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## I

*(Legislative acts)*

## DECISIONS

**DECISION (EU) 2017/1324 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 4 July 2017****on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 185 and the second paragraph of Article 188 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) In its Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth', the Commission emphasised the need to develop favourable conditions for investment in knowledge and innovation so as to achieve smart, sustainable and inclusive growth in the Union. Both the European Parliament and the Council have endorsed that strategy.
- (2) By its resolutions of 28 July 2010 and 18 December 2013, the General Assembly of the United Nations recognised the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life. It also called for the progressive realisation of the human right to safe drinking water, emphasising the important role of international cooperation in that context.
- (3) Regulation (EU) No 1291/2013 of the European Parliament and of the Council <sup>(3)</sup> established the Framework Programme for Research and Innovation (2014-2020) ('Horizon 2020'). Horizon 2020 aims to achieve a greater impact on research and innovation by contributing to the strengthening of public-public partnerships, including through Union participation in programmes undertaken by several Member States, with a view to sustainable development.
- (4) Public-public partnerships should aim to develop closer synergies, increase coordination and avoid unnecessary duplication with Union, international, national and regional research and innovation programmes, and should fully respect the general principles of Horizon 2020, with the aim of strengthening research and innovation in order to contribute towards sustainable development, in particular those relating to openness and transparency.
- (5) In accordance with Article 19(2) of Regulation (EU) No 1291/2013, research and innovation activities carried out under the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) are to have an exclusive focus on civil applications.

<sup>(1)</sup> OJ C 125, 21.4.2017, p. 80.

<sup>(2)</sup> Position of the European Parliament of 13 June 2017 (not yet published in the Official Journal) and decision of the Council of 26 June 2017.

<sup>(3)</sup> Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

- (6) Regulation (EU) No 1291/2013 identified 'Food security, sustainable agriculture and forestry, marine, maritime and inland water research, and the bioeconomy' and 'Climate action, environment, resource efficiency and raw materials' as two of the priority societal challenges to be addressed by supporting investment in research and innovation. Moreover, Regulation (EU) No 1291/2013 recognises that research and innovation activities for those challenges are to be carried out at the Union level and beyond given the transnational and global nature of the climate and the environment, their scale and complexity, and the international dimension of the food and agricultural supply chain.
- (7) Regulation (EU) No 1291/2013 acknowledges that international cooperation with third countries is necessary to address common challenges effectively. International cooperation in research and innovation is a key aspect of the Union's global commitments and has an important role to play in the Union's partnership with European Neighbourhood countries. In that respect, the Mediterranean area is strategically important for the Union from a political, economic, cultural, scientific and environmental point of view.
- (8) In order to ensure consistency with Regulation (EU) No 1290/2013 of the European Parliament and of the Council <sup>(1)</sup>, actions which fall within the scope of this Decision should respect fundamental rights and observe the principles acknowledged in particular by the Charter of Fundamental Rights of the European Union. Such actions should be in conformity with any legal obligation stemming from international law, Union law, inter alia, any relevant Commission decisions such as the Commission notice of 28 June 2013 <sup>(2)</sup>, as well as with ethical principles, which include avoiding any breach of research integrity.
- (9) In its Communication of 7 June 2016 on establishing a new Partnership Framework with third countries under the European Agenda on Migration, the Commission emphasised the need for all policies, including research and innovation, to address the root causes of migration through a new cooperation model involving private investors, as well as the need to leverage limited budget resources and to focus on small and medium-sized enterprises (SMEs) and sustainable infrastructure.
- (10) PRIMA aims to implement a joint programme to foster research and innovation capacities and to develop knowledge and common innovative solutions for improving the efficiency, safety, security and sustainability of agro-food systems and of integrated water provision and management in the Mediterranean area. PRIMA should contribute to the achievement of the recently agreed Sustainable Development Goals and to the forthcoming European Sustainable Development Strategy as well as to the goals of the Paris Agreement.
- (11) Integrated water provision and management, including reuse and treatment of water, means that all the different uses of water resources are considered.
- (12) Sustainable agro-food systems should aim to meet the requirements of citizens and the environment for safe, healthy and affordable food and to make food and feed processing, distribution and consumption more sustainable with the aim of minimising food losses and agro-food waste.
- (13) With regard to water resources and agro-food systems, open, democratic and participatory governance is crucial to ensure that the most cost-effective solutions are implemented for the benefit of society as a whole.
- (14) With a view to ensuring participation of the third countries not associated to Horizon 2020 in PRIMA, namely Algeria, Egypt, Jordan, Lebanon and Morocco, international agreements for scientific and technological cooperation between the Union and those third countries are required in order to extend to them the legal regime established by this Decision.
- (15) In line with the objectives of Horizon 2020, any other Member State and any third country associated to Horizon 2020 should be entitled to participate in PRIMA if it commits to contributing to the financing of PRIMA and to take the legislative, regulatory, administrative and other measures necessary for protecting the Union's financial interests.

<sup>(1)</sup> Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81).

<sup>(2)</sup> OJ C 205, 19.7.2013, p. 9.

- (16) In order to ensure the joint implementation of PRIMA, an implementation structure ('PRIMA-IS') should be set up. PRIMA-IS should be the recipient of the Union financial contribution and it should ensure the efficient and transparent implementation of PRIMA.
- (17) In order to achieve the objectives of PRIMA, any other third country not associated to Horizon 2020, in particular Southern Mediterranean countries, should be able to participate if it commits to contributing to the financing of PRIMA and if PRIMA-IS approves its participation. Its participation should also be provided for by the relevant international agreement for scientific and technological cooperation between such third country and the Union.
- (18) The Union financial contribution should be subject to formal commitments from the Participating States to contribute to the financing of PRIMA and to the fulfilment and implementation of those commitments in accordance with this Decision. Flexibility should be provided to the Participating States to contribute financially to PRIMA-IS on an optional basis with a view to funding indirect actions, thereby achieving a high degree of financial integration. Furthermore, Participating States should contribute financially or in kind to activities implemented without the Union financial contribution and to the administrative budget of PRIMA-IS not covered by the Union financial contribution. The period during which the Participating States are to provide their contribution should be clearly defined.
- (19) A ceiling should be established for the Union financial contribution to PRIMA with funding from Horizon 2020. Under that ceiling, the Union financial contribution should be equal to the Participating States' contribution to PRIMA in order to achieve a high leverage effect and ensure a stronger integration of the Participating States' programmes. It should be possible to use a limited part of the Union financial contribution to cover the administrative costs of PRIMA-IS. An efficient administration of PRIMA should be ensured and administrative costs should be kept to a minimum.
- (20) In order to avoid a protracted implementation of PRIMA, a deadline should be fixed for the launch of the final activities to be funded, including the final calls for proposals.
- (21) PRIMA activities should be in line with the objectives and research and innovation priorities of Horizon 2020 and with the general principles and conditions laid down in Article 26 of Regulation (EU) No 1291/2013. PRIMA should take into account the definitions of the Organisation for Economic Cooperation and Development regarding the Technological Readiness Level in the classification of technological research, product development and demonstration activities.
- (22) PRIMA should support all types of research and innovation activities, including research, development and innovation projects, innovative demonstrators and pilot plants, capacity building, training, awareness-raising and dissemination actions, and researcher mobility, addressing a wide range of Technology Readiness Levels and ensuring an appropriate balance between small and large projects.
- (23) In order to have a greater impact, coherence between PRIMA and other research and innovation projects under Horizon 2020, such as the European Institute of Innovation and Technology Food Knowledge and Innovation Community ('Food KIC'), or other Union instruments, such as the European Neighbourhood and Partnership Instrument, should be sought and possible overlaps should be avoided.
- (24) PRIMA should be implemented on the basis of annual work plans setting out the activities to be undertaken in a given year. PRIMA-IS should monitor regularly the results of calls for proposals and the actions it funds and the extent to which scientific topics, expected impacts and oversubscription in terms of proposals above threshold that could not be funded have been adequately addressed. In justified cases, PRIMA-IS should undertake corrective actions by amending the annual work plan or in subsequent annual work plans.
- (25) In order to achieve the objectives of PRIMA, PRIMA-IS should provide financial support mainly in the form of grants to participants, for actions funded by PRIMA-IS. Those actions should be selected following open and competitive calls for proposals under the responsibility of PRIMA-IS.
- (26) Barriers preventing the participation of newcomers in PRIMA activities should be monitored and addressed.

- (27) In achieving the objectives of PRIMA, and in line with the applicable rules and principles, such as the principle of scientific excellence, PRIMA-IS should aim to provide, through the annual work plan, an appropriate share of its funding, approximately 25 % of the Union financial contribution, reflecting the commitments of Mediterranean Partner Countries to PRIMA, to legal entities established in targeted third countries considered to be Participating States.
- (28) Calls for proposals managed by PRIMA-IS should also be published on the single portal for participants, as well as through other Horizon 2020 electronic means of dissemination managed by the Commission.
- (29) PRIMA-IS should make information on the implementation of the actions funded publicly available.
- (30) The Union financial contribution should be managed in accordance with the principle of sound financial management and with the rules on indirect management laid down in Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>(1)</sup> and Commission Delegated Regulation (EU) No 1268/2012 <sup>(2)</sup>.
- (31) In order to protect the Union's financial interests, the Commission should have the right to terminate, reduce or suspend the Union financial contribution if PRIMA is implemented inadequately, partially or late, or if the Participating States do not contribute, or contribute partially or late, to the financing of PRIMA.
- (32) In line with the overall aim of Horizon 2020 of achieving greater simplification, sets of rules that are different from those of Horizon 2020 should be avoided. Therefore, participation in indirect actions funded by PRIMA-IS is subject to Regulation (EU) No 1290/2013. However, due to the unique objectives and specific operating needs of PRIMA, it is necessary to provide for a limited number of derogations in accordance with Article 1(3) of that Regulation.
- (33) In order to account for the specificities resulting from the geographical scope of PRIMA, derogations from point (b) of Article 9(1) and from Article 9(3) of Regulation (EU) No 1290/2013 are necessary to adjust the minimum eligibility conditions for participation in indirect actions. In particular, in order to adapt to the specificities of PRIMA the minimum number of participants should, by way of derogation from point (b) of Article 9(1) of Regulation (EU) No 1290/2013, be three legal entities established in three different Participating States, fostering balanced Euro-Mediterranean cooperation. A derogation from Article 9(3) of Regulation (EU) No 1290/2013 is also necessary in order to ensure that the minimum eligibility conditions for participation in indirect actions do not discriminate against entities established in third countries that are Participating States.
- (34) Derogations from Article 10(1) and (2) of Regulation (EU) No 1290/2013 are necessary in order to ensure that, as a general rule, only legal entities established in a Participating State or created under Union law, or international European interest organisations, are eligible for funding. However, PRIMA-IS should also be able to fund beneficiaries established in a country that is not a Participating State, provided that such participation is deemed to be essential by PRIMA-IS or if funding is provided for under an international agreement or arrangement. The participation of such entities should be monitored by PRIMA-IS.
- (35) For the purpose of simplification, the administrative burden should be strictly proportionate to the foreseeable effects on all parties. Double audits and disproportionately burdensome documentation or reporting should be avoided. When audits are conducted, the specificities of the national programmes should be taken into account, as appropriate.
- (36) Audits of recipients of Union funds provided in accordance with this Decision should ensure a reduction of the administrative burden, in accordance with Regulation (EU) No 1291/2013.
- (37) The Union's financial interests should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative sanctions in accordance with Regulation (EU, Euratom) No 966/2012.

<sup>(1)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

<sup>(2)</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- (38) The Commission, taking into account the views of the Participating States as well as the views expressed by a wide range of stakeholders, should conduct an interim evaluation assessing in particular the quality and efficiency of PRIMA and the progress made towards the objectives set, and a final evaluation, and should prepare reports on those evaluations.
- (39) Upon request from the Commission, PRIMA-IS and the Participating States should submit any information that the Commission needs to include in the reports on the evaluation of PRIMA and, in doing so, should be encouraged to use a harmonised format.
- (40) The objective of this Decision is to strengthen the integration and alignment of research and innovation systems and activities in Mediterranean countries in the fields of agro-food systems, to make them sustainable, and of integrated water provision and management. The scale of the research and innovation necessary to address the challenges in the Mediterranean area is immense due to the systemic character of the major bottlenecks. The scope of research and innovation is complex, multidisciplinary and requires a multi-actor and cross-border approach. A collaborative approach with a wide set of Participating States can help to increase the required scale and scope, by pooling financial and intellectual resources. Since the objective of this Decision cannot be sufficiently achieved by the Member States, but can rather, by integrating national efforts into a consistent Union approach, by bringing together compartmentalised national research and innovation programmes, by helping design common research and funding strategies across national borders, and by achieving the critical mass of actors and investments required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (41) The Union should therefore participate in PRIMA,

HAVE ADOPTED THIS DECISION:

#### *Article 1*

### **Participation in PRIMA**

1. The Union shall participate in the Partnership for Research and Innovation in the Mediterranean Area ('PRIMA'), jointly undertaken by Croatia, Cyprus, France, Germany, Greece, Israel, Italy, Luxembourg, Malta, Portugal, Slovenia, Spain, Tunisia and Turkey ('Participating States'), in accordance with the conditions laid down in this Decision.
2. Algeria, Egypt, Jordan, Lebanon and Morocco shall become Participating States subject to the conclusion of international agreements for scientific and technological cooperation with the Union setting out the terms and conditions of their participation in PRIMA.
3. Any Member State and any third country associated to Horizon 2020, other than one listed in paragraph 1 of this Article, may participate in PRIMA provided that it fulfils the condition laid down in point (c) of Article 4(1) and complies, in particular, with Article 11(5).

Member States and third countries associated to Horizon 2020 that fulfil the conditions set out in the first subparagraph shall be considered to be Participating States for the purposes of this Decision.

4. Any third country not associated to Horizon 2020, other than one listed in paragraph 2 of this Article, may participate in PRIMA provided that:
  - (a) it fulfils the condition laid down in point (c) of Article 4(1) and complies, in particular, with Article 11(5);
  - (b) the implementation structure for PRIMA ('PRIMA-IS') approves its participation in PRIMA after examining the relevance of its participation to achieving the objectives of PRIMA; and
  - (c) it concludes an international agreement for scientific and technological cooperation with the Union setting out the terms and conditions of its participation in PRIMA.

