

Official Journal of the European Union

L 259



English edition

Legislation

Volume 60

7 October 2017

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ Notice concerning the provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part 1

REGULATIONS

- ★ Commission Delegated Regulation (EU) 2017/1798 of 2 June 2017 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement for weight control⁽¹⁾ 2
- ★ Commission Delegated Regulation (EU) 2017/1799 of 12 June 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council as regards the exemption of certain third countries central banks in their performance of monetary, foreign exchange and financial stability policies from pre- and post-trade transparency requirements⁽¹⁾ 11
- ★ Commission Delegated Regulation (EU) 2017/1800 of 29 June 2017 amending Delegated Regulation (EU) No 151/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council⁽¹⁾ 14
- ★ Commission Delegated Regulation (EU) 2017/1801 of 13 July 2017 correcting certain language versions of Delegated Regulation (EU) 2016/2250 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa 18

⁽¹⁾ Text with EEA relevance.

EN

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

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

DECISIONS

- ★ **Political and Security Committee Decision (CFSP) 2017/1802 of 28 September 2017 on the appointment of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2017)** 20

RECOMMENDATIONS

- ★ **Commission Recommendation (EU) 2017/1803 of 3 October 2017 on enhancing legal pathways for persons in need of international protection** (*notified under document C(2017) 6504*) 21
- ★ **Commission Recommendation (EU) 2017/1804 of 3 October 2017 on the implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border control at internal borders in the Schengen area** 25
- ★ **Commission Recommendation (EU) 2017/1805 of 3 October 2017 on the professionalisation of public procurement — Building an architecture for the professionalisation of public procurement ⁽¹⁾** 28

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part

The Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part ⁽¹⁾, signed in Brussels on 12 December 2016, shall, pursuant to its Article 86.3, be provisionally applied as from 1 November 2017. By virtue of Article 3 of the Council Decision of 6 December 2016 on signing and provisional application of the Agreement, the following parts of the Agreement shall be applied on a provisional basis between the Union and the Republic of Cuba, but only to the extent that they cover matters falling within the Union's competence, including matters falling within the Union's competence to define and implement a common foreign and security policy:

- Parts I to IV, and
- Part V, to the extent that the provisions thereof are limited to the purpose of ensuring provisional application of the Agreement.

Notwithstanding the first paragraph of Article 3, the following Articles shall not be applied on a provisional basis:

- Article 29,
- Article 35,
- Article 55 to the extent that it concerns cooperation on maritime transport,
- Article 58,
- Article 71 to the extent that it concerns border security, and
- Article 73 to the extent that it concerns cooperation on non-agricultural geographical indications.

⁽¹⁾ OJ L 337 I, 13.12.2016, p. 1.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/1798

of 2 June 2017

supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for total diet replacement for weight control

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 ⁽¹⁾, and in particular Article 11(1)(a), (c) and (d) thereof,

Whereas:

- (1) Commission Directive 96/8/EC ⁽²⁾ lays down harmonised rules on foods intended for use in energy-restricted diets for weight reduction and includes within its scope products defined in Regulation (EU) No 609/2013 as total diet replacement for weight control products.
- (2) Regulation (EU) No 609/2013 repeals Directive 96/8/EC and lays down general compositional and information requirements for different categories of food including products defined as total diet replacement for weight control. In order for the Commission to comply with its obligation to adopt specific compositional and information requirements for total diet replacement for weight control products, it is appropriate to build on the provisions of Directive 96/8/EC as those provisions have ensured the free movement of foods presented as total diet replacement for weight control in a satisfactory manner while ensuring a high level of protection of public health.
- (3) Total diet replacement for weight control is a complex product that is specially formulated for overweight or obese adults who intend to achieve weight reduction. The essential composition of total diet replacement for weight control products must satisfy the daily nutritional requirements of overweight or obese adults in good health, in the context of energy-restricted diets for weight reduction, as established by generally accepted scientific data.
- (4) In order to ensure the safety and suitability of total diet replacement for weight control products, detailed requirements should be laid down on their composition, including requirements on energy value, macronutrient and micronutrient content. Those requirements should be based on the latest scientific advice of the European Food Safety Authority ('the Authority') ⁽³⁾ on the matter.
- (5) In order to ensure innovation and product development, the voluntary addition to total diet replacement for weight control products of ingredients not covered by specific requirements of this Regulation, with particular attention to dietary fibre, should be possible. All ingredients used in the manufacture of total diet replacement for

⁽¹⁾ OJ L 181, 29.6.2013, p. 35.

⁽²⁾ Commission Directive 96/8/EC of 26 February 1996 on food intended for use in energy restricted diets for weight reduction (OJ L 55, 6.3.1996, p. 22).

⁽³⁾ EFSA NDA Panel (EFSA Panel on Dietetic Products, Nutrition and Allergies), 2015. Scientific Opinion on the essential composition of total diet replacement for weight control, *EFSA Journal* 2015;13(1):3957, and EFSA NDA Panel (EFSA Panel on Dietetic Products, Nutrition and Allergies), 2016. Scientific Opinion on the Dietary Reference Values for choline, *EFSA Journal* 2016;14(8):4484.

weight control products should be suitable for healthy overweight or obese adults and their suitability should have been demonstrated, when necessary, by appropriate studies. It is the responsibility of food business operators to demonstrate such suitability and of national competent authorities to consider, on a case by case basis, whether this is the case.

- (6) Total diet replacement for weight control products have to comply with Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁽¹⁾. In order to take account of the specific nature of total diet replacement for weight control products, additions and exceptions to those general rules should be laid down, where appropriate.
- (7) It is essential that the nutrition declaration of total diet replacement for weight control products is declared in order to guarantee it is used appropriately by both healthy overweight or obese adults consuming that food and by healthcare professionals who can advise on its appropriateness in certain cases. In order therefore to provide more complete information, the nutrition declaration should include more particulars than those required by Regulation (EU) No 1169/2011. In addition, the obligation to declare the nutrition declaration should be mandatory for all total diet replacement for weight control products irrespective of the package or container size, therefore the exemption provided for in point 18 of Annex V to Regulation (EU) No 1169/2011 should not apply.
- (8) In order to provide appropriate information and to facilitate product comparisons, the nutrition declaration for total diet replacement for weight control products should be expressed per portion and/or per consumption unit as well as per total daily ration. In addition, such information should refer to the product ready for use after preparation in accordance with the manufacturer's instructions.
- (9) Article 30(2) of Regulation (EU) No 1169/2011 lists a limited number of nutrients that may be included on a voluntary basis in the nutrition declaration for food. The Annex to Regulation (EU) No 609/2013 lists a series of substances that may be added to total diet replacement for weight control products, some of which are not covered by Article 30(2) of Regulation (EU) No 1169/2011. In order to ensure legal clarity, it should be laid down explicitly that the nutrition declaration for total diet replacement for weight control products may include such substances. In addition, in certain cases, more detailed information on carbohydrate and fat present in the product could be useful for consumers and healthcare professionals. Food business operators should therefore be allowed to provide such information on a voluntary basis.
- (10) Healthy overweight or obese adults may have different nutritional needs than the general population. In addition, total diet replacement for weight control is a food that fully replaces the daily diet. For those reasons, the expression of nutrition information on the energy value and the amount of nutrients of total diet replacement for weight control products as a percentage of daily reference intake values set out for the general population in Regulation (EU) No 1169/2011 would mislead consumers and should therefore not be allowed.
- (11) Statements relating to the 'very low' or 'low' calorie content of total diet replacement for weight control products can provide useful information to consumers. Therefore it is appropriate to lay down rules on such voluntary statements.
- (12) Nutrition and health claims are promotional tools that are used on a voluntary basis by food business operators in commercial communication, in line with the rules of Regulation (EC) No 1924/2006 of the European Parliament and of the Council⁽²⁾. Given the particular role of total diet replacement for weight control products in the diet of people consuming them, the use of nutrition and health claims should not be allowed for such products. Taking however into account that information on the presence of dietary fibre in total diet replacement for weight control products can be useful for consumers, provision should be made to allow nutrition claims to be made on the addition of dietary fibre under certain conditions.

