495	98,56 %	– 1 016	/	/	1 097	81
BE	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	211 000	245 500	256 147	104,34 %	10 647	/	/	/	10 647
BE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	725 000	915 262	918 243	100,33 %	2 981	/	/	/	2 981
DE	T/B	2AC4-C	Turbot/Brill	Union waters of IIa and IV	186 000	349 000	350 186	100,34 %	1 186	/	/	/	1 186 ⁽¹⁰⁾
DK	COD	03AN.	Cod	Skagerrak	3 336 000	3 223 407	3 349 360	103,91 %	125 923	/	(C) ⁽⁶⁾	/	125 923
DK	DGS	03A-C.	Spurdog/dogfish	Union waters of IIIa	0	0	3 840	N/A	3 840	1,00	/	/	3 840
DK	DGS	2AC4-C	Spurdog/dogfish	Union waters of IIa and IV	0	0	1 540	N/A	1 540	1,00	/	/	1 540
DK	HER	03A-BC	Herring	IIIa	5 692 000	5 770 000	6 056 070	104,96 %	286 070	/	/	/	286 070
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	0	28 270	N/A	28 270	1,00	/	/	28 270

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
DK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	125 459 000	115 924 000	130 977 950	112,99 %	15 053 950	1,2	/	/	18 064 740
DK	SAN	234_6	Sandeel	Union waters of sandeel management area 6	206 000	219 000	228 860	104,50 %	9 860	/	/	/	9 860
ES	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	67 000	80 045	62 544	78,13 %	– 9 496 ⁽⁷⁾	/	/	16 159	6 663
ES	ANE	08.	Anchovy	VIII	22 500 000	22 923 784	24 068 471	104,99 %	1 144 687	/	/	/	1 144 687
ES	BSF	8910-	Black scabbard-fish	Union and international waters of VIII, IX and X	12 000	30 050	110	0,37 %	– 26 936 ⁽⁸⁾	/	/	29 639	2 703
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	10 360	20 360	134 082	658,56 %	113 722	2,0	A	172 878	514 044
ES	COD	1/2B	Cod	I and IIb	13 283 000	12 182 091	12 391 441	101,72 %	209 350	/	/	/	209 350
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	24 239	N/A	24 239	1,00	A	/	36 359
ES	RED	N3LN.	Redfish	NAFO 3LN	/	171 440	173 836	101,40 %	2 396	/	/	/	2 396
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	9 000	6 968	7 397	106,13 %	(429) ⁽⁹⁾	/	(A+C) ⁽⁹⁾ ⁽⁹⁾	2 759	2 759
ES	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	43 800	412 000	445 713	108,18 %	33 713	/	/	/	33 713
ES	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 057 000	650 485	771 246	118,56 %	120 761	1,2	/	118 622	263 535

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
ES	USK	567EI.	Tusk	Union and international waters of V, VI and VII	46 000	135 008	62 646	46,40 %	– 72 362	/	/	58 762	0
ES	WHM	ATLANT	White marlin	Atlantic Ocean	24 310	24 310	68 613	282,24 %	44 303	1,00	A	72 539	138 994
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	2 000	7 957	397,85 %	5 957	1,00	/	/	5 957
FR	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	5 561 000	5 760 984	5 775 607	100,25 %	14 623	/	/	/	14 623
FR	PLE	7HJK.	Plaice	VIIh, VIIj and VIIk	17 000	57 007	59 833	104,95 %	2 826	/	/	/	2 826
FR	SRX	07D.	Skates and rays	Union waters of VII d	602 000	591 586	689 868	116,61 %	98 282	1,00	/	/	98 282
FR	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 298 000	1 507 000	1 578 469	104,74 %	71 469	/	/	/	71 469
IE	COD	07A.	Cod	VIIa	120 000	134 776	138 122	102,48 %	3 346	/	/	/	3 346
IE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	1 048 000	946 554	1 044 694	110,37 %	98 140	1,00	/	/	98 140
NL	ANE	08.	Anchovy	VIII	/	0	12 493	N/A	12 493	1,00	/	/	12 493
NL	COD	2A3AX4	Cod	IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat	2 800 000	1 340 520	1 348 815	100,62 %	8 295	/	(C) ⁽⁶⁾	/	8 295
NL	HER	*25B-F	Herring	II, Vb north of 62° N (Faroes waters)	1 104 000	1 841 160	2 230 998	121,17 %	389 838	1,4	/	/	545 773