Third countries that fulfil the conditions set out in the first subparagraph shall be considered to be Participating States for the purposes of this Decision.

*Article 2***Objectives of PRIMA**

1. In line with the priorities of Horizon 2020, the general objectives of PRIMA are to build research and innovation capacities and to develop knowledge and common innovative solutions for agro-food systems, to make them sustainable, and for integrated water provision and management in the Mediterranean area, to make those systems and that provision and management more climate resilient, efficient, cost-effective and environmentally and socially sustainable, and to contribute to solving water scarcity, food security, nutrition, health, well-being and migration problems upstream.
2. In order to contribute to the general objectives set out in paragraph 1, PRIMA shall fulfil the following specific objectives:
  - (a) the formulation of a long-term, common, strategic agenda in the area of agro-food systems, to make them sustainable, and in the area of integrated water provision and management;
  - (b) the orientation of relevant national research and innovation programmes towards the implementation of the strategic agenda;
  - (c) the involvement of all relevant public and private sector actors in implementing the strategic agenda by pooling knowledge and financial resources to achieve the necessary critical mass;
  - (d) the strengthening of the research and innovation funding capacities and of the implementation capabilities of all actors involved including SMEs, academia, non-governmental organisations and local research centres.

*Article 3***Union financial contribution to PRIMA**

1. The Union financial contribution, including EFTA appropriations, shall equal the Participating States' contributions to PRIMA. The Union financial contribution shall not exceed EUR 220 000 000.
2. The Union financial contribution referred to in paragraph 1 of this Article shall be paid from the appropriations in the general budget of the Union allocated to the relevant parts of the specific programme implementing Horizon 2020, established by Council Decision 2013/743/EU <sup>(1)</sup>, and in particular from Part II 'Industrial leadership' and Part III 'Societal challenges', in accordance with point (c)(vi) of Article 58(1) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012.
3. The Union financial contribution referred to in paragraph 1 of this Article shall be used by PRIMA-IS to:
  - (a) fund the activities referred to in point (a) of Article 6(1);
  - (b) cover PRIMA-IS administrative costs, up to a maximum of 6 % of the Union financial contribution referred to in paragraph 1 of this Article.

*Article 4***Conditions for the Union financial contribution to PRIMA**

1. The Union financial contribution referred to in Article 3(1) shall be conditional upon the following:
  - (a) the demonstration by the Participating States that PRIMA is set up in accordance with this Decision;
  - (b) the designation by the Participating States, or by organisations designated by the Participating States, of an entity with legal personality, as referred to in point (c)(vi) of Article 58(1) of Regulation (EU, Euratom) No 966/2012, as PRIMA-IS, which shall be responsible for implementing PRIMA efficiently, for receiving, allocating and monitoring the Union financial contribution referred to in Article 3(1) of this Decision as well as the Participating States' contributions, where appropriate, and for ensuring that all necessary actions are undertaken to achieve the objectives of PRIMA;

<sup>(1)</sup> Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC (OJ L 347, 20.12.2013, p. 965).



- (c) the commitment by each Participating State to contribute to the financing of PRIMA with an adequate contribution from national resources relevant to the objectives of PRIMA;
  - (d) the demonstration by PRIMA-IS of its capacity to implement PRIMA, including receiving, allocating and monitoring the Union financial contribution referred to in Article 3(1) of this Decision in the framework of indirect management of the Union budget in accordance with Articles 58, 60 and 61 of Regulation (EU, Euratom) No 966/2012;
  - (e) the establishment of an efficient governance model for PRIMA in accordance with Article 12;
  - (f) the adoption by PRIMA-IS, after obtaining approval from the Commission, of the common principles referred to in Article 6(9).
2. During the implementation of PRIMA, the Union financial contribution referred to in Article 3(1) shall also be conditional upon the following:
- (a) the implementation by PRIMA-IS of the objectives set out in Article 2, and of the activities referred to in Article 6;
  - (b) the maintenance of an appropriate and efficient governance model in accordance with Article 12;
  - (c) the compliance by PRIMA-IS with the reporting requirements set out in Article 60(5) of Regulation (EU, Euratom) No 966/2012;
  - (d) the fulfilment by the Participating States of the commitments referred to in point (c) of paragraph 1 of this Article.
3. The Commission shall assess the fulfilment of commitments undertaken by the Participating States, in particular through the first two annual work plans. Following that assessment, the maximum Union financial contribution referred to in Article 3(1) may be reviewed in accordance with Article 9.

#### *Article 5*

#### **Participating States' contributions to PRIMA**

1. The Participating States shall make or arrange for their national funding bodies to make contributions, whether financial or in kind, of at least EUR 220 000 000 during the period from 7 August 2017 until 31 December 2028.
2. The Participating States' contributions shall consist of the following:
- (a) where appropriate, financial contributions to PRIMA-IS in view of funding indirect actions referred to in point (a) of Article 6(1);
  - (b) financial or in-kind contributions in implementing activities referred to in point (b) of Article 6(1); and
  - (c) financial or in-kind contributions to the administrative budget of PRIMA-IS not covered by the Union financial contribution as set out in point (b) of Article 3(3).
3. In-kind contributions referred to in point (b) of paragraph 2 of this Article shall consist of costs incurred by the Participating States in implementing activities referred to in point (b) of Article 6(1), less any direct or indirect Union financial contribution to those costs.
4. In-kind contributions referred to in point (c) of paragraph 2 shall consist of costs incurred by the Participating States in relation to the administrative budget of PRIMA-IS, less any direct or indirect Union financial contribution to those costs.
5. For the purpose of valuing the in-kind contributions referred to in points (b) and (c) of paragraph 2, the costs shall be determined in accordance with the usual accounting practices of the Participating States or the national funding bodies concerned, the applicable accounting standards of the Participating State where the national funding bodies concerned are established and the applicable International Accounting Standards and International Financial Reporting Standards. The costs shall be certified by an independent auditor appointed by the Participating States or the national funding bodies concerned. Should there be any uncertainty arising from the certification, the valuation method may be verified by PRIMA-IS. In the event of remaining uncertainties, the valuation method may be audited by PRIMA-IS.

6. Contributions referred to in points (a), (b) and (c) of paragraph 2 of this Article counting as contributions from Participating States shall be made after the adoption of the annual work plan. If the annual work plan is adopted during the reference year referred to in Article 6(2), the contributions referred to in point (c) of paragraph 2 of this Article, counting as contributions from Participating States included in the annual work plan, may comprise contributions made as from 1 January of that year. However, the contributions referred to in point (c) of paragraph 2 of this Article, counting as contributions from Participating States included in the first annual work plan, may comprise contributions made after 7 August 2017.

#### *Article 6*

### **Activities and implementation of PRIMA**

1. PRIMA shall support a wide range of research and innovation activities, as described in its annual work plan, by means of:

(a) indirect actions within the meaning of Regulations (EU) No 1290/2013 and (EU) No 1291/2013 funded by PRIMA-IS in accordance with Article 7 of this Decision, mainly in the form of grants following transnational open and competitive calls for proposals organised by PRIMA-IS, including:

(i) research and innovation actions, as well as innovation actions;

(ii) coordination and support actions focusing on dissemination and outreach to promote PRIMA and maximise its impacts;

(b) activities funded by the Participating States without the Union financial contribution referred to in Article 3(1) consisting of:

(i) activities selected following transnational open and competitive calls for proposals organised by PRIMA-IS, managed by the national funding bodies under the national programmes of the Participating States, providing financial support mainly in the form of grants;

(ii) activities under the national programmes of the Participating States including transnational projects.

2. PRIMA shall be implemented on the basis of annual work plans covering activities to be undertaken for the period from 1 January to 31 December of a given year ('reference year'). PRIMA-IS shall adopt the annual work plans by 31 March of the reference year, after obtaining approval from the Commission. In adopting the annual work plans, both PRIMA-IS and the Commission shall act without undue delay. PRIMA-IS shall make the annual work plan publicly available.

3. Activities referred to in points (a) and (b) of paragraph 1 may be launched only in the reference year and only after the adoption of the annual work plan for that year.

4. If the annual work plan is adopted during the reference year, the Union financial contribution referred to in Article 3(1) may be used to reimburse the administrative costs of PRIMA-IS incurred from 1 January of that reference year in line with the annual work plan. However, the Union financial contribution referred to in Article 3(1) may reimburse administrative costs of PRIMA-IS incurred as from 7 August 2017 in line with the first annual work plan.

5. Activities may be funded under PRIMA only if they are set out in the annual work plan. The annual work plan shall distinguish between the activities referred to in point (a) of paragraph 1 of this Article, the activities referred to in point (b) of paragraph 1 of this Article and the administrative costs of PRIMA-IS. It shall provide for their corresponding expenditure estimates as well as for the budget allocation to activities funded with the Union financial contribution referred to in Article 3(1) and to activities funded by the Participating States without the Union financial contribution referred to in Article 3(1). The annual work plan shall also include the estimated value of the Participating States' in-kind contributions referred to in point (b) of Article 5(2).

6. Amended annual work plans for a reference year and annual work plans for subsequent reference years shall take into account the results of previous calls for proposals. They shall endeavour to address insufficient coverage of scientific topics in particular those initially addressed in activities under point (b) of paragraph 1 that could not be adequately funded.

7. The final activities to be funded, including the final calls for proposals under the relevant annual work plans shall be launched by 31 December 2024. In duly justified cases, they may be launched by 31 December 2025.

8. Activities to be funded by the Participating States without the Union financial contribution referred to in Article 3(1) may be included in the annual work plan only following the positive outcome of their external independent evaluation by international peer review with regard to the objectives of PRIMA, as organised by PRIMA-IS.

9. Activities included in the annual work plan that are funded by the Participating States without the Union financial contribution referred to in Article 3(1) shall be implemented in compliance with common principles to be adopted by PRIMA-IS, after obtaining approval from the Commission. The common principles shall take into account the principles set out in this Decision, in Title VI of Regulation (EU, Euratom) No 966/2012 and in Regulation (EU) No 1290/2013, in particular the principles of equal treatment, transparency, independent peer review evaluation and selection. PRIMA-IS shall also adopt, after obtaining approval from the Commission, the reporting requirements of the Participating States to PRIMA-IS, including with regard to indicators inserted into each of those activities.

10. The activities referred to in point (b)(i) of paragraph 1 shall, in addition to the common principles referred to in paragraph 9, comply with the following conditions:

- (a) the proposals shall be for transnational projects, with minimum participation of at least three independent legal entities established in three different countries considered to be Participating States in accordance with this Decision by the submission deadline under the relevant call for proposals, of which:
  - (i) at least one is established in a Member State or third country associated to Horizon 2020 and does not fall under point (ii); and
  - (ii) at least one is established in a third country listed in Article 1(2), or in a third country bordering the Mediterranean Sea;
- (b) the proposals shall be selected following transnational calls for proposals and shall be evaluated with the assistance of at least three independent experts, on the basis of the following award criteria: excellence, impact, and quality and efficiency of the implementation;
- (c) the proposals shall be ranked according to the evaluation results. The selection shall be made by PRIMA-IS and should follow that ranking. The Participating States shall agree on an adequate funding mode that allows for the maximising of the number of proposals above threshold to be funded on the basis of that ranking, in particular by providing reserve amounts to the national contributions for calls for proposals. In the event that one or more projects cannot be funded, the projects following directly in the ranking may be selected.

11. PRIMA-IS shall monitor and report to the Commission on the implementation of all activities included in the annual work plan.

12. Any communication or publication relating to the activities of PRIMA, and performed in cooperation with PRIMA, whether undertaken by PRIMA-IS, a Participating State or its national funding bodies, or participants to an activity, shall be labelled or co-labelled as follows: '[name of the activity] is part of the PRIMA programme supported by the European Union'.

#### *Article 7*

### **Rules for participation and dissemination**

1. PRIMA-IS shall be considered to be a funding body within the meaning of Regulation (EU) No 1290/2013 and shall provide financial support to indirect actions referred to in point (a) of Article 6(1) of this Decision in accordance with the rules set out in that Regulation, subject to the derogations set out in this Article.

2. By way of derogation from point (b) of Article 9(1) of Regulation (EU) No 1290/2013, the minimum number of participants shall be three legal entities established in three different countries considered to be Participating States in accordance with this Decision by the submission deadline under the relevant call for proposals of which:

- (a) at least one is established in a Member State or third country associated to Horizon 2020 and does not fall under point (b); and
- (b) at least one is established in a third country listed in Article 1(2), or in a third country bordering the Mediterranean Sea.

3. By way of derogation from Article 9(3) of Regulation (EU) No 1290/2013, in duly justified cases provided for in the annual work plan, the minimum condition shall be the participation of one legal entity established in a Participating State in accordance with this Decision by the submission deadline under the relevant call for proposals.
4. By way of derogation from Article 10(1) and (2) of Regulation (EU) No 1290/2013, the following participants are eligible for funding by PRIMA-IS:
  - (a) any legal entity established in a Participating State or created under Union law;
  - (b) any international European interest organisation, as defined in point (12) of Article 2(1) of Regulation (EU) No 1290/2013.
5. In the case of a participating international organisation or of a participating legal entity established in a country which is not a Participating State, neither of which is eligible for funding in accordance with paragraph 4, funding by PRIMA-IS may be granted provided that at least one of the following conditions is fulfilled:
  - (a) participation is deemed to be essential for carrying out the action by PRIMA-IS;
  - (b) such funding is provided for under a bilateral scientific and technological agreement or any other arrangement between the Union and the international organisation or, for entities established in a country which is not a Participating State, the country in which the legal entity is established.
6. Without prejudice to Regulation (EU, Euratom) No 966/2012, to Delegated Regulation (EU) No 1268/2012 and to Regulation (EU) No 1290/2013, the applicable model grant agreement may lay down that also legal entities established in countries which are not Participating States and which receive funding from PRIMA-IS shall provide appropriate financial guarantees.
7. Without prejudice to Regulation (EU) No 1290/2013, and taking into account the specificities of PRIMA, PRIMA-IS may introduce in the annual work plans an additional condition for participation in order to address the type of entities that can be coordinators in indirect actions.