⁽¹⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

⁽²⁾ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p. 9).

- (13) Directive 96/8/EC required dietary fibre to be added to total diet replacement for weight control products. Due to the lack of scientific evidence in its regard the Authority could not establish a minimum content for dietary fibre in its latest opinion. For these reasons, it is appropriate to maintain the minimum amount for dietary fibre required under Directive 96/8/EC, if it is added to total diet replacement for weight control products.
- (14) Article 17(2) of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽¹⁾ requires Member States to enforce food law and to monitor and verify that the requirements are fulfilled by food and feed business operators at all stages of production, processing and distribution. In this context, in order to facilitate the efficient official monitoring of total diet replacement for weight control food, business operators placing such products on the market should provide the national competent authorities with a model of the label used and all relevant information considered necessary by the competent authorities for the purposes of verifying compliance with this Regulation, unless Member States have a different efficient monitoring system.
- (15) In order to enable food business operators to adapt to the new requirements that may involve technical adaptation to the manufacturing process of the products concerned, this Regulation should apply from a date that is 5 years after its entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the following specific requirements with regard to total diet replacement for weight control products:

- (a) compositional requirements;
- (b) requirements for labelling, presentation and advertising;
- (c) notification requirements for placing the product on the market.

Article 2

Placing on the market

1. The product name under which food covered by Article 2(2)(h) of Regulation (EU) No 609/2013 is sold shall be 'total diet replacement for weight control'.
2. Total diet replacement for weight control products may only be placed on the market where they comply with this Regulation.

Article 3

Compositional requirements

1. Total diet replacement for weight control products shall comply with the compositional requirements set out in Annex I, taking into account the specifications in Annex II.
2. The compositional requirements set out in Annex I shall apply to the food ready for use, marketed as such or after preparation in accordance with the manufacturer's instructions.
3. Total diet replacement for weight control products may contain other ingredients than the substances listed in Annex I only if their suitability has been established by generally accepted scientific data.

⁽¹⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

*Article 4***Specific requirements concerning food information**

1. In addition to the mandatory particulars listed in Article 9(1) of Regulation (EU) No 1169/2011, the following shall be additional mandatory particulars for total diet replacement for weight control products:

- (a) a statement that the product is only intended for healthy overweight or obese adults who intend to achieve weight reduction;
- (b) a statement that the product should be not used by pregnant or lactating women, adolescents or by individuals suffering from a medical condition without the advice of a healthcare professional;
- (c) a statement on the importance of maintaining an adequate daily fluid intake;
- (d) a statement that the product provides adequate daily amounts of all essential nutrients when used in accordance with the instructions for use;
- (e) a statement that the product should not be used for more than 8 weeks, or repeatedly for shorter periods than this, by healthy overweight or obese adults without the advice of a healthcare professional;
- (f) instructions for appropriate preparation, where necessary, and a statement as to the importance of following those instructions;
- (g) if a product, when used as instructed by the manufacturer, provides a daily intake of polyols in excess of 20 g per day, a statement that the food may have a laxative effect;
- (h) if dietary fibre is not added to the product, a statement that the advice of a healthcare professional must be sought regarding the possibility of supplementing the product with dietary fibre.

2. When appearing on the package or on the label attached thereto, the mandatory particulars listed in paragraph 1 shall be indicated in such a way as to meet requirements laid down in Article 13(2) and (3) of Regulation (EU) No 1169/2011.

3. The labelling, presentation and advertising of total diet replacement for weight control products shall not make any reference to the rate or amount of weight reduction which may result from its use.

*Article 5***Specific requirements concerning the nutrition declaration**

1. In addition to the information referred to in Article 30(1) of Regulation (EU) No 1169/2011, the mandatory nutrition declaration for total diet replacement for weight control products shall include the amount of each mineral substance and of each vitamin listed in Annex I to this Regulation that are present in the product.

The mandatory nutrition declaration for total diet replacement for weight control products shall also include the amount of choline present, and if added, of dietary fibre.

2. In addition to the information referred to in Article 30(2)(a) to (e) of Regulation (EU) No 1169/2011, the content of the mandatory nutrition declaration for total diet replacement for weight control products may be supplemented, with:

- (a) the amounts of components of fat and carbohydrates;
- (b) the amounts of any of the substances listed in the Annex to Regulation (EU) No 609/2013, where such an indication is not covered by paragraph 1 of this Article;
- (c) the amount of any of the substances added to the product pursuant to Article 3(3).

3. By way of derogation from Article 30(3) of Regulation (EU) No 1169/2011, the information included in the mandatory nutrition declaration for total diet replacement for weight control products shall not be repeated on the labelling.
4. The nutrition declaration shall be mandatory for all total diet replacement for weight control products, irrespective of the size of the largest surface of the packaging or container.
5. All the nutrients included in the nutrition declaration for total diet replacement for weight control products shall meet requirements laid down in Article 31 to 35 of Regulation (EU) No 1169/2011.
6. By way of derogation from Articles 31(3), 32(2) and 33(1) of Regulation (EU) No 1169/2011, the energy value and the amounts of nutrients of total diet replacement for weight control products shall be expressed per total daily ration as well as, per portion and/or per consumption unit of the food ready for use after preparation in accordance with the manufacturer's instructions. Where appropriate, information may in addition refer to 100 g or 100 ml of the food as sold.
7. By way of derogation from Article 32(3) and (4) of Regulation (EU) No 1169/2011, the energy value and amount of nutrients of total diet replacement for weight control products shall not be expressed as a percentage of reference intakes set out in Annex XIII to that Regulation.
8. The particulars included in the nutrition declaration for total diet replacement for weight control products that are not listed in Annex XV to Regulation (EU) No 1169/2011 shall be presented after the most relevant entry of that Annex they belong to or are components of.

Particulars not listed in Annex XV to Regulation (EU) No 1169/2011 that do not belong to or are not components of any of the entries of that Annex shall be presented in the nutrition declaration after the last entry of that Annex.

The indication of the amount of sodium shall appear together with the other minerals and may be repeated next to the indication of the salt content as follows: 'Salt: X g (of which sodium: Y mg)'.

9. The statement 'very low calorie diet' may be used for total diet replacement for weight control products provided that the energy content of the product is below 3 360 kJ/day (800 kcal/day).
10. The statement 'low calorie diet' may be used for total diet replacement for weight control products provided that the energy content of the products is between 3 360 kJ/day (800 kcal/day) and 5 040 kJ/day (1 200 kcal/day).

Article 6

Nutrition and health claims

1. Nutrition and health claims shall not be made on total diet replacement for weight control products.
2. By way of derogation from paragraph 1, the nutrition claim 'added fibre' may be used for total diet replacement for weight control products provided that the dietary fibre content of the product is not less than 10 g.

Article 7

Notification

When total diet replacement for weight control products are placed on the market, the food business operator shall notify the competent authority of each Member State where the product concerned is being marketed of the information appearing on the label, by sending to it a model of the label used for the product, and of any other information the competent authority may reasonably request to establish compliance with this Regulation, unless a Member State exempts the food business operator from that obligation under a national system that guarantees an efficient official monitoring of the product concerned.

*Article 8***References to Directive 96/8/EC**

References to Directive 96/8/EC in other acts shall be construed as references to this Regulation.

*Article 9***Entry into force**

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

It shall apply from 27 October 2022.

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

Done at Brussels, 2 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

Compositional requirements referred to in Article 3

1. ENERGY

The energy provided by total diet replacement for weight control products shall not be less than 2 510 kJ (600 kcal) and shall not exceed 5 020 kJ (1 200 kcal) for the total daily ration.