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	/	0	1 575	N/A	1 575	1,00	A+C ⁽¹¹⁾	/	2 363
NL	MAC	*3A4BC	Mackerel	IIIa and IVbc	490 000	1 084 500	1 090 087	100,52 %	5 587	/	/	/	5 587
NL	POK	2A34.	Saithe	IIIa and IV; Union waters of IIa, IIIb, IIIc and Subdivisions 22-32	68 000	56 600	63 411	112,03 %	6 811	1,00	/	/	6 811
NL	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	180 000	245 300	252 765	103,04 %	7 465	/	/	/	7 465
NL	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	2 579 000	2 783 000	2 793 239	100,37 %	10 239	/	/	/	10 239
NL	WHB	1X14	Blue whiting	Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV	36 711 000	55 297 456	55 584 332	100,52 %	286 876	/	/	/	286 876
NL	WHG	2AC4.	Whiting	IV; Union waters of IIa	699 000	527 900	547 717	103,75 %	19 817	/	/	/	19 817
NL	WHG	56-14	Whiting	VI; Union and international waters of Vb; international waters of XII and XIV	/	0	11 475	N/A	11 475	1,00	/	/	11 475
PT	GHL	1N2AB	Greenland Halibut	Norwegian waters of I and II	/	0	6 098	N/A	6 098	1,00	/	/	6 098
PT	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	9 700	9 690	99,90 %	- 10	/	/	145 616	145 606

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
UK	COD	2A3AX4	Cod	IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat	11 369 000	14 828 600	14 846 189	100,12 %	17 589	/	(C) ⁽⁶⁾	/	17 589
UK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	62 292 000	66 892 860	68 024 970	101,69 %	1 132 100	/	/	/	1 132 110
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	245 363 000	237 093 794	242 496 391	102,28 %	5 402 597	/	(A) ⁽⁶⁾	/	5 402 597
UK	MAC	*3A4BC	Mackerel	IIIa and IVbc	490 000	620 500	626 677	101,00 %	6 177	/	/	/	6 177
UK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	2 742 000	1 219 400	2 000 034	164,02 %	780 634	2,00	/	/	1 561 268

⁽¹⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2014 to 2015 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 5a of Council Regulation (EU) No 1221/2014 (OJ L 330, 15.11.2014, p. 16), with Article 18a of Council Regulation (EU) 2015/104 (OJ L 22, 28.1.2015, p. 1) or re-allocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

⁽²⁾ As set out in Article 105(2) of Regulation (EC) No 1224/2009. Deduction equal to the overfishing * 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.

⁽³⁾ As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.

⁽⁴⁾ Letter 'A' indicates that an additional multiplying factor of 1.5 has been applied due to consecutive overfishing in the years 2013, 2014 and 2015. Letter 'C' indicates that an additional multiplying factor of 1.5 has been applied as the stock is subject to a multiannual plan.

⁽⁵⁾ Remaining quantities that could not be deducted in 2015 pursuant to Regulation (EU) 2015/1801 as amended by Regulation (EU) 2015/2404 because there was no or not sufficient quota available.

⁽⁶⁾ Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

⁽⁷⁾ Remaining unused quantity after the transfer of 8 005 kilograms from 2015 to 2016 operated pursuant to Commission Implementing Regulation (EU) 2016/1142 (OJ L 189, 14.7.2016, p. 9).

⁽⁸⁾ Remaining unused quantity after the transfer of 3 004 kilograms from 2015 to 2016 operated pursuant to Regulation (EU) 2016/1142.

⁽⁹⁾ Quantities below 1 tonne are not considered.

⁽¹⁰⁾ At Germany's request, additional landings up to 10 % of the T/B quota were permitted by the Commission according to Article 3(3) of Regulation (EC) No 847/96.