#### Article 8

#### Agreements between the Union and PRIMA-IS

1. Subject to a positive *ex-ante* assessment of PRIMA-IS in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012 and provision of adequate financial guarantees in accordance with point (c)(vi) of Article 58(1) of that Regulation, the Commission, on behalf of the Union, shall conclude a delegation agreement and annual transfer of funds agreements with PRIMA-IS.
2. The delegation agreement referred to in paragraph 1 of this Article shall be concluded in accordance with Article 58(3) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012 and Article 40 of Delegated Regulation (EU) No 1268/2012. It shall also set out, inter alia, the following:
  - (a) the requirements for PRIMA-IS contribution regarding the performance indicators set out in Annex II to Decision 2013/743/EU;
  - (b) the requirements for PRIMA-IS contribution to the monitoring referred to in Annex III to Decision 2013/743/EU;
  - (c) the specific performance indicators related to the functioning of PRIMA-IS;
  - (d) the requirements for PRIMA-IS regarding the provision of information on administrative costs and of detailed figures concerning the implementation of PRIMA;
  - (e) the arrangements regarding the provision of data necessary to ensure that the Commission is able to meet its dissemination and reporting obligations;
  - (f) the arrangements for the approval or rejection by the Commission of the draft annual work plan, the common principles referred to in Article 6(9) and the reporting requirements of the Participating States, before they are adopted by PRIMA-IS; and
  - (g) provisions for the publication of calls for proposals by PRIMA-IS, in particular on the single portal for participants, as well as through other Horizon 2020 electronic means of dissemination managed by the Commission.

*Article 9***Termination, reduction or suspension of the Union financial contribution**

1. If PRIMA is not implemented or is implemented inadequately, partially or late, the Commission may terminate, proportionally reduce or suspend the Union financial contribution referred to in Article 3(1) in line with the actual implementation of PRIMA.
2. If the Participating States do not contribute, or contribute partially or late, to the financing of PRIMA the Commission may terminate, proportionally reduce or suspend the Union financial contribution referred to in Article 3(1), taking into account the amount of funding allocated by the Participating States to implement PRIMA.

*Article 10***Ex-post audits**

1. Ex-post audits of expenditure on indirect actions referred to in point (a) of Article 6(1) of this Decision shall be carried out by PRIMA-IS in accordance with Article 29 of Regulation (EU) No 1291/2013.
2. The Commission may decide to carry out the audits referred to in paragraph 1 itself. In such cases, it shall do so in accordance with the applicable rules, in particular the provisions of Regulations (EU, Euratom) No 966/2012, (EU) No 1290/2013 and (EU) No 1291/2013.

*Article 11***Protection of the financial interests of the Union**

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative sanctions.
2. PRIMA-IS shall grant Commission staff and other persons authorised by the Commission, as well as the Court of Auditors, access to its sites and premises and to all the information, including information in electronic format, that is needed in order to conduct their audits.
3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Council Regulation (Euratom, EC) No 2185/96 <sup>(1)</sup> and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(2)</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded, directly or indirectly, in accordance with this Decision.
4. Without prejudice to paragraphs 1, 2 and 3, contracts, grant agreements and grant decisions, resulting from the implementation of this Decision shall contain provisions expressly empowering the Commission, PRIMA-IS, the Court of Auditors and OLAF to conduct such audits and investigations in accordance with their respective competences. Where the implementation of an action is outsourced or sub-delegated, in whole or in part, or where it requires the award of a procurement contract or financial support to a third party, the contract, grant agreement or grant decision shall include the contractor's or beneficiary's obligation to impose on any third party involved explicit acceptance of those powers of the Commission, PRIMA-IS, the Court of Auditors and OLAF.

<sup>(1)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>(2)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

5. In implementing PRIMA, the Participating States shall take the legislative, regulatory, administrative and other measures necessary for protecting the Union's financial interests, in particular, to ensure full recovery of any amounts due to the Union in accordance with Regulation (EU, Euratom) No 966/2012 and Delegated Regulation (EU) No 1268/2012.

## Article 12

### Governance of PRIMA

1. The bodies of PRIMA-IS shall include:

- (a) a Board of Trustees, which shall have a Chair and a Co-Chair;
- (b) a Steering Committee;
- (c) a Secretariat, headed by a Director;
- (d) a Scientific Advisory Committee.

2. PRIMA-IS shall be governed by the Board of Trustees, in which all Participating States are represented. The Board of Trustees shall be the decision-making body of PRIMA-IS.

The Board of Trustees shall, after obtaining approval from the Commission, adopt:

- (a) the annual work plan;
- (b) the common principles referred to in Article 6(9); and
- (c) the Participating States' reporting requirements to PRIMA-IS.

The Board of Trustees shall verify that the conditions set out in Article 1(3) and point (c) of Article 4(1) are fulfilled and shall inform the Commission accordingly.

The Board of Trustees shall approve the participation in PRIMA of any third country not associated to Horizon 2020 other than those listed in Article 1(2) after examining the relevance of its participation to achieving the objectives of PRIMA.

Each Participating State shall have one vote in the Board of Trustees. Decisions shall be taken by consensus. Where no consensus is reached the Board of Trustees shall adopt its decisions by a majority of at least 75 % of the valid votes cast.

The Union, represented by the Commission, shall be invited to all the meetings of the Board of Trustees as an observer, and may take part in the discussions. It shall receive all necessary documents.

3. The Board of Trustees shall determine the number of Steering Committee members, which shall not be less than five, and shall appoint them. The Steering Committee shall monitor the work of the director and advise the Board of Trustees on the implementation of PRIMA by the Secretariat. In particular, it shall provide guidance on the implementation of the annual budget and on the annual work plan.

4. The Board of Trustees shall establish the Secretariat of PRIMA-IS as the executive body of PRIMA.

The Secretariat shall:

- (a) implement the annual work plan;
- (b) provide support to the other bodies of PRIMA-IS;
- (c) monitor and report on the implementation of PRIMA;

- (d) manage the Union financial contribution referred to in Article 3(1) and the Participating States' financial contributions and report on their use;
- (e) increase the visibility of PRIMA through advocacy and communication;
- (f) liaise with the Commission in accordance with the delegation agreement referred to in Article 8;
- (g) ensure the transparency of PRIMA activities.

5. The Board of Trustees shall appoint a Scientific Advisory Committee consisting of renowned independent experts, competent in areas relevant to PRIMA. The Board of Trustees shall establish the number of Scientific Advisory Committee members, and the arrangements for their appointment in accordance with Article 40 of Regulation (EU) No 1290/2013.

The Scientific Advisory Committee shall:

- (a) advise the Board of Trustees on strategic priorities and needs;
- (b) advise the Board of Trustees on the content and scope of the draft annual work plan from a scientific and technical standpoint;
- (c) review the scientific and technical aspects of the implementation of PRIMA and deliver an opinion on its annual report.

#### *Article 13*

### **Communication of information**

1. At the request of the Commission, PRIMA-IS shall provide the Commission with any information necessary for the preparation of the reports referred to in Article 14.
2. The Participating States shall submit to the Commission, through PRIMA-IS, any information requested by the European Parliament, by the Council or by the Court of Auditors concerning the financial management of PRIMA.
3. The Commission shall include the information referred to in paragraph 2 of this Article in the reports referred to in Article 14.

#### *Article 14*

### **Evaluation**

1. By 30 June 2022 the Commission shall conduct an interim evaluation of PRIMA with the assistance of independent experts. The Commission shall prepare a report on that evaluation which includes the conclusions of the evaluation and observations by the Commission. The Commission shall submit that report to the European Parliament and to the Council by 31 December 2022.
2. By 31 December 2028, the Commission shall conduct a final evaluation of PRIMA with the assistance of independent experts. The Commission shall prepare a report on that evaluation which includes the results of that evaluation and shall submit that report to the European Parliament and to the Council by 30 June 2029.

#### *Article 15*

### **Entry into force**

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

*Article 16***Addressees**

This Decision is addressed to the Member States.

Done at Strasbourg, 4 July 2017.

*For the European Parliament*  
*The President*  
A. TAJANI

*For the Council*  
*The President*  
M. MAASIKAS

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**Statement by the Commission on financial guarantees for the PRIMA Implementation Structure**

1. In relation to the PRIMA initiative, the EU Financial Regulation in its Article 58(1)(c)(vi) stipulates that the Commission may entrust implementation of the Union budget to a body governed by private law with a public service mission (Implementation Structure — IS). Such a body must provide adequate financial guarantees.
2. In order to respect sound financial management of EU funds, these guarantees should cover, without limitation of scope or amounts, any debt of the IS towards the Union related to all implementation tasks as foreseen in the Delegation Agreement. The Commission normally expects the guarantors to accept the joint and several liability for debts of the IS.
3. However, on the basis of a detailed risk assessment, in particular if the outcome of the ex-ante pillar assessment carried out to the IS in line with Article 61 of the Financial Regulation is deemed to be adequate, the Commission Authorising Officer in charge of PRIMA will envisage that:
  - Taking into account the principle of proportionality, the financial guarantees requested from the IS may be limited to the maximum amount of the Union contribution.
  - In accordance, the liability of each guarantor may be proportionate to the share of their contribution to PRIMA.

The guarantors may agree on the modalities in which they will cover this liability in their respective letters of declaration on liabilities.

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## II

*(Non-legislative acts)*

## REGULATIONS

## COUNCIL REGULATION (EU) 2017/1325

of 17 July 2017

**amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP <sup>(1)</sup>,Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 <sup>(2)</sup>,

Whereas:

- (1) On 6 February 2017, the Council noted that the smuggling of migrants and trafficking of human beings contributes to destabilising the political and security situation in Libya.
- (2) On 17 July 2017, the Council adopted Decision (CFSP) 2017/1338 <sup>(3)</sup>, which applies export restrictions on certain goods to Libya which may be used for smuggling migrants and trafficking in human beings.
- (3) Regulatory action at the level of the Union is necessary in order to implement the measures, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (4) Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) 2016/44 is amended as follows:

- (1) the following Article is inserted:

*Article 2a*

1. Prior authorisation shall be required for:

- (a) the sale, supply, transfer or export, directly or indirectly, of the goods set out in Annex VII, whether or not originating in the Union, to any person, entity or body in Libya or for use in Libya;

<sup>(1)</sup> OJ L 206, 1.8.2015, p. 34.<sup>(2)</sup> OJ L 12, 19.1.2016, p. 1.<sup>(3)</sup> Council Decision (CFSP) 2017/1338 of 17 July 2017 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (see page 49 of this Official Journal).

- (b) the provision of technical assistance or brokering services related to goods set out in Annex VII or related to the provision, manufacture, maintenance and use of such goods, directly or indirectly, to any person, entity or body in Libya or for use in Libya;
- (c) the provision of financing or financial assistance related to goods set out in Annex VII, including in particular grants, loans and export credit insurance for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services, directly or indirectly, to any person, entity or body in Libya or for use in Libya.

2. Annex VII shall include the items which could be used for the smuggling of migrants and trafficking in human beings.

3. Paragraph 1 shall not apply to the sale, supply, transfer or export, directly or indirectly, of goods set out in Annex VII, as well as the provision of technical assistance, brokering services, financing or financial assistance related to those goods by authorities of Member States to the Libyan government.

4. The competent authority concerned shall not grant authorisation referred to in paragraph 1 when there are reasonable grounds to believe that the goods would be used for the purpose of smuggling of migrants and trafficking in human beings.

5. Where a competent authority listed in Annex IV refuses to grant authorisation, or annuls, suspends, substantively modifies or revokes authorisation in accordance with this Article, the Member State concerned shall notify the other Member States and the Commission thereof and share the relevant information with them.’;

(2) in Article 20, the following point is inserted:

- ‘(c) amend Annex VII in order to refine or adapt the list of goods included which could be used for smuggling of migrants and trafficking in human beings or to update the nomenclature codes from the Combined Nomenclature as set out in Annex I to Regulation (EEC) No 2658/87.’.

#### *Article 2*

The text set out in the Annex to this Regulation shall be inserted as Annex VII to Regulation (EU) 2016/44.

#### *Article 3*

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, 17 July 2017.

*For the Council*  
*The President*  
F. MOGHERINI

## ANNEX

## ‘ANNEX VII

**Items which could be used for smuggling of migrants and trafficking in human beings as referred to in Article 2a**

## EXPLANATORY NOTE

The nomenclature codes are taken from the Combined Nomenclature (CN) as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and are set out in Annex I thereto, which are valid at the time of publication of this Regulation and *mutatis mutandis* as amended by subsequent legislation.

	CN Code	Description
	8407 21	outboard motors for marine propulsion (spark ignition)
Ex	8408 10	outboard motors for marine propulsion (compression ignition)
Ex	8501 31	Electrical outboard motors for marine propulsion, of an output not exceeding 750 W
Ex	8501 32	Electrical outboard motors for marine propulsion, of an output exceeding 750 W but not exceeding 75 kW
Ex	8903 10	inflatable vessels, for pleasure or sports
Ex	8903 99	outboard motor boats’.

**COUNCIL REGULATION (EU) 2017/1326****of 17 July 2017****amending Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (EU) 2017/1340 of 17 July 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of Congo <sup>(1)</sup>,

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

Whereas:

- (1) Council Regulation (EC) No 1183/2005 <sup>(2)</sup> gives effect to Decision 2010/788/CFSP <sup>(3)</sup> and provides for certain measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo, including the freezing of their assets.
- (2) United Nations Security Council Resolution ('UNSCR') 2360 (2017) of 21 June 2017 amended the criteria for the designation of persons and entities to be subject to the restrictive measures set out in paragraphs 9 and 11 of UNSCR 1807 (2008). Decision (EU) 2017/1340 gives effect to UNSCR 2360 (2017).
- (3) Decision (EU) 2017/1340 falls within the scope of the Treaty on the Functioning of the European Union, and regulatory action at Union level is therefore necessary in order to give effect to that Decision, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (4) Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 2a(1) of Regulation (EC) 1183/2005, point (i) is replaced by the following:

‘(i) planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel, including members of the Group of Experts’.