2. PROTEIN

2.1. The protein contained in total diet replacement for weight control products shall not be less than 75 g and shall not exceed 105 g for the total daily ration.

2.2. For the purposes of point 2.1, 'protein' shall be understood as protein whose protein digestibility-corrected amino acid score is 1.0 when compared to the reference protein as set out in Annex II.

2.3. The addition of amino acids is permitted solely for the purpose of improving the nutritional value of the proteins contained in total diet replacement for weight control products, and only in the proportions necessary for that purpose.

3. CHOLINE

The choline contained in total diet replacement for weight control products shall not be less than 400 mg for the total daily ration.

4. LIPIDS

4.1. **Linoleic acid**

The linoleic acid contained in in total diet replacement for weight control products shall not be less than 11 g for the total daily ration.

4.2. **Alpha-linolenic acid**

The alpha-linolenic acid contained in total diet replacement for weight control products shall not be less than 1,4 g for the total daily ration.

5. CARBOHYDRATES

The carbohydrates contained in total diet replacement for weight control products shall not be less than 30 g for the total daily ration.

6. VITAMINS AND MINERALS

Total diet replacement for weight control products shall provide at least the amounts of vitamins and minerals specified in Table 1 for the total daily ration.

Total diet replacement for weight control products shall not contain more than 250 mg of magnesium for the total daily ration.

Table 1

Vitamin A	(µg RE ⁽¹⁾)	700
Vitamin D	(µg)	10
Vitamin E ⁽²⁾	(mg)	10

Vitamin C	(mg)	110
Vitamin K	(µg)	70
Thiamin	(mg)	0,8
Riboflavin	(mg)	1,6
Niacin	(mg-NE ⁽³⁾)	17
Vitamin B ₆	(mg)	1,6
Folate	(µg-DFE ⁽⁴⁾)	330
Vitamin B ₁₂	(µg)	3
Biotin	(µg)	40
Pantothenic acid	(mg)	5
Calcium	(mg)	950
Phosphorus	(mg)	730
Potassium	(g)	3,1
Iron	(mg)	9
Zinc	(mg)	9,4
Copper	(mg)	1,1
Iodine	(µg)	150
Molybdenum	(µg)	65
Selenium	(µg)	70
Sodium	(mg)	575
Magnesium	(mg)	150
Manganese	(mg)	3
Chloride	(mg)	830

⁽¹⁾ Retinol equivalents

⁽²⁾ Vitamin E activity of RRR α-tocopherol.

⁽³⁾ Niacin equivalents

⁽⁴⁾ Dietary folate equivalents: 1 µg DFE = 1 µg food folate = 0,6 µg folic acid from total diet replacement for weight control.

ANNEX II

Amino acid requirement pattern ⁽¹⁾

	g/100g protein
Cystine + methionine	2,2
Histidine	1,5
Isoleucine	3,0
Leucine	5,9
Lysine	4,5
Phenylalanine + tyrosine	3,8
Threonine	2,3
Tryptophan	0,6
Valine	3,9

(¹) World Health Organisation/Food and Agriculture Organisation of the United Nations/United Nations University), 2007. Protein and amino acid requirements in human nutrition. Report of a Joint WHO/FAO/UNU Expert Consultation. (WHO Technical Report Series, 935, 284 pp.).

COMMISSION DELEGATED REGULATION (EU) 2017/1799**of 12 June 2017****supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council as regards the exemption of certain third countries central banks in their performance of monetary, foreign exchange and financial stability policies from pre- and post-trade transparency requirements****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 1(9) thereof,

Whereas:

- (1) Transactions where members of the European System of Central Banks (ESCB) are counterparties are exempt from the trade transparency requirements in accordance with Article 1(6) of Regulation (EU) No 600/2014 insofar as these transactions are in pursuit of monetary, foreign exchange or financial stability policy.
- (2) Such an exemption from the scope of Regulation (EU) No 600/2014 may, in accordance with Article 1(9) of Regulation (EU) No 600/2014, be extended, when they fulfil the relevant requirements, to central banks of third countries as well as to the Bank for International Settlements, which for the purpose of this exemption is considered akin to a third-country central bank by virtue of Article 1(9) of Regulation (EU) No 600/2014. For this purpose, the Commission prepared and presented to the European Parliament and to the Council a report assessing the international treatment of central banks in third countries. The report included an analysis of the treatment of central banks, including members of the ESCB, within the legal framework of third countries, and the potential impact that regulatory disclosure requirements in the Union may have on third-country central bank transactions. The report concluded with regard to the analysis that the exemption of a number of third-country central banks from the trade transparency obligations of Regulation (EU) No 600/2014 was necessary, and hence concluded on the appropriateness of the extension of the exemption also to the central banks of those third countries.
- (3) The list of exempted central banks of third countries set out in this Regulation should be reviewed, as deemed appropriate, including with a view to extend, where appropriate, the exemptions to other central banks of third countries that have not yet been included in the list or to remove such public entities from the list.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Expert Group of the European Securities Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Exempted central banks of third countries**

(Article 1(9) of Regulation (EU) No 600/2014)

Article 1(6) and (7) of Regulation (EU) No 600/2014 shall apply to the Bank for International Settlements and the central banks of third countries listed in the Annex to this Regulation.

*Article 2***Entry into force**

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

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

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

Done at Brussels, 12 June 2017.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

1. Australia:
 - Reserve Bank of Australia;
 2. Brazil:
 - Central Bank of Brazil;
 3. Canada:
 - Bank of Canada;
 4. Hong Kong SAR:
 - Hong Kong Monetary Authority;
 5. India:
 - Reserve Bank of India;
 6. Japan:
 - Bank of Japan;
 7. Mexico:
 - Bank of Mexico;
 8. Republic of Korea:
 - Bank of Korea;
 9. Singapore:
 - Monetary Authority of Singapore;
 10. Switzerland:
 - Swiss National Bank;
 11. Turkey:
 - Central Bank of the Republic of Turkey;
 12. United States of America:
 - Federal Reserve System;
 13. Bank for International Settlements.
-

COMMISSION DELEGATED REGULATION (EU) 2017/1800**of 29 June 2017****amending Delegated Regulation (EU) No 151/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ⁽¹⁾, and in particular Article 81(5) thereof,

Whereas:

- (1) The application of Commission Delegated Regulation (EU) No 151/2013 ⁽²⁾ has demonstrated that the lack of specific standards for data access and data aggregation and comparison leads to structural deficiencies. The lack of standardised data, uniform functionality, and a standardised message format has impeded the direct and immediate access to data and, consequently, prevented the entities referred to in Article 81(3) of Regulation (EU) No 648/2012 from effectively assessing systemic risk and thereby fulfilling their respective responsibilities and mandates.
- (2) In order to remedy those impediments, it is necessary to amend Delegated Regulation (EU) No 151/2013 by further specifying the operational standards required to aggregate and compare data across trade repositories so as to ensure that the entities referred to in Article 81(3) of Regulation (EU) No 648/2012 are able to access the information necessary to fulfil their respective responsibilities and mandates.
- (3) In order to enable the effective and efficient comparison and aggregation of data across trade repositories, XML format templates and XML messages developed in accordance with ISO 20022 methodology should be used for access to data and for communication between the entities referred to in Article 81(3) of Regulation (EU) No 648/2012 and the trade repositories. This should not exclude the possibility that trade repositories and the relevant entities may agree amongst themselves to provide access or to communicate using a different format in addition to XML.
- (4) The XML format templates should be used to provide data to the relevant entities in a manner which facilitates its aggregation, while the XML messages should be used to streamline the data-exchange process between the trade repositories and the relevant entities. Delegated Regulation (EU) No 151/2013 does not exclude the additional separate use of non-XML format templates, such as comma separated values (csv) or text (txt) files, to the extent that they allow the relevant entities to fulfil their responsibilities and mandates. Trade repositories should therefore be permitted to continue to use those formats in addition to, but never as a substitute for, the use of the XML format templates. At a minimum, XML format templates and XML messages based on the ISO 20022 methodology should be used for all output reports and exchanges to ensure comparability and aggregation of data across trade repositories.
- (5) Entities listed in Article 81(3) of Regulation (EU) No 648/2012 are able to delegate tasks and responsibilities to ESMA under Article 28 of Regulation (EU) No 1095/2010 ⁽³⁾, including access to data reported to trade repositories. The use of such delegation should not in any way affect the obligation of trade repositories to grant entities listed in Article 81(3) of Regulation (EU) No 648/2012 direct and immediate access to the that data.
- (6) In order to ensure confidentiality, any type of data exchange between trade repositories and the relevant entities should be carried out through a secure machine-to-machine connection and by using data encryption protocols.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data (OJ L 52, 23.2.2013, p. 33).