⁽¹¹⁾ Additional multiplying factors are not cumulative and operated only once.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2227**of 9 December 2016****on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 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 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 497(3) thereof,

Whereas:

- (1) In order to avoid disruption to international financial markets and to prevent penalising institutions by subjecting them to higher own funds requirements during the processes of authorisation and recognition of existing central counterparties (CCPs Article 497(1) and (2) of Regulation (EU) No 575/2013 established a transitional period during which all CCPs with which institutions established in the Union clear transactions may be considered qualifying CCPs by institutions.
- (2) Regulation (EU) No 575/2013 amended Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾ in respect of certain inputs to the calculation of institutions' own funds requirements for exposures to CCPs. Accordingly, Article 89(5a) of Regulation (EU) No 648/2012 requires certain CCPs to report, for a limited period of time, the total amount of initial margin they have received from their clearing members. That transitional period mirrors the one laid down in Article 497(1) and (2) of Regulation (EU) No 575/2013.
- (3) Both transitional periods were set to expire on 15 June 2014.
- (4) Article 497(3) of Regulation (EU) No 575/2013 empowers the Commission to adopt an implementing act in order to extend the transitional period for own funds requirements by six months in exceptional circumstances. That extension should also apply in respect of the time limits laid down in Article 89(5a) of Regulation (EU) No 648/2012. Those transitional periods have been extended until 15 December 2016 by Commission Implementing Regulations (EU) No 591/2014 ⁽³⁾, (EU) No 1317/2014 ⁽⁴⁾, (EU) 2015/880 ⁽⁵⁾, (EU) 2015/2326 ⁽⁶⁾ and (EU) 2016/892 ⁽⁷⁾.
- (5) The authorisation process for existing CCPs established in the Union has been completed, so no further extensions of the transitional period are necessary for those CCPs.

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 591/2014 of 3 June 2014 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 165, 4.6.2014, p. 31).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1317/2014 of 11 December 2014 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 355, 12.12.2014, p. 6).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/880 of 4 June 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 143, 9.6.2015, p. 7).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/2326 of 11 December 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 328, 12.12.2015, p. 108).

⁽⁷⁾ Commission Implementing Regulation (EU) 2016/892 of 7 June 2016 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 and Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 151, 8.6.2016, p. 4).

- (6) With regard to CCPs established in third countries that have applied for recognition so far, 21 CCPs have already been recognised by the European Securities and Markets Authority (ESMA). Of those, three CCPs from the United States of America have been recognised after the adoption of Implementing Regulation (EU) 2016/892. Furthermore, additional CCPs from the United States of America may be recognised on the basis of Commission Implementing Decision (EU) 2016/377⁽¹⁾. However, the remaining third-country CCPs are still awaiting recognition and the recognition process will not be completed by 15 December 2016. If the transitional period is not extended, institutions established in the Union (or their subsidiaries established outside the Union) having exposures to the remaining third-country CCPs would be required to increase significantly their own funds for those exposures. Even if such increases may only be temporary, they could potentially lead to the withdrawal of those institutions as direct participants in those CCPs or, at least temporary, to the cessation of the provision of clearing services to those institutions' clients and thus cause severe disruption in the markets in which those CCPs operate.
- (7) The need to avoid disruption to markets outside of the Union that led previously to the extension of the transitional period laid down in Article 497(2) of Regulation (EU) No 575/2013 would therefore remain after the expiry of the extension of the transitional period set out in Implementing Regulation (EU) 2016/892. A further extension of the transitional period should enable institutions established in the Union (or their subsidiaries established outside the Union) to avoid significant increase in the own funds requirements due to the lack of completion of the recognition process for CCPs which provide, in a viable and accessible way, the specific type of clearing services that institutions established in the Union (or their subsidiaries established outside the Union) require. An additional six-month extension of the transitional periods is therefore appropriate.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the European Banking Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The 15-month periods referred to in Article 497(2) of Regulation (EU) No 575/2013 and in the second subparagraph of Article 89(5a) of Regulation (EU) No 648/2012, respectively, as last extended in accordance with Article 1 of Implementing Regulation (EU) 2016/892, are extended by an additional six months until 15 June 2017.