*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, 17 July 2017.

*For the Council*

*The President*

F. MOGHERINI

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<sup>(1)</sup> See page 55 of this Official Journal.

<sup>(2)</sup> Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ L 193, 23.7.2005, p. 1).

<sup>(3)</sup> Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP (OJ L 336, 21.12.2010, p. 30).

**COUNCIL IMPLEMENTING REGULATION (EU) 2017/1327****of 17 July 2017****implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 <sup>(1)</sup>, and in particular Article 32(1) thereof,

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

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012.
- (2) In view of the gravity of the situation in Syria, in particular the use by the Syrian regime of chemical weapons and its involvement in chemical weapons proliferation, 16 persons should be added to the list of natural and legal persons, entities or bodies subject to restrictive measures in Annex II to Regulation (EU) No 36/2012.
- (3) Annex II to Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EU) No 36/2012 is amended as set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 17 July 2017.

*For the Council*  
*The President*  
F. MOGHERINI

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<sup>(1)</sup> OJ L 16, 19.1.2012, p. 1.

## ANNEX

The following persons are added to the list set out in Section A (Persons) of Annex II to Regulation (EU) No 36/2012:

	Name	Identifying information	Reasons	Date of listing
242.	Samir Dabul (a.k.a. Samir Daaboul)	Date of birth: 4 September 1965 Title: Brigadier General	Holds the rank of Brigadier General, in post after May 2011.  As a senior military officer he is responsible for the violent repression against the civilian population and involved in the storage and deployment of chemical weapons. He is also associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
243.	Ali Wanus (a.k.a.: Ali Wannous) (علي وانوس)	Date of birth: 5 February 1964 Title: Brigadier General	Holds the rank of Brigadier General, in post after May 2011.  As a senior military officer he is responsible for the violent repression against the civilian population and involved in the storage and deployment of chemical weapons.  He is also associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
244.	Yasin Ahmad Dahi (a.k.a.: Yasin Dahi; Yasin Dhahi) (ضاحي ياسين)	Date of birth: 1960 Title: Brigadier General	Holds the rank of Brigadier General in the Syrian Armed Forces, in post after May 2011. Senior officer within the Military Intelligence Directorate of the Syrian Armed Forces. Former head of Military Intelligence Branch 235 in Damascus and Military Intelligence in Homs. As a senior military officer he is responsible for the violent repression against the civilian population.	18.7.2017
245.	Muhammad Yousef Hasouri (a.k.a.: Mohammad Yousef Hasouri; Mohammed Yousef Hasouri) (محمد يوسف حاصوري)	Title: Brigadier General	Brigadier General Muhammad Hasouri is a senior officer of the Syrian Air Force, in post after May 2011. He holds the position as Chief of Staff of Air Force Brigade 50 and Deputy Commander of the Shayrat Airbase. Brigadier General Muhammad Hasouri operates in the chemical weapons proliferation sector. As a senior military officer he is responsible for the violent repression against the civilian population in Syria.	18.7.2017
246.	Malik Hasan (a.k.a.: Malek Hassan) (مالك حسن)	Title: Major General	Holds the rank of Major General, a senior officer and Commander of the 22nd Division of the Syrian Air Force, in post after May 2011.  As a senior officer of the Syrian Air Force and in the chain of command of the 22nd Division, he is responsible for the violent repression against the civilian population in Syria, including the use of chemical weapons by aircraft operating from airbases under the control of the 22nd Division, such as the attack on Talmenas that the Joint Investigative Mechanism established by the United Nations reported was conducted by Hama airfield-based regime helicopters.	18.7.2017

	Name	Identifying information	Reasons	Date of listing
247.	Jayyiz Rayyan Al-Musa (a.k.a.: Jaez Sawada al-Hammoud al-Mousa; Jayez al-Hammoud al-Moussa) (الموسى الحمود جاييز)	Title: Major General	Governor of Hasaka, appointed by Bashar al-Assad; he is associated with Bashar al-Assad.  Holds the rank of Major General, a senior officer and former Chief of Staff of the Syrian Air Force.  As a senior officer of the Syrian Air Force, he is responsible for the violent repression against the civilian population in Syria, including the use of chemical weapons attacks by the Syrian regime during his tenure as Chief of Staff of the Syrian Air Force, as identified in the report of the Joint Investigative Mechanism established by the United Nations.	18.7.2017
248.	Mayzar 'Abdu Sawan (a.k.a.: Meezar Sawan) (ميزار عبد الصوان)	Title: Major General	Holds the rank of Major General, a senior officer and Commander of the 20th Division of the Syrian Air Force, in post after May 2011.  As a senior officer in the Syrian air force he is responsible for the violent repression against the civilian population including attacks against civilian areas by aircraft operating from airbases under the control of the 20th Division.	18.7.2017
249.	Isam Zahr Al-Din (a.k.a.: Isam Zuhair al-Din; Isam Zohruddin; Issam Zahraddin; Issam Zahreddine; Essam Zahraddin) (الدين زهر عصام)	Title: Brigadier General	Holds the rank of Brigadier General, a senior officer in the Republican Guard, in post after May 2011. As a senior military officer he is responsible for the violent repression against the civilian population, including during the siege of Baba Amr in February 2012.	18.7.2017
250.	Mohammad Safwan Katan (a.k.a.: Mohammad Safwan Qattan) (محمد صفوان قطان)		Mohammad Safwan Katan is an engineer at the Syrian Scientific Studies and Research Centre, a listed entity. He is involved in chemical weapons proliferation and delivery. Mohammad Safwan Katan has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
251.	Mohammad Ziad Ghritawi (a.k.a.: Mohammad Ziad Ghriyawi) (غريواتي محمد زياد)		Mohammad Ziad Ghritawi is an engineer at the Syrian Scientific Studies and Research Centre. He is involved in chemical weapons proliferation and delivery. Mohammad Ziad Ghritawi has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017



	Name	Identifying information	Reasons	Date of listing
252.	Mohammad Darar Khaludi (a.k.a.: Mohammad Darar Khloudi) (محمد ضرار خلودي)		Mohammad Darar Khaludi is an engineer at the Syrian Scientific Studies and Research Centre. He is involved in chemical weapons proliferation and delivery. Mohammad Darar Khaludi has been also known to be involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is also associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
253.	Khaled Sawan (صوان خالد)		Dr Khaled Sawan is an engineer at the Syrian Scientific Studies and Research Centre, which is involved in chemical weapons proliferation and delivery. He has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He has been associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
254.	Raymond Rizq (a.k.a.: Raymond Rizk) (رزق ريمون)		Raymond Rizq is an engineer at the Syrian Scientific Studies and Research Centre, involved in chemical weapons proliferation and delivery. He has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
255.	Fawwaz El-Atou (a.k.a.: Fawaz Al Atto) (فواز الاطو)		Fawwaz El-Atou is a lab technician at the Syrian Scientific Studies and Research Centre, involved in chemical weapons proliferation and delivery. Fawwaz El-Atou has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
256.	Fayez Asi (a.k.a.: Fayez al-Asi) (فايز أسي)		Fayez Asi is a lab technician at the Syrian Scientific Studies and Research Centre, involved in chemical weapons proliferation and delivery. He has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
257.	Hala Sirhan (a.k.a.: Halah Sirhan) (هالة سرحان)	Date of birth: 5 January 1953 Title: Dr	Dr Hala Sirhan works with Syrian Military Intelligence at the Syrian Scientific Studies and Research Centre. She operated in Institute 3000, which is involved in chemical weapons proliferation.  She is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017'

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1328****of 17 July 2017****amending Regulation (EU) No 642/2010 on rules of application (cereal sector import duties) for  
Council Regulation (EC) No 1234/2007**

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 <sup>(1)</sup>, and in particular Article 178 in conjunction with Article 180 thereof,

Whereas:

- (1) Commission Regulation (EU) No 642/2010 <sup>(2)</sup> lays down rules on the calculation and fixing of the import duty on certain products. For common wheat, durum wheat and maize, the import duty may depend on the difference between the actual quality of the product imported and the quality of the product entered on the import licence. To this end, qualitative analysis based on representative samples are carried out by the customs office and additional securities are provided for.
- (2) Commission Delegated Regulation (EU) 2016/1237 <sup>(3)</sup> provides for the cases where an import licence is required. An import licence is no longer required for products of the cereal sector when they are declared for release for free circulation under conditions other than tariff rate quotas. As a consequence, the requirement to lodge a security for the import licence for the products referred to in Article 12(a) of Commission Regulation (EC) No 1342/2003 <sup>(4)</sup> has been deleted.
- (3) Article 2(4) of Regulation (EU) No 642/2010 provides for an import duty reduction for some ports of unloading, for which the customs authorities are to issue a certificate in accordance with the model given in Annex I to that Regulation. That model still includes a reference to the import licence number as additional information regarding the import licence itself. Moreover, in order to avoid any confusion, it is appropriate to replace the term 'certificate' by 'document'.
- (4) Article 3(4) and Article 6(1) and (2) of Regulation (EU) No 642/2010 provide for an additional security, except where the import licence is accompanied by certain certificates of conformity. In those Articles and in Article 7(4), references to 'import licence' or to the security related thereto should be deleted or be replaced by references to the declaration of release for free circulation. At the same time, the term 'additional security' should be replaced by a more appropriate term.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 (OJ L 187, 21.7.2010, p. 5).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).

<sup>(4)</sup> Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice (OJ L 189, 29.7.2003, p. 12).

- (5) In the interest of clarity and legal certainty, it is appropriate to replace references to Council Regulation (EEC) No 2913/92 <sup>(1)</sup>, Regulation (EC) No 450/2008 of the European Parliament and of the Council <sup>(2)</sup> and Commission Regulation (EEC) No 2454/93 <sup>(3)</sup> by references to Regulation (EU) No 952/2013 of the European Parliament and of the Council <sup>(4)</sup> and Commission Implementing Regulation (EU) 2015/2447 <sup>(5)</sup>.
- (6) Regulation (EU) No 642/2010 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EU) No 642/2010 is amended as follows:

- (1) In Article 1, paragraph 3 is replaced by the following:

‘3. The Common Customs Tariff duty rates referred to in paragraph 1 shall be those applicable on the date referred to in Article 172(2) of Regulation (EU) No 952/2013 of the European Parliament and of the Council (\*).

(\*) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).’

- (2) In Article 2(4), the second subparagraph is replaced by the following:

‘The customs authority at the port of unloading shall issue a document in accordance with the model given in Annex I attesting the quantity of each product unloaded. For the duty reduction provided for in the first subparagraph to be granted, that document must accompany the goods until completion of the customs import formalities.’

- (3) In Article 3, paragraphs 3 and 4 are replaced by the following:

‘3. The end-use provisions of Article 254(1), (4) and (5) of Regulation (EU) No 952/2013 shall apply.

4. Notwithstanding Article 211(3)(c) of Regulation (EU) No 952/2013, for flint maize, the importer shall lodge with the competent authority a specific security of EUR 24 per tonne, except where the declaration of release for free circulation is accompanied by a certificate of conformity issued by the Argentine Servicio Nacional de Sanidad y Calidad Agroalimentaria (Senasa) in accordance with point (a) of the first subparagraph of Article 7(2) of this Regulation.

If, however, the duty applicable on the date of the acceptance of the declaration of release for free circulation is less than EUR 24 per tonne of maize, the specific security shall be equal to the duty amount.’

- (4) Article 6 is replaced by the following:

#### ‘Article 6

1. For high quality common wheat, the importer shall lodge with the competent authority a specific security of EUR 95 per tonne on the date of acceptance of the declaration of release for free circulation, except where that declaration is accompanied by a certificate of conformity issued by the Federal Grain Inspection Service (FGIS) or by the Canadian Grain Commission (CGC) in accordance with point (b) or (c) of the first subparagraph of Article 7(2).

<sup>(1)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

<sup>(2)</sup> Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) (OJ L 145, 4.6.2008, p. 1).

<sup>(3)</sup> Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

<sup>(4)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

If, however, import duties for all quality categories of common wheat have been suspended under Article 219 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (\*), the specific security shall not be required for the entire period during which the duties are suspended.

2. For durum wheat, the importer shall lodge with the competent authority a specific security on the date of acceptance of the declaration of release for free circulation, except where that declaration is accompanied by a certificate of conformity issued by the Federal Grain Inspection Service (FGIS) or by the Canadian Grain Commission (CGC) in accordance with point (b) or (c) of the first subparagraph of Article 7(2).

The amount of the specific security shall be the difference on the day of acceptance of the declaration of release for free circulation between the highest import duty and that applicable to the quality shown, plus a supplement of EUR 5 per tonne. However, where the import duty applicable to the different qualities of durum wheat is zero, the specific security shall not be required.

(\*) 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 (OJ L 347, 20.12.2013, p. 671).'

(5) In Article 7(2), the first subparagraph is replaced by the following:

‘2. The following certificates of conformity shall be officially recognised by the Commission pursuant to the principles laid down in Articles 58 and 59 of Commission Implementing Regulation (EU) 2015/2447 (\*):

- (a) certificates issued by the Servicio Nacional de Sanidad y Calidad Agroalimentaria (Senasa) of Argentina for flint maize;
- (b) certificates issued by the Federal Grains Inspection Services (FGIS) of the United States of America for high quality common wheat and high quality durum wheat;
- (c) certificates issued by the Canadian Grain Commission (CGC) of Canada for high quality common wheat and high quality durum wheat.

(\*) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).'

(6) In Article 7, paragraph 4 is replaced by the following:

‘4. If the analysis results show the imported high quality common wheat, durum wheat and flint maize to be of a lower standard quality than entered on the declaration of release for free circulation, the importer shall pay the difference between the import duty applicable to the product shown on the declaration and that on the product actually imported. In this case, the specific security provided for in Article 3(4) and Article 6(1) and (2) shall be released, except for the EUR 5 supplement provided for in the second subparagraph of Article 6(2).