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

To ensure minimum common standards, an SSH File Transfer Protocol (SFTP) should be used between the trade repositories and the entities listed in Article 81(3) of Regulation (EU) No 648/2012. This should not exclude the possibility that trade repositories and the relevant entities may agree amongst themselves to establish secure machine-to-machine connection using an additional, separate channel to the SFTP. Trade repositories should therefore be permitted to continue to use other secure machine-to-machine connections in addition to, but never as a substitute for, the use of SFTP.

- (7) Data concerning the latest trade state of derivatives contracts with open interest is essential for monitoring financial stability and systemic risk. Therefore, the relevant entities should have access to that data.
- (8) It is essential to facilitate the direct and immediate access to specific datasets and thus to establish a set of combinable ad-hoc requests referring to the parties to the trade, the economic terms, the derivatives contract classification and identification, the time horizon of execution, reporting and maturity, as well as the business and life-cycle events.
- (9) The deadlines by which data is provided to the relevant entities by trade repositories should be harmonised to improve the direct and immediate access to trade repository data and allow the relevant entities and the trade repositories to improve the scheduling of their internal data processes.
- (10) Therefore, Delegated Regulation (EU) No 151/2013 should be amended in order to further specify and improve the operational framework for accessing, aggregating, and comparing data across trade repositories.
- (11) The application of the provisions laid down in this Delegated Regulation should be deferred in order to facilitate the adaptations of systems by trade repositories to the specifications laid down in this Delegated Regulation.
- (12) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority to the Commission.
- (13) In accordance with Article 10 of Regulation (EU) No 1095/2010, ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based and analysed the potential related costs and benefits. These public consultations allowed ESMA to obtain views of the relevant authorities and the members of the European System of Central Banks (ESCB) which were presented by the ECB. In addition, ESMA requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) No 151/2013

1. Article 4 is amended as follows:

- (a) Paragraph 1 is replaced by the following:

‘1. A trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with direct and immediate access, including where delegation under Article 28 of Regulation (EU) No 1095/2010 exists, to details of derivatives contracts in accordance with Articles 2 and 3 of this Regulation.

For the purposes of the first subparagraph, a trade repository shall use an XML format and a template developed in accordance with ISO 20022 methodology. A trade repository may in addition, after agreement with the entity concerned, provide access to details of derivatives contracts in another mutually agreed format.’

- (b) Paragraph 2 is deleted.

2. In Article 5, the following paragraphs 3 to 9 are added:

‘3. A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to connect using a secure machine-to-machine interface in order to submit data requests and to receive data.

For the purposes of the first subparagraph, a trade repository shall use the SSH File Transfer Protocol. The trade repository shall use standardised XML messages developed in accordance with the ISO 20022 methodology to communicate through that interface. A trade repository may in addition, after agreement with the entity concerned, set up a connection using another mutually agreed protocol.

4. In accordance with Articles 2 and 3 of this Regulation, a trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to the following information:

- (a) all reports on derivatives contracts;
- (b) the latest trade states of derivatives contracts that have not matured or which have not been the subject of a report with Action type “E”, “C”, “P” or “Z” as referred to in field 93 in Table 2 of the Annex to Commission Implementing Regulation (EU) No 1247/2012 (*).

5. A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to establish predefined periodic requests to access details of derivatives contracts, as determined in paragraph 4, necessary for those entities to fulfil their responsibilities and mandates.

6. Upon request, a trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to details of derivatives contracts according to any combination of the following fields as referred to in the Annex to Implementing Regulation (EU) No 1247/2012:

- (a) reporting timestamp;
- (b) reporting Counterparty ID;
- (c) ID of the other Counterparty;
- (d) corporate sector of the reporting counterparty;
- (e) nature of the reporting counterparty;
- (f) broker ID;
- (g) report submitting entity ID;
- (h) beneficiary ID;
- (i) asset class;
- (j) product classification;
- (k) product identification;
- (l) underlying identification;
- (m) venue of execution;
- (n) execution timestamp;
- (o) maturity date;
- (p) termination date;
- (q) CCP; and
- (r) action type.

7. A trade repository shall establish and maintain the technical capability to provide direct and immediate access to details of derivatives contracts necessary for the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to fulfil their mandates and responsibilities. That access shall be provided as follows:

- (a) where an entity listed in Article 81(3) of Regulation (EU) No 648/2012 requests access to details of outstanding derivatives contracts or of derivatives contracts which have either matured or for which reports with action types “E”, “C”, “Z” or “P” as referred to in field 93 in Table 2 of the Annex to Implementing Regulation (EU) No 1247/2012 were made not more than one year before the date on which the request was submitted, a trade repository shall fulfil that request no later than 12:00 Universal Coordinated Time on the first calendar day following the day on which the request to access is submitted.

- (b) where an entity listed in Article 81(3) of Regulation (EU) No 648/2012 requests access to details of derivatives contracts which have either matured or for which reports with action types “E”, “C”, “Z” or “P” as referred to in field 93 in Table 2 of the Annex to Implementing Regulation (EU) No 1247/2012 were made more than one year before the date on which the request was submitted, a trade repository shall fulfil that request no later than three working days after the request to access is submitted.
- (c) where a request to access data by an entity listed in Article 81(3) of Regulation (EU) No 648/2012 relates to derivative contracts falling under both points (a) and (b), the trade repository shall provide details of those derivatives contracts no later than three working days after that request to access is submitted.

8. A trade repository shall confirm receipt and verify the correctness and completeness of any request to access data submitted by the entities listed in Article 81(3) of Regulation (EU) No 648/2012. It shall notify those entities of the result of that verification no later than sixty minutes after the submission of the request.

9. A trade repository shall use electronic signature and data encryption protocols to ensure the confidentiality, integrity, and protection of the data made available to the entities listed in Article 81(3) of Regulation (EU) No 648/2012.

(*) Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20) as amended by Implementing Regulation (EU) 2017/105 (OJ L 17, 21.1.2017, p. 17).’

Article 2

Entry into force and application

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

It shall apply from 1 November 2017.

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

Done at Brussels, 29 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2017/1801**of 13 July 2017****correcting certain language versions of Delegated Regulation (EU) 2016/2250 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 15(6) thereof,

Whereas:

- (1) Article 6 of Commission Delegated Regulation (EU) 2016/2250 ⁽²⁾ establishes a *de minimis* exemption from the landing obligation for certain species caught using certain gears.
- (2) The Czech, Danish, German, Italian and Slovak language versions of Delegated Regulation (EU) 2016/2250 contain an error in Article 6(f) concerning the types of gears utilised.
- (3) The Danish language version of Delegated Regulation (EU) 2016/2250 contains additional errors in Article 6(e), (f) and (g) concerning the species subject to the *de minimis* exemption; in Article 8(2)(c) and (d) and Article 8(3) concerning the specific technical measures in the Skagerrak and in the Annex, footnote 3 concerning the definition of the vessels covered. The other language versions are not affected.
- (4) Delegated Regulation (EU) 2016/2250 should therefore be corrected accordingly.
- (5) In order to have a level playing field for all fishermen benefiting from the *de minimis* exemption, this Delegated Regulation should be applied with effect from the date of application established in Delegated Regulation (EU) 2016/2250,

HAS ADOPTED THIS REGULATION:

Article 1

(does not concern the English language)

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2016/2250 of 4 October 2016 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa (OJ L 340, 15.12.2016, p. 2).