Article 2

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

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

Done at Brussels, 9 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Decision (EU) 2016/377 of 15 March 2016 on the equivalence of the regulatory framework of the United States of America for central counterparties that are authorised and supervised by the Commodity Futures Trading Commission to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 70, 16.3.2016, p. 32).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2228**of 9 December 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, 9 December 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	104,7
	TN	123,9
	TR	108,1
	ZZ	112,2
0707 00 05	MA	77,0
	TR	156,6
	ZZ	116,8
0709 93 10	MA	144,9
	TR	154,6
	ZZ	149,8
0805 10 20	TR	70,9
	UY	62,9
	ZA	27,9
	ZZ	53,9
0805 20 10	MA	71,8
	ZZ	71,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	112,8
	JM	112,0
	TR	81,5
	ZZ	102,1
0805 50 10	TR	86,9
	ZZ	86,9
0808 10 80	ZA	36,6
	ZZ	36,6
0808 30 90	CN	89,2
	ZZ	89,2

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

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/2229

of 9 December 2016

terminating the partial interim review pursuant to Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of the anti-dumping measures applicable to imports of sodium gluconate originating in the People's Republic of China, limited to one Chinese exporting producer, Shandong Kaisen

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 9(1) thereof,

Whereas:

1. PROCEDURE

1.1. Measures in force

- (1) By Implementing Regulation (EU) No 965/2010 ⁽²⁾ the Council imposed a definitive anti-dumping duty on imports of dry sodium gluconate with a Customs Union and Statistics (CUS) number 0023277-9 and a Chemical Abstracts Service (CAS) registry number 527-07-1, currently falling within CN code ex 2918 16 00 (TARIC code 2918 16 00 10) and originating in the People's Republic of China.

1.2 Request for a review

- (2) The Commission received a request for a partial interim review pursuant to Article 11(3) of the Council Regulation (EC) No 1225/2009 ⁽³⁾ lodged by Jungbunzlauer SA and Roquette Italia SpA ('the applicants'). The request was limited in scope to the examination of dumping as far as one exporting producer from the People's Republic of China ('PRC'), namely Shandong Kaisen, is concerned.

1.3 Initiation of a review

- (3) Having determined, after informing the Member States, that the request contained sufficient *prima facie* evidence to justify the initiation of the partial interim review, the Commission announced, by a notice of initiation ⁽⁴⁾ published in the *Official Journal of the European Union* on 19 February 2016, the initiation of a partial interim review pursuant to Article 11(3) of the Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community limited to the examination of dumping as far as Shandong Kaisen is concerned.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 965/2010 of 25 October 2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of sodium gluconate originating in the People's Republic of China (OJ L 282, 28.10.2010, p. 24).

⁽³⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51). This Regulation has been codified by the basic Regulation.

⁽⁴⁾ Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of sodium gluconate originating in the People's Republic of China, limited to one Chinese exporting producer, Shandong Kaisen (OJ C 64, 19.2.2016, p. 4).

2. WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE PROCEEDING

- (4) By letter of 22 September 2016 addressed to the Commission, the applicants withdrew their request for review.
- (5) In accordance with Articles 9(1) of the basic Regulation, a proceeding may be terminated when the request is withdrawn, unless such termination would not be in the Union interest.
- (6) The investigation has not brought to light any considerations showing that such termination would not be in the Union interest. Therefore, the Commission considers that the present investigation should be terminated. Interested parties were informed accordingly and were given an opportunity to comment. However, no comments were received.
- (7) The Commission therefore concludes that the partial interim review concerning the imports of sodium gluconate originating in the PRC should be terminated.
- (8) This Decision is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The partial interim review of the anti-dumping measures applicable to imports of sodium gluconate originating in the Peoples' Republic of China is hereby terminated without amending the level of the anti-dumping measure in force.

Article 2

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

Done at Brussels, 9 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

CORRIGENDA**Corrigendum to Council Decision (CFSP) 2015/1836 of 12 October 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria**

(Official Journal of the European Union L 266 of 13 October 2015)

On page 80, Article 1, point 4 (concerning Article 28(2) of Council Decision 2013/255/CFSP):

for: ‘... (g) ... and persons associated with them, as listed in Annex I, shall be frozen.’,

read: ‘... (g) ... and persons and entities associated with them, as listed in Annex I, shall be frozen.’