If the difference referred to in the first subparagraph is not paid within one month, the specific security provided for in Article 3(4) and Article 6(1) and (2) shall be forfeit.’

(7) Annex I is replaced by the text set out in the Annex to this Regulation.

## 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*.

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

Done at Brussels, 17 July 2017.

*For the Commission*

*The President*

Jean-Claude JUNKER

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## ANNEX

## 'ANNEX I

**Model referred to in Article 2(4)**

Product unloaded (CN code and, for common wheat, durum wheat and maize, quality declared in accordance with Article 5): .....

Quantity unloaded (in kilograms): .....'

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1329****of 17 July 2017****amending Annex I to Council Regulation (EC) No 32/2000 as regards the conditions for using a tariff quota of the Union bound in GATT for food preparations not elsewhere specified or included, allocated to the United States of America**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 32/2000 of 17 December 1999 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishing detailed rules for adjusting the quotas, and repealing Council Regulation (EC) No 1808/95 <sup>(1)</sup>, and in particular the first indent of Article 9(1)(b) thereof,

Whereas:

- (1) As a result of an agreement between the Union and the United States of America concluded by virtue of Council Decision 2013/125/EU <sup>(2)</sup>, Commission Implementing Regulation (EU) No 624/2013 <sup>(3)</sup> amended Annex I to Regulation (EC) No 32/2000 with effect from 1 July 2013 to open a new tariff quota of 1 550 tonnes bound in GATT for imports in the Union of food preparations not elsewhere specified or included of CN code 2106 90 98 originating in the United States of America.
- (2) As country-specific tariff quotas are allocated on the basis of the origin of goods, it was considered appropriate to introduce an obligation in Annex I to Regulation (EC) No 32/2000 to present a certificate of origin, in accordance with the applicable Union legislation on non-preferential origin, whenever a declaration for release for free circulation is made in respect of food preparations intended to benefit from the new tariff quota.
- (3) However, by letter of 26 April 2016, the United States of America asked for this obligation to be removed. Their letter explains that the products benefiting from the tariff quota are exported from across the United States and even though the task of issuing certificates of origin is decentralised, the resources necessary to comply with such a paper-based certification system make this task prohibitively burdensome.
- (4) With regard to the risk that products not originating in the United States may be imported under the tariff quota if the obligation is removed, Article 61 of Regulation (EU) No 952/2013 <sup>(4)</sup> already allows customs authorities to require declarants to prove the origin of goods by a means of proof other than presentation of a certificate of origin in accordance with Articles 57, 58 and 59 of Commission Implementing Regulation (EU) 2015/2447 <sup>(5)</sup>. The correct application of the rules can thus be ensured even if the obligation to provide a certificate of origin is removed to reduce the administrative burden on exporters.
- (5) In consequence, given these exceptional circumstances, it is appropriate to allow importers of those products to use the tariff quota without their having to provide a certificate of origin.
- (6) Regulation (EC) No 32/2000 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

<sup>(1)</sup> OJ L 5, 8.1.2000, p. 1.

<sup>(2)</sup> Council Decision 2013/125/EU of 25 February 2013 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (OJ L 69, 13.3.2013, p. 4).

<sup>(3)</sup> Commission Implementing Regulation (EC) No 624/2013 of 27 June 2013 amending Annex I to Council Regulation (EC) No 32/2000 as regards a new tariff quota of the Union bound in GATT for food preparations not elsewhere specified or included, allocated to the United States of America (OJ L 177, 28.6.2013, p. 21).

<sup>(4)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

<sup>(5)</sup> Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex I to Regulation (EC) No 32/2000, in the row for serial number 09.0096, in the column headed 'Rate of duty (%)', the footnote with the text 'The use of the tariff quota shall be subject to the presentation, in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93, of a certificate of origin issued by the competent authorities of the United States of America' is deleted.

*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, 17 July 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1330****of 17 July 2017****amending Council Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea <sup>(1)</sup>, and in particular Article 13(1)(d) and (e) thereof,

Whereas:

- (1) Annex IV to Regulation (EC) No 329/2007 lists persons, entities and bodies who, having been designated by the Sanctions Committee or the United Nations Security Council (UNSC), are covered by the freezing of funds and economic resources under that Regulation.
- (2) Annex V to Regulation (EC) No 329/2007 lists persons, entities and bodies who, not having been listed in Annex IV, have been listed by the Council, and are covered by the freezing of funds and economic resources under that Regulation.
- (3) On 5 June 2017, the Sanctions Committee amended the entries for two entities subject to restrictive measures.
- (4) On 2 June 2017, the UNSC adopted Resolution 2356 (2017) adding 14 natural persons and four entities to the list of persons and entities subject to restrictive measures. Those persons and entities have been added to Annex IV to Regulation (EC) No 329/2007 by means of Commission Implementing Regulation (EU) 2017/970 <sup>(2)</sup>. Some of those persons and entities should therefore be deleted from Annex V to Regulation (EC) No 329/2007, as they are now designated under Annex IV.
- (5) Annex IV and V should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex IV and V to Regulation (EC) No 329/2007 are amended in accordance with Annex I and 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, 17 July 2017.

*For the Commission,**On behalf of the President,**Head of the Service for Foreign Policy Instruments*<sup>(1)</sup> OJ L 88, 29.3.2007, p. 1.<sup>(2)</sup> Commission Implementing Regulation (EU) 2017/970 of 8 June 2017 amending Council Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 146, 9.6.2017, p. 129).

## ANNEX I

In Annex IV to Regulation (EC) No 329/2007, the heading 'B. Legal persons, entities and bodies' is amended as follows:

- (1) '(8) Namchongang Trading Corporation (aka (a) NCG, (b) Namchongang Trading, (c) Nam Chon Gang Corporation, (d) Nomchongang Trading Co., (e) Nam Chong Gan Trading Corporation (f) Namhung Trading Corporation). Other information: (a) located in Pyongyang, DPRK; (b) Namchongang is a North Korean trading company subordinate to the GBAE. Namchongang has been involved in the procurement of Japanese-origin vacuum pumps that were identified at a North Korean nuclear facility, as well as nuclear-related procurement associated with a German individual. It has further been involved in the purchase of aluminium tubes and other equipment specifically suitable for a uranium enrichment programme from the late 1990s. Its representative is a former diplomat who served as North Korea's representative for the IAEA inspection of the Yongbyon nuclear facilities in 2007. Namchongang's proliferation activities are of grave concern given North Korea's past proliferation activities. Date of designation: 16.7.2009.'

is replaced by:

- '(8) Namchongang Trading Corporation (aka NCG; NAMCHONGANG TRADING; NAM CHON GANG CORPORATION; NOMCHONGANG TRADING CO.; NAM CHONG GAN TRADING CORPORATION; Namhung Trading Corporation; Korea Daeryonggang Trading Corporation; Korea Tearyonggang Trading Corporation); (a) located in Pyongyang, North Korea; Sengujadong 11-2/(or Kwangbok-dong), Mangyongdae District, Pyongyang, North Korea; (b) Namchongang is a North Korean trading company subordinate to the General Bureau of Atomic Energy (GBAE). Namchongang has been involved in the procurement of Japanese origin vacuum pumps that were identified at a North Korean nuclear facility, as well as nuclear-related procurement associated with a German individual. It has further been involved in the purchase of aluminium tubes and other equipment specifically suitable for a uranium enrichment programme from the late 1990s. Its representative is a former diplomat who served as North Korea's representative for the International Atomic Energy Agency (IAEA) inspection of the Yongbyon nuclear facilities in 2007. Namchongang's proliferation activities are of grave concern given North Korea's past proliferation activities. Telephone numbers: +850-2-18111, 18222 (ext. 8573). Facsimile number: +850-2-381-4687. Date of designation: 16.7.2009.'

- (2) '(10) Green Pine Associated Corporation (aka (a) CHO'NGSONG UNITED TRADING COMPANY; (b) CHONGSONG YONHAP; (c) CH'O'NGSONG YO'NHAP; (d) CHOSUN CHAWO'N KAEBAL T'UJA HOESA; (e) JINDALLAE; (f) KUMHAERYONG COMPANY LTD; (g) NATURAL RESOURCES DEVELOPMENT AND INVESTMENT CORPORATION; (h) SAEINGP'IL COMPANY). Address: (a) c/o Reconnaissance General Bureau Headquarters, Hyongjesan-Guyok, Pyongyang, North Korea, (b) Nungrado, Pyongyang, DPRK. Other information: Green Pine Associated Corporation ('Green Pine') has taken over many of the activities of the Korea Mining Development Trading Corporation (KOMID). KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons. Green Pine is also responsible for approximately half of the arms and related materiel exported by the DPRK. Green Pine has been identified for sanctions for exporting arms or related material from North Korea. Green Pine specializes in the production of maritime military craft and armaments, such as submarines, military boats and missile systems, and has exported torpedoes and technical assistance to Iranian defence-related firms. Date of designation: 2.5.2012.'

is replaced by:

- '(10) Green Pine Associated Corporation (aka Cho'ngsong United Trading Company; Chongsong Yonhap; Ch'o'ngsong Yo'nhap; Chosun Chawo'n Kaebal Tuja Hoesa; Jindallae; Ku'm- haeryong Company LTD; Natural Resources Development and Investment Corporation; Saeingp'il Company; National Resources Development and Investment Corporation; Saeng Pil Trading Corporation). Address: (a) c/o Reconnaissance General Bureau Headquarters, HyongjesanGuyok, Pyongyang, North Korea; (b) Nungrado, Pyongyang, DPRK; (c) Rakrang No. 1 Rakrang District Pyongyang Korea, Chilgol-1 dong, Mangyongdae District, Pyongyang, North Korea. Other information: Green Pine Associated Corporation ('Green Pine') has taken over many of the activities of the Korea Mining Development Trading Corporation (KOMID). KOMID was designated by the Sanctions Committee in April 2009 and is North Korea's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons. Green Pine is also responsible for approximately half of the arms and related materiel exported by the DPRK. Green Pine has been identified for sanctions for exporting arms or related materiel from n. Green Pine specialises in the production of maritime military craft and armaments, such as submarines, military boats and missile systems, and has exported torpedoes and technical assistance to Iranian defence-related firms. Telephone number: +850-2-18111(ext. 8327). Facsimile number: +850-2-3814685 and +850-2-3813372. Email addresses: pac@silbank.com and kndic@co.chesin.com. Date of designation: 2.5.2012'

- (3) '(46) Strategic Rocket Force of the Korean People's Army (alias Strategic Rocket Force; Strategic Rocket Force Command of KPA). Location: Pyongyang, North Korea. Other information: The Strategic Rocket Force of the Korean People's Army is in charge of all North Korea ballistic missile programmes and is responsible for SCUD and NODONG launches.'

is replaced by:

- '(46) Strategic Rocket Force of the Korean People's Army (alias Strategic Rocket Force; Strategic Rocket Force Command of KPA; Strategic Force; Strategic Forces). Location: Pyongyang, North Korea. Other information: The Strategic Rocket Force of the Korean People's Army is in charge of all North Korea ballistic missile programmes and is responsible for SCUD and NODONG launches. Date of designation: 2.6.2017'.
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## ANNEX II

Annex V to Regulation (EC) No 329/2007 is amended as follows:

(1) Under the heading 'A. Natural persons referred to in Article 6(2)(a)' the following entries are deleted:

'11. PAK To-Chun'; and

'9. PAEK Se-bong'

(2) Under the heading 'B. Legal persons, entities and bodies referred to in Article 6(2)(a)' the following entry is deleted:

'17. Strategic Rocket Forces'

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# DECISIONS

## **DECISION (EU) 2017/1331 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2017 amending Decision (EU) 2015/435 on the mobilisation of the Contingency Margin**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(1)</sup>, and in particular the second paragraph of point 14 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 13 of Council Regulation (EU, Euratom) No 1311/2013 <sup>(2)</sup> has established a Contingency Margin of up to 0,03 % of the gross national income of the Union.
- (2) In accordance with Article 6 of Regulation (EU, Euratom) No 1311/2013, the Commission had calculated the absolute amount of the Contingency Margin for 2014 <sup>(3)</sup>.
- (3) By Decision (EU) 2015/435 <sup>(4)</sup>, the European Parliament and the Council mobilised the Contingency Margin for making available additional payment appropriations in 2014, to be offset in 2018-2020.
- (4) According to the medium-term payment forecast presented in the context of the Mid-Term Review, pressure on the annual payment ceilings in the years 2018-2020 is to be expected.
- (5) The draft budget for the year 2017 shows a margin below the payment ceiling of EUR 9,6 billion, allowing for the offsetting of the full amount mobilised in 2014.
- (6) Decision (EU) 2015/435 should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

### *Article 1*

Decision (EU) 2015/435 is amended as follows:

- (1) Article 1 is replaced by the following:

#### *'Article 1*

For the general budget of the European Union for the financial year 2014, the Contingency Margin shall be mobilised to provide the amount of EUR 2 818 233 715 in payment appropriations over and above the payment ceiling of the multiannual financial framework.'

<sup>(1)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(2)</sup> Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

<sup>(3)</sup> Communication from the Commission to the Council and the European Parliament of 20 December 2013 on the technical adjustment of the financial framework for 2014 in line with movements in GNI (COM(2013) 928).

<sup>(4)</sup> Decision (EU) 2015/435 of the European Parliament and of the Council of 17 December 2014 on the mobilisation of the Contingency Margin (OJ L 72, 17.3.2015, p. 4).

(2) Article 2 is replaced by the following:

*'Article 2*

The amount of EUR 2 818 233 715 shall be offset against the margin under the payment ceiling for the year 2017.'

*Article 2*

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

Done at Strasbourg, 4 July 2017.