Article 2

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

It shall apply from 1 January 2017.

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

Done at Brussels, 13 July 2017.

For the Commission
The President
Jean-Claude JUNKER

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1802

of 28 September 2017

on the appointment of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2017)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2013/354/CFSP of 3 July 2013 on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Pursuant to Article 9(1) of Decision 2013/354/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS), including the decision to appoint a Head of Mission.
- (2) On 17 February 2015, the PSC adopted Decision EUPOL COPPS/1/2015 ⁽²⁾, appointing Mr Rodolphe MAUGET as Head of Mission of EUPOL COPPS from 16 February 2015 to 30 June 2015.
- (3) The mandate of Mr Rodolphe MAUGET as Head of Mission of EUPOL COPPS has been extended several times, most recently by PSC Decision EUPOL COPPS/1/2016 ⁽³⁾, which extended his mandate as Head of Mission of EUPOL COPPS until 30 June 2017.
- (4) On 22 September 2017, the High Representative of the Union for Foreign Affairs and Security Policy proposed the appointment of Mr Kauko AALTONEN as Head of Mission of EUPOL COPPS from 1 October 2017 to 30 June 2018,

HAS ADOPTED THIS DECISION:

Article 1

Mr Kauko AALTONEN is hereby appointed as Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) from 1 October 2017 to 30 June 2018.

Article 2

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

Done at Brussels, 28 September 2017.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ OJ L 185, 4.7.2013, p. 12.

⁽²⁾ Political and Security Committee Decision (CFSP) 2015/381 of 17 February 2015 on the appointment of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2015) (OJ L 64, 7.3.2015, p. 37).

⁽³⁾ Political and Security Committee Decision (CFSP) 2016/1193 of 12 July 2016 extending the mandate of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) (EUPOL COPPS/1/2016) (OJ L 197, 22.7.2016, p. 1).

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2017/1803

of 3 October 2017

on enhancing legal pathways for persons in need of international protection

(notified under document C(2017) 6504)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Resettlement is an important tool for offering protection to forcibly displaced persons and a clear demonstration of global solidarity with third countries to help them cope with large numbers of persons fleeing war or persecution. By substituting dangerous and irregular migration flows to the Union with safe and legal pathways, resettlement helps to save lives, contributes to reducing irregular migration and managing migratory pressure, and counters the narrative of smuggling networks. Resettlement is therefore also an important element of the EU's comprehensive asylum and migration policy.
- (2) In September 2015, the crisis in the Mediterranean prompted the Union institutions to immediately acknowledge the emergency situation due to exceptionally high migratory flows in the region and call for the adoption of short term and long term measures, from tackling migratory flows outside the EU to ensuring effective control of our external borders, reinforcing the EU return policy while at the same time reforming the Common European Asylum System (CEAS) and providing enhanced paths for safe and legal ways into the EU.
- (3) As part of the immediate measures and with a view to addressing the migratory crisis comprehensively and showing solidarity with third countries bearing the brunt of the global refugee crisis, the Commission on 8 June 2015 recommended an EU-wide scheme to resettle 20 000 people in need of international protection over two years ⁽¹⁾. On 20 July 2015, Member States, together with Dublin Associated States, agreed to resettle 22 504 people in need of international protection from the Middle East, the Horn of Africa and North Africa ⁽²⁾.
- (4) In order to disrupt migrant smuggling networks and to offer migrants an alternative to putting their lives at risk, the EU and Turkey decided on 18 March 2016 to break the cycle of uncontrolled flows of migrants creating a humanitarian crisis and agreed on a number of actions including the resettlement of Syrians in need of international protection to the Member States.
- (5) Following the EU-Turkey Statement, the Council amended Council Decision (EU) 2015/1601 ⁽³⁾ to allow Member States to fulfil their relocation obligations in relation to 54 000 applicants through resettlement, humanitarian admission, or other forms of legal admission of Syrians in need of international protection from Turkey under their national and multilateral schemes.
- (6) The New York Declaration for Refugees and Migrants of 19 September 2016 adopted by all 193 United Nations Member States called for a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees. The United Nations Member States expressed their intention to expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries ⁽⁴⁾.

⁽¹⁾ Commission Recommendation of 8 June 2015 on a European resettlement scheme — C(2015) 3560 final.

⁽²⁾ Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015.

⁽³⁾ Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ L 268, 1.10.2016, p. 82).

⁽⁴⁾ New York Declaration for Refugees and Migrants; available at: <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>.

- (7) By 20 September 2017 more than 23 000 people have been resettled under the scheme agreed on 20 July 2015 and under the EU-Turkey Statement. The Member States have resettled further persons in need of international protection via their own national schemes.
- (8) In 2016 alone, Member States resettled 14 205 refugees, a significant increase compared to the 8 155 people resettled in 2015, 6 550 in 2014, and between 4 000 and 5 000 per year in the period 2010-2013. This increase shows the added value and potential of EU-level cooperation and coordination in the area of resettlement. It also shows the importance of appropriate funding for resettlement from the EU budget as EUR 293.3 million has been committed for the period 2014-2017.
- (9) Member States who have not yet implemented their committed pledges under the current schemes should do so without delay. Any pledges remaining after the expiry of both schemes should be carried over to the next resettlement pledging exercise and be in addition to the new pledges that Member States will make.
- (10) The EU needs to move from ad-hoc resettlement and humanitarian admission schemes to a stable framework for resettlement to the EU. To this end, the proposal for a Union Resettlement Framework ⁽¹⁾ to provide safe and legal pathways to international protection for those in need was put forward by the Commission as part of the overhaul of the EU asylum system. The swift adoption of the proposal is an important element for a more efficient, fair and stable European policy on asylum and migration.
- (11) In order to ensure continued resettlement until a Union Resettlement Framework is in place, the Commission at the 8th Resettlement and Relocation Forum on 4 July 2017 invited Member States to submit ambitious resettlement pledges, based on the agreed priorities for this period and also in line with the United Nations High Commissioner for Refugees (UNHCR) Global Projected Needs for 2018.
- (12) The purpose of this Recommendation is to ensure that resettlement efforts can continue in the period between the end of the current EU resettlement schemes and the operationalisation of the Union Resettlement Framework and follow up to the pledging exercise launched on 4 July 2017 in the light of emerging additional needs as set out in the UNHCR Projected Global Resettlement Needs for 2018.
- (13) The Recommendation aims to support Member States' continuous efforts in providing and enhancing legal and safe channels for people in need of international protection. Member States' actions in line with this Recommendation will show solidarity to third countries where a large number of persons in need of international protection is displaced, contribute to international resettlement initiatives and contribute to a better overall management of the migratory situation. The objectives of this Recommendation are therefore in line with the proposal for a Union Resettlement Framework.
- (14) The choice of priority regions is based on the need to continue implementing the EU-Turkey Statement of 18 March 2016, including via the future Voluntary Humanitarian Admission Scheme (VHAS), to continue resettlement from Jordan and Lebanon and to follow-up on the announcement in the 'Action plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity' ⁽²⁾ to resettle from the key African countries along and leading to the Central Mediterranean migratory route, including Libya, Niger, Chad, Egypt, Ethiopia, and Sudan.
- (15) The pledging exercise launched on 4 July 2017 has by 20 September resulted in around 14 000 pledges submitted by Member States. Stronger engagement by all Member States is needed in order to contribute to a common effort to save lives and offer credible alternatives to irregular movements.
- (16) The global resettlement needs stand at 1,2 million persons and the UNHCR has repeatedly called on all countries to progressively increase the size of their resettlement programmes in line with the intentions expressed in the New York Declaration for Refugees. Against this background and building on the progress achieved since 2015, the Union should offer at least 50 000 resettlement places to admit by 31 October 2019 persons in need of international protection from third countries.
- (17) To support Member States in implementing this target EUR 500 million should be made available from the Union budget. Subject to the conditions of the Asylum Migration and Integration Fund (AMIF) Member States can receive a lump sum of EUR 10 000 per resettled person from priority regions.