*For the European Parliament*

*The President*

A. TAJANI

*For the Council*

*The President*

M. MAASIKAS

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**COUNCIL IMPLEMENTING DECISION (EU) 2017/1332****of 11 July 2017****amending Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting illegal, unreported and unregulated fishing, as regards the Union of the Comoros**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>(1)</sup>, and in particular Article 33(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

**1. INTRODUCTION AND PROCEDURE**

- (1) Regulation (EC) No 1005/2008 ('IUU Regulation') establishes a Union system to prevent, deter and eliminate illegal, unreported and unregulated ('IUU') fishing.
- (2) Chapter VI of the IUU Regulation lays down the procedure with respect to the identification of non-cooperating third countries, *démarches* in respect of countries identified as non-cooperating third countries, establishment of a list of non-cooperating third countries, removal from the list of non-cooperating third countries, publicity of the list of non-cooperating third countries and any emergency measures.
- (3) On 24 March 2014, the Council adopted Implementing Decision 2014/170/EU <sup>(2)</sup> which established a list of non-cooperating third countries in fighting IUU fishing pursuant to IUU Regulation.
- (4) In accordance with Article 32 of the IUU Regulation, by Decision of 1 October 2015 ('Decision of 1 October 2015') <sup>(3)</sup>, the Commission notified the Union of the Comoros ('the Comoros') of the possibility of being identified as a country which the Commission considers as a non-cooperating third country.
- (5) In the Decision of 1 October 2015, the Commission included the information concerning the essential facts and considerations underlying such possible identification.
- (6) The Decision of 1 October 2015 was notified to the Comoros together with a letter of the same date suggesting that the Comoros implement, in close cooperation with the Commission, a plan of action to rectify the identified shortcomings.
- (7) The Commission invited the Comoros in particular to: (i) take all necessary measures to implement the actions contained in the plan of action suggested by the Commission; (ii) assess the implementation of those actions; and (iii) send every 6 months a detailed report to the Commission assessing the implementation of each of those actions as regards, inter alia, its individual and/or overall effectiveness in ensuring a fully compliant fisheries control system.

<sup>(1)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(2)</sup> Council Implementing Decision 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 91, 27.3.2014, p. 43).

<sup>(3)</sup> Commission Decision of 1 October 2015 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (OJ C 324, 2.10.2015, p. 6).

- (8) The Comoros was given the opportunity to respond in writing and orally to the Decision of 1 October 2015 as well as to other relevant information communicated by the Commission, allowing it to submit evidence refuting or completing the facts stated in the Decision of 1 October 2015. The Comoros was assured of its right to ask for, or to provide, additional information.
- (9) By its Decision of 1 October 2015 and its letter, the Commission opened a process of dialogue with the Comoros and highlighted that it considered a period of 6 months as being sufficient in principle for reaching an agreement.
- (10) The Commission continued to seek and verify all information it deemed necessary. The oral and written comments submitted by the Comoros following the Decision of 1 October 2015 were considered and taken into account. The Comoros was kept informed, either orally or in writing, of the Commission's deliberations.
- (11) The Commission however took the view that the areas of concern and shortcomings as described in the Decision of 1 October 2015 had not been addressed sufficiently by the Comoros. Moreover, the Commission concluded that the measures of the plan of action had not been fully implemented. As a consequence, the Commission adopted Implementing Decision (EU) 2017/889 <sup>(1)</sup>, identifying the Comoros as a non-cooperating third country in fighting IUU fishing.
- (12) Based on the investigation and dialogue procedures carried out by the Commission, including the correspondence exchanged and the meetings held, and the reasons underlying the Decision of 1 October 2015 and Implementing Decision (EU) 2017/889, it is appropriate to place the Comoros on the list of non-cooperating third countries in fighting IUU fishing.
- (13) Pursuant to Article 34(1) of the IUU Regulation, the Council, acting by qualified majority on a proposal from the Commission, is to remove a third country from the list of non-cooperating third countries if that country demonstrates that the situation that warranted its listing has been rectified. A removal decision is also to take into consideration whether the identified third country concerned has taken concrete measures capable of achieving a lasting improvement of the situation.

## 2. IDENTIFICATION OF THE COMOROS AS A NON-COOPERATING THIRD COUNTRY

- (14) In the Decision of 1 October 2015, the Commission analysed the duties of the Comoros and evaluated its compliance with its international obligations as flag, port, coastal or market State. For the purpose of that review, the Commission took into account the parameters listed in Article 31(4) to (7) of the IUU Regulation.
- (15) The Commission reviewed the compliance of the Comoros in line with the findings of the Decision of 1 October 2015, and having regard to relevant information provided thereon by the Comoros, the suggested plan of action, and the measures taken to rectify the situation.
- (16) The main shortcomings identified by the Commission in the suggested plan of action were related to several failures to implement obligations under international law, linked in particular to: the failure to adopt an adequate legal framework and registration and licensing procedures; the lack of cooperation and information sharing within the Comorian administration and with third countries where Comorian vessels operate; the lack of an adequate and efficient monitoring, control and surveillance system; and the lack of a deterrent sanctioning system. Other identified shortcomings relate, more generally, to compliance with international obligations including Regional Fisheries Management Organisations recommendations and resolutions. A lack of compliance with recommendations and resolutions from relevant bodies such as the International Plan of Action against Illegal, Unreported and Unregulated Fishing and the Voluntary Guidelines for Flag State Performance, both of the Food and Agriculture Organization of the United Nations, were also identified. However, the lack of compliance with non-binding recommendations and resolutions was considered only as supporting evidence and not as a basis for the identification.

<sup>(1)</sup> Commission Implementing Decision (EU) 2017/889 of 23 May 2017 identifying the Union of the Comoros as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (OJ L 135, 24.5.2017, p. 35).



- (17) In Implementing Decision (EU) 2017/889, the Commission identified the Comoros as a non-cooperating third country pursuant to the IUU Regulation.
- (18) With respect to the possible constraints upon the Comoros as a developing country, it is noted that the development status and overall performance of the Comoros with respect to fisheries management may be impaired by its level of development. However, having taken account of the nature of the established shortcomings of the Comoros, the Comorian development level cannot fully excuse or otherwise justify its overall performance as flag, port, coastal or market State with respect to fisheries and the insufficiency of its actions to prevent, deter and eliminate IUU fishing.
- (19) Having regard to the Decision of 1 October 2015 and Implementing Decision (EU) 2017/889, and to the dialogue process with the Comoros held with the Commission and the outcome of that process, it can be concluded that the actions undertaken by the Comoros in light of its duties as flag State are insufficient to comply with Articles 63, 64, 91, 94, 117 and 118 of the United Nations Convention on the Law of the Sea.
- (20) Thus, the Comoros has failed to discharge its duties under international law as flag State to take action to prevent, deter and eliminate IUU fishing.

### 3. ESTABLISHMENT OF A LIST OF NON-COOPERATING THIRD COUNTRIES

- (21) In view of the conclusions reached with regard to the Comoros, that country should be added, in accordance with Article 33 of the IUU Regulation, to the list of non-cooperating third countries established by the Implementing Decision 2014/170/EU. That Decision should therefore be amended accordingly.
- (22) The inclusion of the Comoros in the list of non-cooperating third countries in the fight against IUU fishing entails the application of the measures laid down in Article 38 of the IUU Regulation. Article 38(1) of the IUU Regulation provides for the prohibition of importation of fisheries products caught by vessels flying the flag of non-cooperating third countries. In the case of the Comoros, that prohibition should cover all stocks and species, namely all fishery products as defined in Article 2(8) of the IUU Regulation, since the lack of appropriate measures adopted in relation to IUU fishing leading to the identification of the Comoros as a non-cooperating third country is not limited to a given stock or species.
- (23) It is noted that IUU fishing, inter alia, depletes fish stocks, destroys marine habitats, undermines the conservation and sustainable use of marine resources, distorts competition, endangers food security, puts honest fishermen at an unfair disadvantage, and weakens coastal communities. In view of the magnitude of the problems related to IUU fishing, it is considered necessary for the Union to expeditiously implement the actions in respect of the Comoros as a non-cooperating third country. As a consequence, this Decision should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (24) If the Comoros demonstrates that the situation that warranted its listing has been rectified, the Council, acting by qualified majority on a proposal from the Commission, is to remove the Comoros from the list of non-cooperating third countries in line with Article 34(1) of the IUU Regulation. Any such removal decision should also take into consideration whether the Comoros has taken concrete measures capable of achieving a lasting improvement of the situation,

HAS ADOPTED THIS DECISION:

#### Article 1

‘The Union of the Comoros’ is hereby added to the Annex to Implementing Decision 2014/170/EU.

*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, 11 July 2017.

*For the Council*  
*The President*  
T. TÕNISTE

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**COUNCIL IMPLEMENTING DECISION (EU) 2017/1333****of 11 July 2017****amending Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting illegal, unreported and unregulated fishing, as regards Saint Vincent and the Grenadines**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>(1)</sup>, and in particular Article 33(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

**1. INTRODUCTION AND PROCEDURE**

- (1) Regulation (EC) No 1005/2008 ('IUU Regulation') establishes a Union system to prevent, deter and eliminate illegal, unreported and unregulated ('IUU') fishing.
- (2) Chapter VI of the IUU Regulation lays down the procedure with respect to the identification of non-cooperating third countries, *démarches* in respect of countries identified as non-cooperating third countries, establishment of a list of non-cooperating third countries, removal from the list of non-cooperating third countries, publicity of the list of non-cooperating third countries and any emergency measures.
- (3) On 24 March 2014, the Council adopted Implementing Decision 2014/170/EU <sup>(2)</sup> which established a list of non-cooperating third countries in fighting IUU fishing pursuant to IUU Regulation.
- (4) In accordance with Article 32 of the IUU Regulation, by Decision of 12 December 2014 ('Decision of 12 December 2014') <sup>(3)</sup>, the Commission notified Saint Vincent and the Grenadines of the possibility of being identified as a country which the Commission considers as a non-cooperating third country.
- (5) In the Decision of 12 December 2014, the Commission included the information concerning the essential facts and considerations underlying such possible identification.
- (6) The Decision of 12 December 2014 was notified to Saint Vincent and the Grenadines together with a letter of the same date suggesting that Saint Vincent and the Grenadines implement, in close cooperation with the Commission, a plan of action to rectify the identified shortcomings.
- (7) The Commission invited Saint Vincent and the Grenadines in particular to: (i) take all necessary measures to implement the actions contained in the plan of action suggested by the Commission; (ii) assess the implementation of those actions; and (iii) send every 6 months a detailed report to the Commission assessing the implementation of each of those actions as regards, inter alia, its individual and/or overall effectiveness in ensuring a fully compliant fisheries control system.

<sup>(1)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(2)</sup> Council Implementing Decision 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 91, 27.3.2014, p. 43).

<sup>(3)</sup> Commission Decision of 12 December 2014 notifying a third country that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ C 453, 17.12.2014, p. 5).

- (8) Saint Vincent and the Grenadines was given the opportunity to respond in writing and orally to the Decision of 12 December 2014 as well as to other relevant information communicated by the Commission, allowing it to submit evidence refuting or completing the facts stated in the Decision of 12 December 2014. Saint Vincent and the Grenadines was assured of its right to ask for, or to provide, additional information.
- (9) By its Decision of 12 December 2014 and its letter, the Commission opened a process of dialogue with Saint Vincent and the Grenadines and highlighted that it considered a period of 6 months as being sufficient in principle for reaching an agreement.
- (10) The Commission continued to seek and verify all information it deemed necessary. The oral and written comments submitted by Saint Vincent and the Grenadines following the Decision of 12 December 2014 were considered and taken into account. Saint Vincent and the Grenadines was kept informed, either orally or in writing, of the Commission's deliberations.
- (11) The Commission however took the view that the areas of concern and shortcomings as described in the Decision of 12 December 2014 had not been addressed sufficiently by Saint Vincent and the Grenadines. Moreover, the Commission concluded that the measures of the plan of action had not been fully implemented. As a consequence, the Commission adopted Implementing Decision (EU) 2017/918 <sup>(1)</sup>, identifying Saint Vincent and the Grenadines as a non-cooperating third country in fighting IUU fishing.
- (12) Based on the investigation and dialogue procedures carried out by the Commission, including the correspondence exchanged and the meetings held, and the reasons underlying the Decision of 12 December 2014 and Implementing Decision (EU) 2017/918, it is appropriate to place Saint Vincent and the Grenadines on the list of non-cooperating third countries in fighting IUU fishing.
- (13) Pursuant to Article 34(1) of the IUU Regulation, the Council, acting by qualified majority on a proposal from the Commission, is to remove a third country from the list of non-cooperating third countries if that country demonstrates that the situation that warranted its listing has been rectified. A removal decision is also to take into consideration whether the identified third country concerned has taken concrete measures capable of achieving a lasting improvement of the situation.

## 2. IDENTIFICATION OF SAINT VINCENT AND THE GRENADINES AS A NON-COOPERATING THIRD COUNTRY

- (14) In the Decision of 12 December 2014, the Commission analysed the duties of Saint Vincent and the Grenadines and evaluated its compliance with its international obligations as flag, port, coastal or market State. For the purpose of that review, the Commission took into account the parameters listed in Article 31(4) to (7) of the IUU Regulation.
- (15) The Commission reviewed the compliance of Saint Vincent and the Grenadines in line with the findings of the Decision of 12 December 2014, and having regard to relevant information provided thereon by Saint Vincent and the Grenadines, the suggested plan of action, and the measures taken to rectify the situation.
- (16) The main shortcomings identified by the Commission in the suggested plan of action were related to several failures to implement obligations under international law, linked in particular to: the failure to adopt an adequate legal framework; the lack of an adequate and efficient monitoring, control and surveillance system; the lack of an observer scheme; and the lack of a deterrent sanctioning system. Other identified shortcomings relate, more generally, to compliance with international obligations, including Regional Fisheries Management Organisations recommendations and resolutions, and the conditions for registration of vessels according to international law. A lack of compliance with recommendations and resolutions from relevant bodies such as the International Plan of Action against Illegal, Unreported and Unregulated Fishing and the Voluntary Guidelines for Flag State Performance, both of the Food and Agriculture Organization of the United Nations, were also identified. However, the lack of compliance with non-binding recommendations and resolutions was considered only as supporting evidence and not as a basis for the identification.

<sup>(1)</sup> Commission Implementing Decision (EU) 2017/918 of 23 May 2017 identifying Saint Vincent and the Grenadines as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (OJ L 139, 30.5.2017, p. 70).

- (17) In Implementing Decision (EU) 2017/918, the Commission identified Saint Vincent and the Grenadines as a non-cooperating third country pursuant to the IUU Regulation.
- (18) With respect to the possible constraints upon Saint Vincent and the Grenadines as a developing country, it is noted that the development status and overall performance of Saint Vincent and the Grenadines with respect to fisheries are not impaired by its general level of development.
- (19) Having regard to the Decision of 12 December 2014 and Implementing Decision (EU) 2017/918, and to the dialogue process with Saint Vincent and the Grenadines held with the Commission and the outcome of that process, it can be concluded that the actions undertaken by Saint Vincent and the Grenadines in light of its duties as flag State are insufficient to comply with Articles 63, 64, 91, 94 and 117 of the United Nations Convention on the Law of the Sea, Articles 7, 18, 19, 20 and 23 of the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and Article III(8) of the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas of the United Nations.
- (20) Thus, Saint Vincent and the Grenadines has failed to discharge its duties under international law as flag State to take action to prevent, deter and eliminate IUU fishing.

### 3. ESTABLISHMENT OF A LIST OF NON-COOPERATING THIRD COUNTRIES

- (21) In view of the conclusions reached with regard to Saint Vincent and the Grenadines, that country should be added, in accordance with Article 33 of the IUU Regulation, to the list of non-cooperating third countries established by the Implementing Decision 2014/170/EU. That Decision should therefore be amended accordingly.
- (22) The inclusion of Saint Vincent and the Grenadines in the list of non-cooperating third countries in the fight against IUU fishing entails the application of the measures laid down in Article 38 of the IUU Regulation. Article 38(1) of the IUU Regulation provides for the prohibition of importation of fisheries products caught by vessels flying the flag of non-cooperating third countries. In the case of Saint Vincent and the Grenadines that prohibition should cover all stocks and species, namely all fishery products as defined in Article 2(8) of the IUU Regulation, since the lack of appropriate measures adopted in relation to IUU fishing leading to the identification of Saint Vincent and the Grenadines as a non-cooperating third country is not limited to a given stock or species.
- (23) It is noted that IUU fishing, inter alia, depletes fish stocks, destroys marine habitats, undermines the conservation and sustainable use of marine resources, distorts competition, endangers food security, puts honest fishermen at an unfair disadvantage, and weakens coastal communities. In view of the magnitude of the problems related to IUU fishing, it is considered necessary for the Union to expeditiously implement the actions in respect of Saint Vincent and the Grenadines as a non-cooperating third country. As a consequence, this Decision should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (24) If Saint Vincent and the Grenadines demonstrates that the situation that warranted its listing has been rectified, the Council, acting by qualified majority on a proposal from the Commission, is to remove Saint Vincent and the Grenadines from the list of non-cooperating third countries in line with Article 34(1) of the IUU Regulation. Any such removal decision should also take into consideration whether Saint Vincent and the Grenadines has taken concrete measures capable of achieving a lasting improvement of the situation,

HAS ADOPTED THIS DECISION:

#### Article 1

‘Saint Vincent and the Grenadines’ is hereby added to the Annex to Implementing Decision 2014/170/EU.

*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, 11 July 2017.

*For the Council*  
*The President*  
T. TÕNISTE

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**COUNCIL DECISION (EU) 2017/1334****of 11 July 2017****appointing a member, proposed by the Italian Republic, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Italian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Augusto ROLLANDIN,

HAS ADOPTED THIS DECISION:

*Article 1*

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Mr Pierluigi MARQUIS, *Consigliere e Presidente della Regione Autonoma Valle d'Aosta*.

*Article 2*

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

Done at Brussels, 11 July 2017.

*For the Council*  
*The President*  
T. TÕNISTE

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<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

**COUNCIL DECISION (EU) 2017/1335****of 11 July 2017****appointing an alternate member, proposed by the Kingdom of the Netherlands, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Government of the Netherlands,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Ingrid VAN ENGELSHOVEN,

HAS ADOPTED THIS DECISION:

*Article 1*

The following is hereby appointed as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Ms S. (Saskia) BRUINES, *wethouder van de gemeente 's-Gravenhage*.

*Article 2*

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

Done at Brussels, 11 July 2017.

*For the Council*

*The President*

T. TÕNISTE

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<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).



**COUNCIL DECISION (EU) 2017/1336****of 11 July 2017****appointing two members and an alternate member, proposed by the Federal Republic of Germany,  
of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the German Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, 2015/190 <sup>(2)</sup> and 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) Two members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Ms Uta-Maria KUDER and Mr Detlef MÜLLER.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Andreas TEXTER,

HAS ADOPTED THIS DECISION:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as members:

- Ms Katy HOFFMEISTER, *Justizministerin des Landes Mecklenburg-Vorpommern*,
  - Mr Tilo GUNDLACK, *Mitglied des Landtages Mecklenburg-Vorpommern*,
- and

(b) as an alternate member:

- Mr Jochen SCHULTE, *Mitglied des Landtages Mecklenburg-Vorpommern*.

*Article 2*

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

Done at Brussels, 11 July 2017.

*For the Council*

*The President*

T. TÕNISTE

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<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

**COUNCIL DECISION (EU) 2017/1337****of 11 July 2017****appointing a member and an alternate member, proposed by Malta, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Government of Malta,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Marc SANT.
- (3) An alternate member's seat has become vacant following the appointment of Mr Mario FAVA as a member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as a member:

— Mr Mario FAVA, *Councillor, Swieqi, Local Council*,  
and

(b) as an alternate member:

— Ms Sarah AGIUS, *Mayor, Haż-Żebbuġ, Città Rohan, Local Council, Malta*.

*Article 2*

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

Done at Brussels, 11 July 2017.

*For the Council*

*The President*

T. TÖNISTE

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<sup>(1)</sup> Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

<sup>(2)</sup> Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

<sup>(3)</sup> Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

**COUNCIL DECISION (CFSP) 2017/1338**  
**of 17 July 2017**  
**amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in**  
**Libya**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 29 thereof,

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

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333 <sup>(1)</sup>.
- (2) The Council has previously noted the importance of stability in Libya and has offered to provide support to the Libyan authorities as recognised under the Libyan Political Agreement, to counter the smuggling of migrants and trafficking in human beings.
- (3) The smuggling of migrants and trafficking in human beings contributes to destabilising the political and security situation in Libya.
- (4) Restrictions should be applied to the export of certain products to Libya which may be used to facilitate the smuggling of migrants and trafficking in human beings.
- (5) Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 10 of Decision (CFSP) 2015/1333 is replaced by the following:

*'Article 10*

1. Member States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territories or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in Libya or subject to Libya's jurisdiction, and any individuals and entities acting on their behalf or at their direction, and entities owned or controlled by them, with a view to preventing business that could contribute to violence and the use of force against civilians.
2. The sale, supply, transfer or export of certain vessels and motors to Libya which could be used in the smuggling of migrants and trafficking in human beings, by nationals of Member States or through the territories of Member States or using their flag vessels or aircraft, shall be subject to an authorisation by the competent authority of the Member State whether originating in its territory or not.
3. The competent authorities of Member States shall not grant any authorisation for the sale, supply, transfer or export of the items referred to in paragraph 2 if they have reasonable grounds to believe that the item would be used in the smuggling of migrants and trafficking in human beings.
4. Paragraph 2 shall not apply to the sales, supply, transfer or exports made by the authorities of Member States to the Libyan government.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.'

<sup>(1)</sup> Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ L 206, 1.8.2015, p. 34).

*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, 17 July 2017.

*For the Council*  
*The President*  
F. MOGHERINI

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**COUNCIL DECISION (CFSP) 2017/1339****of 17 July 2017****amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP <sup>(1)</sup>, and in particular Article 33 thereof,

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

Whereas:

- (1) On 27 May 2016, the Council adopted Decision (CFSP) 2016/849.
- (2) In accordance with Article 33(1) of Decision (CFSP) 2016/849, the Council shall implement modifications to Annex I thereto on the basis of the determination made by the United Nations Security Council ('UNSC') or by the Sanctions Committee.
- (3) On 5 June 2017, the UNSC Committee established pursuant to United Nations Security Council Resolution 1718 (2006) amended the entries for two entities subject to restrictive measures.
- (4) On 2 June 2017, the UNSC added 14 persons and four entities to the list of persons and entities subject to restrictive measures. Those persons and entities have accordingly been added to Annex I to Decision (CFSP) 2016/849 by means of Council Implementing Decision (CFSP) 2017/975 <sup>(2)</sup>. Some of those persons and entities should therefore be removed from Annex II to Decision (CFSP) 2016/849 as they are now designated under Annex I.
- (5) Annexes I and II to Decision (CFSP) 2016/849 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex I to Decision (CFSP) 2016/849 is hereby amended as set out in Annex I to this Decision.

*Article 2*

Annex II to Decision (CFSP) 2016/849 is hereby amended as set out in Annex II to this Decision.

*Article 3*

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, 17 July 2017.

*For the Council*

*The President*

F. MOGHERINI

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<sup>(1)</sup> OJ L 141, 28.5.2016, p. 79.

<sup>(2)</sup> Council Implementing Decision (CFSP) 2017/975 of 8 June 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 146, 9.6.2017, p. 145).

## ANNEX I

In Annex I to Decision (CFSP) 2016/849 the entries for the persons and entities mentioned below are replaced as follows:

## A. Persons

	Name	Alias	Date of birth	Date of UN designation	Statement of reasons
'2.	Ri Je-Son	Korean name: <b>리제선</b> Chinese name: <b>善济李</b> a.k.a. Ri Che Son	1938	16.7.2009	Minister of Atomic Energy Industry since April 2014. Former Director of the General Bureau of Atomic Energy (GBAE), chief agency directing DPRK's nuclear programme; facilitated several nuclear endeavours including GBAE's management of Yongbyon Nuclear Research Centre and Namchongang Trading Corporation.'

## B. Entities

	Name	Alias	location	Date of UN designation	Other information
'4.	Namchongang Trading Corporation	a) NCG, b) NAMCHONGANG TRADING, c) NAMCHONGANG CORPORATION, d) NOMCHONGANG TRADING CO., e) NAM CHONGAN TRADING CORPORATION, f) Namhung Trading Corporation, g) Korea Daeryonggang Trading Corporation, h) Korea Tearyonggang Trading Corporation	a) Pyongyang, Democratic People's Republic of Korea, b) Sengujadong 11-2/(or Kwangbok-dong), Mangyongdae District, Pyongyang, Democratic People's Republic of Korea	16.7.2009	Namchongang is a DPRK trading company subordinate to the General Bureau of Atomic Energy (GBAE). Namchongang has been involved in the procurement of Japanese origin vacuum pumps that were identified at a DPRK nuclear facility, as well as nuclear-related procurement associated with a German individual. It has further been involved in the purchase of aluminum tubes and other equipment specifically suitable for a uranium enrichment program from the late 1990s. Its representative is a former diplomat who served as DPRK's representative for the IAEA inspection of the Yongbyon nuclear facilities in 2007. Namchongang's proliferation activities are of grave concern given the DPRK's past proliferation activities. Telephone numbers: +850-2-18111, 18222 (ext. 8573). Facsimile number: +850-2-381-4687.

	Name	Alias	location	Date of UN designation	Other information
15.	Green Pine Associated Corporation	a) Cho'ngsong United Trading Company; b) Chongsong Yonhap; c) Ch'o'ngsong Yo'nhap; d) Chosun Chawo'n Kaebal T'uja Hoesa; e) Jindallae; f) Ku'm-haeryong Company LTD; g) Natural Resources Development and Investment Corporation; h) Saeingp'il Company; i) National Resources Development and Investment Corporation; j) Saeng Pil Trading Corporation	a) c/o Reconnaissance General Bureau Headquarters, Hyongjesan-Guyok, Pyongyang, Democratic People's Republic of Korea; b) Nungrado, Pyongyang, Democratic People's Republic of Korea; c) Rakrang No 1 Rakrang District Pyongyang Korea, Chilgol-1 dong, Mangyongdae District, Pyongyang, Democratic People's Republic of Korea	2.5.2012	Green Pine Associated Corporation ('Green Pine') has taken over many of the activities of the Korea Mining Development Trading Corporation (KOMID). KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons. Green Pine is also responsible for approximately half of the arms and related materiel exported by the DPRK. Green Pine has been identified for sanctions for exporting arms or related material from North Korea. Green Pine specializes in the production of maritime military craft and armaments, such as submarines, military boats and missile systems, and has exported torpedoes and technical assistance to Iranian defence-related firms. Telephone number: +850-2-18111 (ext. 8327). Facsimile number: +850-2-3814685 and +850-2-3813372. Email addresses: pac@silibank.com and kndic@co.chesin.com.
46.	Strategic Rocket Force of the Korean People's Army	Strategic Rocket Force; Strategic Rocket Force Command of KPA; Strategic Force; Strategic Forces	Pyongyang, DPRK	2.6.2017	The Strategic Rocket Force of the Korean People's Army is in charge of all DPRK ballistic missile programs and is responsible for SCUD and NODONG launches.'

## ANNEX II

In Annex II to Decision (CFSP) 2016/849 the entries for the persons and entities listed below are deleted:

- I. Persons and entities responsible for the DPRK's nuclear-related, ballistic-missile-related or other weapons of mass destruction-related programmes or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them.

A. Persons

‘6. PAEK Se-bong

12. PAK To-Chun’

B. Entities

‘7. Strategic Rocket Forces’

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**COUNCIL DECISION (CFSP) 2017/1340****of 17 July 2017****amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP <sup>(1)</sup>,

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

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 21 June 2017, the United Nations Security Council adopted Resolution 2360 (2017), which amends the listing criteria governing UN restrictive measures.
- (3) Further Union action is needed in order to implement certain measures.
- (4) Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 3(1) of Decision 2010/788/CFSP, point (i) is replaced by the following:

‘(i) planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel, including members of the Group of Experts;’.

*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, 17 July 2017.

*For the Council*  
*The President*  
F. MOGHERINI

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<sup>(1)</sup> OJ L 336, 21.12.2010, p. 30.