⁽¹⁾ COM(2016) 468 final.

⁽²⁾ SEC(2017)339.

- (18) UNHCR is planning a temporary mechanism for emergency evacuation of the most vulnerable groups of migrants from Libya. The EU should, together with other global actors, contribute to this mechanism so that it has a real impact in allowing the most vulnerable persons in need of international protection and who are now in Libya to have access to resettlement opportunities. Irregular migration will only stop if there is a real alternative to perilous journeys. When considering their resettlement pledges Member States should therefore also take into account and support this UNHCR initiative.
- (19) In a Joint Statement on Addressing the Challenge of Migration and Asylum of 28 August 2017 the representatives of France, Germany, Italy, Spain and the High Representative/Vice President of the Union for Foreign Affairs and Security Policy, together with the representatives of Niger and Chad, and the Chairman of the Presidential Council of Libya recognised the need, as smuggler-driven migration is reduced, to organise the resettlement of people in need of international protection who are particularly vulnerable.
- (20) At least 50 000 resettlement places to be offered by the Union from the priority regions will contribute to global solidarity initiatives in scaling up legal pathways, including the UNHCR's recent global call for 40 000 places for resettlement from the countries along the Central Mediterranean route in 2018.
- (21) To ensure monitoring of the implementation, Member States should report on a monthly basis to the Commission on persons resettled to their territory in line with their pledges, specifying the country from which the person has been resettled.
- (22) The Commission should review the progress in the implementation of this Recommendation by 31 October 2018. On the basis of this review and taking into account the overall migratory situation in the EU and globally Member States may be invited to further revise their pledges.
- (23) This recommendation should be addressed to the Member States. The Associated States are invited to contribute to common European resettlement efforts,

HAS ADOPTED THIS RECOMMENDATION:

INCREASING RESETTLEMENT PLEDGES

- (1) Building on the experience achieved in the implementation of the current EU resettlement schemes and in order to bridge the transition between these schemes and the Union Resettlement Framework Member States should offer at least 50 000 resettlement places to admit by 31 October 2019 persons in need of international protection from third countries.
- (2) Member States who have not yet submitted their pledges under the resettlement pledging exercise launched by the Commission on 4 July 2017 should do so no later than by 31 October 2017 and those who have already done so should consider increasing their pledges in order to achieve the target.
- (3) Member States should focus their pledges:
 - (a) to ensure continued resettlement from Turkey of Syrians and third country nationals and stateless persons displaced by the conflict in Syria in order to support the implementation of the EU-Turkey Statement of 18 March 2016, including via the future Voluntary Humanitarian Admission Scheme (VHAS);
 - (b) to ensure continued resettlement from Lebanon and Jordan;
 - (c) to contribute to the stabilisation of the situation in the central Mediterranean by resettling persons in need of protection from Libya, Niger, Chad, Egypt, Ethiopia and Sudan, including by supporting the UNHCR's temporary mechanism for emergency evacuation of the most vulnerable groups of migrants from Libya.
- (4) Member States are invited to resettle in fulfilment of their pledges as soon as possible, in close cooperation with UNHCR and with support from EASO as appropriate.

MONITORING

- (5) Member States should communicate to the Commission on a monthly basis the number of persons resettled to their territory in fulfilment of their pledges, specifying the country from which the person has been resettled.

FINANCIAL SUPPORT

- (6) Member States should make full use of the financial support of EUR 500 million that is made available through the Asylum, Migration and Integration Fund for the fulfilment of the resettlement pledges referred to in this Recommendation.

REVIEW

- (7) The Commission will review this Recommendation by 31 October 2018. Following the Commission's review of the implementation of this Recommendation and taking into account the overall migratory situation in the EU and globally, Member States may be invited to further update their pledges as appropriate.

ADDRESSEES

- (8) This Recommendation is addressed to the Member States.

Done at Brussels, 3 October 2017.

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

COMMISSION RECOMMENDATION (EU) 2017/1804**of 3 October 2017****on the implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border control at internal borders in the Schengen area**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) In an area without internal border control, the temporary reintroduction of internal border control may only be decided in exceptional circumstances to provide a response to situations seriously affecting the public policy or internal security of that area, of parts thereof, or of one or more Member States. Given the impact that such reintroduction may have on all persons and goods having the right to move freely within the area without internal border control, it may only be a last resort measure subjected to strict conditions as to the scope and duration of any temporary reintroduction.
- (2) The current provisions of the Schengen Borders Code provide for the possibility to rapidly reintroduce temporary internal border control where a serious threat to public policy or internal security requires immediate action in a Member State, for a period of maximum 2 months (Article 28). The Code also provides for the reintroduction of border controls for serious threats to public policy or internal security in case of foreseeable events, for a period of maximum 6 months (Article 25). The combined implementation of Articles 28 and 25 of the Schengen Borders Code allows maintaining border control for a total period of up to eight months. Moreover, a new threat to public policy or internal security triggers a new application of the rules (and thus a new calculation of the duration of the period of controls).
- (3) Article 29 of the Schengen Borders Code contains an exceptional procedure allowing reintroduced internal border controls for a period going up to 2 years where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control detected during a Schengen evaluation. With the adoption of the Regulation (EU) 2016/1624 of the European Parliament and of the Council⁽¹⁾, this procedure can also be used in case a Member State does not take the necessary action further to a vulnerability assessment or does not cooperate with the Agency, where the situation at the external borders requires urgent action.
- (4) While in the vast majority of cases the time limits currently in force have proved to be sufficient, recent times showed that certain serious threats to public policy or internal security, such as terrorist threats or important uncontrolled secondary movements within the Union, may persist well beyond the above periods.
- (5) A proposal for an amendment to the relevant provisions of the Schengen Borders Code to address such persistent threats in the future has been adopted by the Commission. The proposal modifies the time limits as set out in Article 25 of the Schengen Borders Code in case of foreseeable events and as such recognises that prolonging the reintroduced border controls at internal borders beyond the current time limits may be justified up to a maximum period of two years. Moreover, the proposal also provides for a possibility to further prolong border controls at internal borders where the specific threat to internal security or public policy persists even beyond that time limit.
- (6) These new deadlines are accompanied by additional procedural requirements for the Member States to be fulfilled prior to the reintroduction or prolongation of internal border controls. In particular, Member States are required to support their notifications with a risk assessment demonstrating that the intended reintroduction or prolongation of internal border control is a last resort measure and explaining how internal border control would help addressing the identified threat. Furthermore, the Commission is now required to issue an opinion

⁽¹⁾ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

whenever internal border control exceeds six months. The provisions concerning the 'consultation procedure' following the opinion of the Commission are also modified to reflect the new role for the European Border and Coast Guard and Europol and to ensure that the results of such consultation, in particular as regards the involvement of the neighbouring Member States, are duly taken into account. All these changes are intended to ensure that reintroduction of internal border control is used only where and for as long as necessary and justified.