**COUNCIL IMPLEMENTING DECISION (CFSP) 2017/1341**  
**of 17 July 2017**  
**implementing Decision 2013/255/CFSP concerning restrictive measures against Syria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria <sup>(1)</sup> and in particular Article 30(1) thereof,

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

Whereas:

- (1) On 31 May 2013, the Council adopted Decision 2013/255/CFSP.
- (2) In view of the gravity of the situation in Syria, in particular the use by the Syrian regime of chemical weapons and its involvement in chemical weapons proliferation, 16 persons should be added to the list of natural and legal persons, entities or bodies subject to restrictive measures in Annex I to Decision 2013/255/CFSP.
- (3) Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex I to Decision 2013/255/CFSP is amended as set out in the Annex to this Decision.

*Article 2*

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

Done at Brussels, 17 July 2017.

*For the Council*  
*The President*  
F. MOGHERINI

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<sup>(1)</sup> OJ L 147, 1.6.2013, p. 14.

## ANNEX

The following persons are added to the list set out in section A (Persons) of Annex I to Decision 2013/255/CFSP:

	Name	Identifying information	Reasons	Date of listing
'242.	Samir Dabul (a.k.a.: Samir Daaboul)	Date of birth: 4 September 1965 Title: Brigadier General	Holds the rank of Brigadier General, in post after May 2011.  As a senior military officer he is responsible for the violent repression against the civilian population and involved in the storage and deployment of chemical weapons. He is also associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
243.	Ali Wanus (a.k.a.: Ali Wannous) (علي وانوس)	Date of birth: 5 February 1964 Title: Brigadier General	Holds the rank of Brigadier General, in post after May 2011.  As a senior military officer he is responsible for the violent repression against the civilian population and involved in the storage and deployment of chemical weapons.  He is also associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
244.	Yasin Ahmad Dahi (a.k.a.: Yasin Dahi; Yasin Dhahi) (ضاحي ياسين)	Date of birth: 1960 Title: Brigadier General	Holds the rank of Brigadier General in the Syrian Armed Forces, in post after May 2011. Senior officer within the Military Intelligence Directorate of the Syrian Armed Forces. Former head of Military Intelligence Branch 235 in Damascus and Military Intelligence in Homs. As a senior military officer he is responsible for the violent repression against the civilian population.	18.7.2017
245.	Muhammad Yousef Hasouri (a.k.a.: Mohammad Yousef Hasouri; Mohammed Yousef Hasouri) (محمد يوسف حاصوري)	Title: Brigadier General	Brigadier General Muhammad Hasouri is a senior officer of the Syrian Air Force, in post after May 2011. He holds the position as Chief of Staff of Air Force Brigade 50 and Deputy Commander of the Shayrat Airbase. Brigadier General Muhammad Hasouri operates in the chemical weapons proliferation sector. As a senior military officer he is responsible for the violent repression against the civilian population in Syria.	18.7.2017
246.	Malik Hasan (a.k.a.: Malek Hassan) (مالك حسن)	Title: Major General	Holds the rank of Major General, a senior officer and Commander of the 22nd Division of the Syrian Air Force, in post after May 2011.  As a senior officer of the Syrian Air Force and in the chain of command of the 22nd Division, he is responsible for the violent repression against the civilian population in Syria, including the use of chemical weapons by aircraft operating from airbases under the control of the 22nd Division, such as the attack on Talmenas that the Joint Investigative Mechanism established by the United Nations reported was conducted by Hama airfield-based regime helicopters.	18.7.2017

	Name	Identifying information	Reasons	Date of listing
247.	Jayyiz Rayyan Al-Musa (a.k.a.: Jaez Sawada al-Hammoud al-Mousa; Jayez al-Hammoud al-Moussa) (الموسى الحمود جاييز)	Title: Major General	Governor of Hasaka, appointed by Bashar al-Assad; he is associated with Bashar al-Assad.  Holds the rank of Major General, a senior officer and former Chief of Staff of the Syrian Air Force.  As a senior officer of the Syrian Air Force, he is responsible for the violent repression against the civilian population in Syria, including the use of chemical weapons attacks by the Syrian regime during his tenure as Chief of Staff of the Syrian Air Force, as identified in the report of the Joint Investigative Mechanism established by the United Nations.	18.7.2017
248.	Mayzar 'Abdu Sawan (a.k.a.: Meezar Sawan) (میزار عبد الصوان)	Title: Major General	Holds the rank of Major General, a senior officer and Commander of the 20th Division of the Syrian Air Force, in post after May 2011.  As a senior officer in the Syrian air force he is responsible for the violent repression against the civilian population including attacks against civilian areas by aircraft operating from airbases under the control of the 20th Division.	18.7.2017
249.	Isam Zahr Al-Din (a.k.a.: Isam Zuhair al-Din; Isam Zohruddin; Issam Zahraddin; Issam Zahreddine; Essam Zahraddin) (الدين زهر عصام)	Title: Brigadier General	Holds the rank of Brigadier General, a senior officer in the Republican Guard, in post after May 2011. As a senior military officer he is responsible for the violent repression against the civilian population, including during the siege of Baba Amr in February 2012.	18.7.2017
250.	Mohammad Safwan Katan (a.k.a.: Mohammad Safwan Qattan) (محمد صفوان قطان)		Mohammad Safwan Katan is an engineer at the Syrian Scientific Studies and Research Centre, a listed entity. He is involved in chemical weapons proliferation and delivery. Mohammad Safwan Katan has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
251.	Mohammad Ziad Ghritawi (a.k.a.: Mohammad Ziad Ghayrawati) (غريواتي محمد زياد)		Mohammad Ziad Ghritawi is an engineer at the Syrian Scientific Studies and Research Centre. He is involved in chemical weapons proliferation and delivery. Mohammad Ziad Ghritawi has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017

	Name	Identifying information	Reasons	Date of listing
252.	Mohammad Darar Khaludi (a.k.a.: Mohammad Darar Khloudi) (محمد ضرار خلودي)		Mohammad Darar Khaludi is an engineer at the Syrian Scientific Studies and Research Centre. He is involved in chemical weapons proliferation and delivery. Mohammad Darar Khaludi has been also known to be involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is also associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
253.	Khaled Sawan (صوان خالد)		Dr Khaled Sawan is an engineer at the Syrian Scientific Studies and Research Centre, which is involved in chemical weapons proliferation and delivery. He has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He has been associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
254.	Raymond Rizq (a.k.a.: Raymond Rizk) (رزق ريمون)		Raymond Rizq is an engineer at the Syrian Scientific Studies and Research Centre, involved in chemical weapons proliferation and delivery. He has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
255.	Fawwaz El-Atou (a.k.a.: Fawaz Al Atto) (فواز الاطو)		Fawwaz El-Atou is a lab technician at the Syrian Scientific Studies and Research Centre, involved in chemical weapons proliferation and delivery. Fawwaz El-Atou has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
256.	Fayez Asi (a.k.a.: Fayez al-Asi) (فايز أسي)		Fayez Asi is a lab technician at the Syrian Scientific Studies and Research Centre, involved in chemical weapons proliferation and delivery. He has been involved in the construction of barrel bombs which have been used against the civilian population in Syria.  He is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017
257.	Hala Sirhan (a.k.a.: Halah Sirhan) (هالة سرحان)	Date of birth: 5 January 1953 Title: Dr	Dr Hala Sirhan works with Syrian Military Intelligence at the Syrian Scientific Studies and Research Centre. She operated in Institute 3000, which is involved in chemical weapons proliferation.  She is associated with the Syrian Scientific Studies and Research Centre, a listed entity.	18.7.2017'

**COUNCIL DECISION (CFSP) 2017/1342****of 17 July 2017****amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 22 May 2013, the Council adopted Decision 2013/233/CFSP <sup>(1)</sup> establishing the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya).
- (2) On 19 January 2016, the Political and Security Committee (PSC) agreed to use the extant EUBAM Libya shell to plan for a possible civilian Common Security and Defence Policy/Security Sector Reform engagement with the Libyan Government of National Accord upon its request, contributing to the efforts of the United Nations Support Mission in Libya (UNSMIL), and on that basis agreed to prolong the mandate of EUBAM Libya for six months. Subsequently, on 15 February 2016, the Council adopted Decision (CFSP) 2016/207 <sup>(2)</sup> extending EUBAM Libya until 21 August 2016.
- (3) On 4 August 2016, the Council adopted Decision (CFSP) 2016/1339 <sup>(3)</sup> amending Decision 2013/233/CFSP and extending it until 21 August 2017.
- (4) The Malta Declaration by the members of the European Council on the external aspects of migration of 3 February 2017 notably emphasised that the efforts to stabilise Libya are now more important than ever and that the Union will do its utmost to contribute to that objective. In Libya, capacity building is key for the authorities to acquire control over the land and sea borders and to combat transit and smuggling activities.
- (5) In its conclusions on Libya of 6 February 2017, the Council notably reaffirmed its full support to UNSMIL and concluded that EUBAM Libya will continue engaging and assisting Libyan authorities in view of a possible future civilian mission, once conditions allow, in the field of police, rule of law and border management.
- (6) On 4 July 2017, the PSC agreed, based on the mission's strategic review, to extend the mandate of EUBAM Libya until 31 December 2018.
- (7) The High Representative of the Union for Foreign Affairs and Security Policy (the 'HR') should be allowed to release to Europol, Frontex, the United Nations and Interpol classified information generated for the purposes of EUBAM Libya, in accordance with Council Decision 2013/488/EU <sup>(4)</sup>.
- (8) Decision 2013/233/CFSP should therefore be amended accordingly.
- (9) EUBAM Libya will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

<sup>(1)</sup> Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 138, 24.5.2013, p. 15).

<sup>(2)</sup> Council Decision (CFSP) 2016/207 of 15 February 2016 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 39, 16.2.2016, p. 45).

<sup>(3)</sup> Council Decision (CFSP) 2016/1339 of 4 August 2016 amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 212, 5.8.2016, p. 111).

<sup>(4)</sup> Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

HAS ADOPTED THIS DECISION:

### Article 1

Decision 2013/233/CFSP is amended as follows:

- (1) Article 2 is replaced by the following:

‘Article 2

#### **Objectives**

EUBAM Libya will assist in a comprehensive civilian security sector reform planning process, with a view to preparing for a possible civilian Common Security and Defence Policy (CSDP) mission.

The objectives of EUBAM Libya are to engage and assist the Libyan authorities in the fields of border management, law enforcement and the broader criminal justice system.’

- (2) In Article 3, paragraph 1 is replaced by the following:

‘1. In order to achieve the objectives set out in Article 2, EUBAM Libya shall:

- (a) inform EU planning for a possible civilian CSDP mission in the field of security sector reform, cooperating closely with, and contributing to, the United Nations Support Mission in Libya (UNSMIL) efforts, liaising with the legitimate Libyan authorities and other relevant security interlocutors;
- (b) support the development of the broader border management framework, including providing capacity delivery to the Ministry of Interior coastal police (General Administration of Coastal Security), engaging the Libyan Coast Guard and enhancing contacts with legitimate Libyan authorities on the Southern borders;
- (c) support capacity building and strategic planning within the Ministry of Interior on law enforcement in Tripoli and development of coordination capacities among relevant Libyan authorities in fighting organised crime and terrorism;
- (d) support broader capacity building and strategic planning assistance to the Ministry of Justice, including establishing the Criminal Justice Reform Working Group and potential sub-groups.’

- (3) In Article 5, paragraph 7 is replaced by the following:

‘7. The Civilian Operation Commander, the Head of Union Delegation in Libya and the Head of Mission of EUBAM Libya shall consult each other as required. The European External Action Service Principal Advisor on Gender should also be consulted, where appropriate.’

- (4) In Article 6, paragraph 7 is replaced by the following:

‘7. The Head of Mission shall coordinate, as appropriate, with other Union actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the Head of Union Delegation in Libya.’

- (5) In Article 9, paragraph 1 is replaced by the following:

‘1. The PSC shall exercise, under the responsibility of the Council and of the HR, political control and strategic direction of EUBAM Libya. The Council hereby authorises the PSC to take the relevant decisions for that purpose in accordance with the third paragraph of Article 38 TEU. That authorisation shall include the powers to appoint a Head of Mission, upon a proposal from the HR, and to amend the planning documents. The powers of decision with respect to the objectives and termination of EUBAM Libya shall remain vested in the Council.’

- (6) In Article 11, paragraph 4 is replaced by the following:

‘4. EUBAM Libya staff shall undergo mandatory security training before taking up their duties, in accordance with the planning documents. They shall also receive regular in-theatre refresher training organised by the Mission Security Officer.’

(7) In Article 13(1), the last paragraph is replaced by the following:

‘The financial reference amount intended to cover the expenditure related to EUBAM Libya for the period from 22 August 2016 to 30 November 2017 shall be EUR 17 000 000.’.

(8) In Article 15, paragraph 4 is replaced by the following:

‘4. The HR shall be authorised to release to Europol and Frontex EU classified information generated for the purposes of EUBAM Libya, in accordance with Decision 2013/488/EU.’.

(9) In Article 15, the following paragraphs are added:

‘5. The HR shall be authorised to release to the UN EU classified information up to “RESTREINT UE/EU RESTRICTED” level which are generated for the purposes of EUBAM Libya, in accordance with Decision 2013/488/EU.

6. The HR shall be authorised to release to INTERPOL EU classified information generated for the purposes of EUBAM Libya, in accordance with Decision 2013/488/EU. Pending the conclusion of an agreement between the Union and INTERPOL, EUBAM Libya may release such information to the National Central Bureaux of INTERPOL of the Member States, in accordance with arrangements to be concluded between the Civilian Operation Commander and the Head of the relevant National Central Bureau.

7. The HR shall be authorised to conclude the arrangements necessary to implement the provisions on information exchange in this Article.

8. The HR may delegate the authorisations to release information as well as the ability to conclude the arrangements referred to in this Article to persons placed under the HR’s authority, to the Civilian Operation Commander and/or to the Head of Mission.’.

(10) In Article 16, the second paragraph is replaced by the following:

‘It shall apply until 31 December 2018.’.

## Article 2

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

Done at Brussels, 17 July 2017.

*For the Council*  
*The President*  
F. MOGHERINI