- (7) The proposed changes to the Schengen Borders Code build on the current provisions. While awaiting the adoption of the amendment of the Schengen Borders Code as detailed above, it is essential that all Member States intending to reintroduce temporary border control at internal borders implement to the full extent the requirements of the existing provisions in the Schengen Borders Code which already now require Member States intending to use this measure to consider first alternative measures to border controls and to cooperate with the neighbouring Member States.
- (8) Pursuant to Article 26 of the Schengen Borders Code, prior to a decision to reintroduce or to prolong temporary border controls at internal borders, the Member State concerned should assess the extent to which such a measure is likely to adequately remedy the threat to public policy or internal security and the proportionality of the measure in relation to that threat, taking into account, among others, the likely impact of such a measure on free movement of persons within the area without internal border control. Targeted controls, based on constantly updated risk analysis and intelligence would therefore help optimising the benefit of the controls and limit their negative effects on free movement.
- (9) The Member States affected by the reintroduced controls at the relevant border sections should be admitted to regularly express their views on their necessity, with a view to organising mutual cooperation between all Member States involved and to examining, on a regular basis, the proportionality of the measures to the events giving rise to the reintroduction of border control and the threat to public policy or internal security. The Member State having decided to reintroduce such controls should take these views into account when examining and reviewing the necessity of such checks, with the objective of constantly adapting them to the circumstances.
- (10) Under Article 27(1)(e) of the Schengen Borders Code, the Member State reintroducing or prolonging internal border controls should provide, among others, information on the measures to be taken by the other Member States in the context of the planned border controls. Furthermore, under Article 27(5) of the Schengen Borders Code, joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by the such measures, and the Commission may take place with a view to organising, where appropriate, mutual cooperation between the Member States. Such contacts with the neighbouring Member States should be used to limit the impact on free movement.
- (11) As the temporary reintroduction of border control at internal borders may only be used in exceptional circumstances and as a last resort measure, the Member States should first examine whether other measures alternative to border control could not be used to effectively remedy the identified threat and decide to reintroduce border controls at the internal borders concerned only as a measure of last resort, when such less restrictive measures for cross-border traffic cannot sufficiently address the threats identified. The Member States concerned should inform of the outcome of this reflection and the reasons for opting for border controls in their notification pursuant to Article 27(1) of the Schengen Borders Code.
- (12) In this respect, the Member States should make all necessary efforts to further and fully implement the Recommendation of the Commission of 12 May 2017 (C(2017) 3349 final) on proportionate police checks and police cooperation in the Schengen area.
- (13) This Recommendation should be implemented in full respect of fundamental rights.
- (14) This Recommendation should be addressed to all Schengen States bound by Title III of Regulation (EU) 2016/399 of the European Parliament and of the Council ⁽¹⁾,

⁽¹⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

HAS ADOPTED THIS RECOMMENDATION:

LIMITING THE IMPACT ON FREE MOVEMENT

In order to strike the right balance between the need to protect public policy or internal security in Member States and the benefits of the area without controls at internal borders, the Member States intending to reintroduce temporary internal border control should carefully take into account and regularly evaluate the following aspects when assessing pursuant to Article 26 of the Schengen Borders Code the need and proportionality of any temporary reintroduction of controls at internal borders pursuant to Articles 25 and 28 of the Schengen Borders Code:

- (a) the likely impact of such reintroduction on the free movement of persons within the area without internal border control;
- (b) the likely impact of such reintroduction on the internal market.

To this end, the Member States intending to reintroduce temporary internal border control should inform in the notification pursuant to Article 27(1) of the Schengen Borders Code of the outcome of their assessment of the impact of the planned reintroduction or prolongation of border controls at internal borders on free movement and the internal market.

The Member States intending to reintroduce temporary internal border control should refrain from any measures which would not be justified by the identified serious threat to public policy or internal security. For instance, they should limit the border sections where internal border control is temporarily reintroduced to what is strictly necessary to address the threat identified.

SHARED RESPONSIBILITY AND COOPERATION

In view of this objective of limiting the impact on free movement, the Member States intending to reintroduce temporary internal border control should:

- (a) consult well in advance the Member States affected by the intended reintroduction;
- (b) maintain a close and constant cooperation, allowing for a constant review and adaptation of the controls so as to reflect the evolving needs and impact on the ground;
- (c) stand ready to assist each other with a view to the effective implementation of border controls, where needed and justified.

USE OF ALTERNATIVE MEASURES

In order to ensure that temporary reintroduction of border control at internal borders is a last resort measure, used only when the identified serious threat to public policy or internal security cannot be addressed appropriately by other means, the Member States should implement fully the Recommendation of the Commission of 12 May 2017 (C(2017) 3349 final) on proportionate police checks and police cooperation in the Schengen area.

Done at Brussels, 3 October 2017.

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

COMMISSION RECOMMENDATION (EU) 2017/1805
of 3 October 2017
on the professionalisation of public procurement
Building an architecture for the professionalisation of public procurement
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Public procurement is an instrument to achieve smart, sustainable and inclusive growth. This instrument could have significant economic impact ⁽¹⁾ in contributing to the Commission's agenda for growth, jobs and cross-border trade. Efficient, effective and competitive public procurement is both a touchstone for a well-functioning single market and a major channel for European investments ⁽²⁾.
- (2) The directives on public procurement adopted in 2014 ⁽³⁾ provide a toolbox enabling Member States to make more efficient and strategic use of public procurement. Public procurement is facing new challenges as it is increasingly expected to: demonstrate best value for public money in ever-constricting budgetary environments; use the opportunities of digitisation and evolving markets; make a strategic contribution to horizontal policy objectives and societal values such as innovation, social inclusion and economic and environmental sustainability; maximise accessibility and show accountability for minimising inefficiencies, waste, irregularities, fraud and corruption, as well as building responsible supply chains.
- (3) The need to ensure the efficient application of public procurement rules at all levels is necessary to make the best out of this essential lever for European investment, as spelled out in the Investment Plan for Europe ⁽⁴⁾, and to achieve a stronger single market called for in the 2017 State of the Union address of President Juncker. Efficiency is also among the areas of improvement in public procurement signalled through the European semester process.
- (4) Therefore, the most efficient use of public funds needs to be ensured and public buyers need to be in a position to procure according to the highest standards of professionalism. Enhancing and supporting professionalism among public procurement practitioners can help foster the impact of public procurement in the whole economy ⁽⁵⁾.
- (5) The objective of the professionalisation of public procurement is understood broadly to reflect the overall improvement of the whole range of professional skills and competences, knowledge and experience of the people conducting or participating in tasks related to procurement ⁽⁶⁾. It covers also the tools and support as well as the

⁽¹⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Upgrading the Single Market: more opportunities for people and business (COM(2015) 550).

⁽²⁾ Almost half of the cohesion funding is channelled through public procurement. During the period 2014-2020, the EU will invest EUR 325 billion — almost a third of the total EU budget — in Europe's regions through the European Structural and Investment Funds, which aim to promote economic growth, job creation, competitiveness and to reduce development disparities.

⁽³⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65) (the 'Classical Directive'), Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1) (the 'Concessions Directive'), and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243) (the 'Utilities Directive'), and in particular their Articles 83(4), 45(4) and 99(4) respectively.

⁽⁴⁾ Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank: An investment plan for Europe (COM(2014) 903).

⁽⁵⁾ The Staff Working Document (SWD(2015) 202) accompanying the single market strategy estimated the potential economic gains from solving problems due to professionalisation to more than EUR 80 billion.

⁽⁶⁾ This covers the full scope of the work of procurement officers who are involved in any stage of the procurement process from the identification of needs through to contract management — be they in the central or decentralised administrations or institutions, in roles specifically defined as procurement related or merely responsible for certain tasks related to procurement.

institutional policy architecture that are necessary to do the job effectively and deliver results ⁽¹⁾. Therefore, an effective professionalisation policy should be based on an overall strategic approach along three complementary objectives:

- I. Developing the appropriate policy architecture for professionalisation: to have a real impact, any professionalisation policy should count on high level political support. This means defining a clear assignment of responsibilities and tasks to institutions at central policy level, supporting efforts at local, regional and sectoral levels, ensuring continuation across political cycles, using where appropriate, the institutional structures promoting specialisation, aggregation and sharing of knowledge.
 - II. Human resources — improving training and career management of procurement practitioners: public procurement practitioners, i.e. those involved in the procurement of goods, services and works, as well as auditors and officials responsible for the review of public procurement cases, must have the right qualifications, training, skills and experience needed for their level of responsibility. This means securing experienced, skilled and motivated staff, offering the necessary training and continuous professional development, as well as developing a career structure and incentives to make the public procurement function attractive and to motivate public officers to deliver on strategic outcomes.
 - III. Systems — providing tools and methodologies to support professional procurement practice: public procurement practitioners must be equipped with the right tools and support to act efficiently and get best value for money for each purchase. This means ensuring the availability of tools and processes to deliver smart procurement, such as: e-Procurement tools, guidelines, manuals, templates and cooperation tools, with corresponding training, support and expertise, aggregation of knowledge and exchange of good practice.
- (6) This Recommendation ⁽²⁾ encourages the development and implementation of professionalisation policies in the Member States, by offering a reference framework for consideration ⁽³⁾. The desired outcome of this initiative is to help Member States to build the policy for professionalisation to increase the profile, influence, impact and reputation of procurement in delivering public objectives.
- (7) This Recommendation is addressed to Member States and to their public administration primarily at national level. However, under their centralised or decentralised procurement system, Member States should further encourage and support contracting authorities/entities in rolling out professionalisation initiatives. Therefore, Member States should draw this Recommendation to the attention of bodies responsible for public procurement at all levels as well as of the bodies in charge of training the auditors and officials responsible for the review of public procurement cases.

HAS ADOPTED THIS RECOMMENDATION:

I. DEFINING THE POLICY FOR THE PROFESSIONALISATION OF PUBLIC PROCUREMENT

1. Member States should develop and implement long term professionalisation strategies for public procurement, tailored to their needs, resources and administrative structure, standalone or as part of wider professionalisation policies of public administration. The aim is to attract, develop and retain skills, focus on performance and strategic outcomes and make the most out of the available tools and techniques. These strategies should:
 - (a) address all the relevant participants in the procurement process and be developed through an inclusive process at national, regional and local level;
 - (b) be applied in coordination with other policies across the whole public sector; and
 - (c) take stock of developments in other Member States and at international level.

⁽¹⁾ The need to develop a procurement workforce with the capacity to continually deliver value for money is also stressed in the 2015 OECD Recommendation on Public Procurement. <http://www.oecd.org/gov/ethics/OECD-Recommendation-on-Public-Procurement.pdf>

⁽²⁾ The Commission does not intend to prescribe a specific model, but to invite Member States and relevant administrations to address relevant issues. There is a clear recognition that everyone is at different stages of their journey. Nonetheless, the new directives require Member States to ensure that (a) information and guidance on the interpretation and application of EU public procurement law is available free of charge to assist contracting authorities and economic operators, in particular SMEs; and (b) support is available to contracting authorities in planning and carrying out procurement procedures.

⁽³⁾ The Recommendation will be accompanied by a collection of good practices from Member States.

2. Member States should also encourage and support contracting authorities/entities in implementing the national professionalisation strategies, developing professionalisation initiatives as well as appropriate institutional architecture and cooperation for a more coordinated, efficient and strategic procurement based on, among other things:
 - (a) increased cooperation between relevant services and between contracting authorities/entities; and
 - (b) the expertise and support of training institutions, central purchasing bodies and of procurement-oriented professional organisations.

II. HUMAN RESOURCES — IMPROVING TRAINING AND CAREER MANAGEMENT

3. Member States should identify and define the baseline of skills and competences any public procurement practitioner should be trained in and possess, taking into account the multidisciplinary nature of procurement projects, both for dedicated procurement officials and for related functions as well as for judges and auditors, such as:
 - (a) frameworks for skills and competences to support recruitment and career management processes and in designing training curricula; and
 - (b) a common competence framework for public procurement at European level.
4. Member States should develop appropriate training programmes — initial and lifelong — based on data and needs assessment, as well as on competence frameworks where available, such as:
 - (a) developing and/or supporting the development of the initial training offer, at graduate and post-graduate level and other entry-level career training;
 - (b) providing and/or supporting a comprehensive, targeted and accessible offer of lifelong training and learning;
 - (c) multiplying the training offer via innovative, interactive solutions or eLearning tools, as well as replication schemes; and
 - (d) drawing benefits from academic cooperation and research to develop a sound theoretical backing for procurement solutions.
5. Member States should also develop and support the uptake by contracting authorities/entities of sound human resources management, career planning and motivational schemes specific to the procurement functions aiming to attract and retain qualified staff to procurement and encouraging practitioners to deliver better quality and a more strategic approach in public procurement, such as:
 - (a) recognition and/or certification schemes which properly identify and reward procurement functions;
 - (b) career structures, institutional incentives and political support to deliver strategic outcomes; and
 - (c) excellence awards to promote good practice in areas such as innovation, green and socially responsible public procurement or anti-corruption.

III. SYSTEMS — PROVIDING TOOLS AND METHODOLOGIES

6. Member States should encourage and support the development and uptake of accessible IT tools which can simplify and improve the functioning of procurement systems, such as:
 - (a) enabling access to information by creating single online portals;
 - (b) developing IT tools with corresponding training, (e.g. for economies of scale, energy efficiency or team working), or supporting corresponding market driven solutions; and
 - (c) promoting a strategic approach to digitalisation through standardisation, sharing, reuse and interoperability of products and services particularly through using existing IT solutions available at EU level ⁽¹⁾, as well as contributing to developing instruments such as an online catalogue of ICT standards for procurement ⁽²⁾.

⁽¹⁾ Among others: the Single Digital Gateway and Connecting Europe Digital Service Infrastructure Building Blocks (eIdentity, eSignature, eDelivery, eInvoicing).

⁽²⁾ https://joinup.ec.europa.eu/community/european_catalogue/

7. Member States should support and promote integrity, at individual and institutional level, as an intrinsic part of professional conduct, by providing tools to ensure compliance and transparency and guidance on prevention of irregularities, such as:
 - (a) establishing codes of ethics as well as charters for integrity;
 - (b) using data on irregularities ⁽¹⁾ as feedback to develop corresponding trainings and guidance as well as to promote self-cleaning; and
 - (c) developing specific guidance to prevent and detect fraud and corruption, including through whistleblowing channels.
8. Member States should provide guidance aiming, on the one hand, to give legal certainty on EU and national law or requirements stemming from the EU's international obligations and, on the other hand, to facilitate and promote strategic thinking, commercial judgment and intelligent/informed decision making, such as:
 - (a) targeted guidance materials, methodological handbooks and repositories of good practices and most common errors, that are up-to-date, user-friendly, easily accessible and grounded in the experience of practitioners; and
 - (b) standardised templates and tools for various procedures such as green public procurement criteria.
9. Member States should promote the exchange of good practice and provide support for practitioners to ensure professional procurement procedures, cooperative work and transmission of expertise such as:
 - (a) providing technical assistance by means of reactive helpdesks, hotlines and/or email services;
 - (b) organising seminars and workshops to share new legal developments, policy priorities and good practice; and
 - (c) encouraging communities of practitioners through online fora and professional social networks.

IV. FOLLOW-UP TO THIS RECOMMENDATION — REPORTING AND MONITORING

10. It is recommended that Member States should inform the Commission of action taken in response to this Recommendation when reporting under Article 83 of Directive 2014/24/EU, Article 45 of Directive 2014/23/EU and Article 99 of Directive 2014/25/EU.

Done at Strasbourg, 3 October 2017.

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

⁽¹⁾ While respecting the data protection legislation and the fundamental right to protection of personal data.

