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⁽¹⁾ Text with EEA relevance.

EN

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DECISIONS

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2019/459

of 21 March 2019

implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

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 270/2011 of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt ⁽¹⁾, and in particular Article 12(4) thereof,

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

Whereas:

- (1) On 21 March 2011, the Council adopted Regulation (EU) No 270/2011.
- (2) Annex I should be supplemented with information regarding the rights of defence and the right to effective judicial protection.
- (3) Annex I to Regulation (EU) No 270/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 270/2011 is amended as set out in the Annex 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, 21 March 2019.

For the Council
The President
G. CIAMBA

⁽¹⁾ OJ L 76, 22.3.2011, p. 4.

ANNEX

Annex I to Regulation (EU) No 270/2011 is replaced by the following:

‘ANNEX I

A. List of natural and legal persons, entities and bodies referred to in Article 2(1)

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Mohamed Hosni Elsayed Mubarak	Former President of the Arab Republic of Egypt Date of birth: 4.5.1928 Male	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
2.	Suzanne Saleh Thabet	Spouse of Mr Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.2.1941 Female	Associated with Mohamed Hosni Elsayed Mubarak, who is subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
3.	Alaa Mohamed Hosni Elsayed Mubarak	Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 26.11.1960 Male	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
4.	Heidy Mahmoud Magdy Hussein Rasekh	Spouse of Mr Alaa Mohamed Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 5.10.1971 Female	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption, and associated with Alaa Mohamed Hosni Elsayed Mubarak.
5.	Gamal Mohamed Hosni Elsayed Mubarak	Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.12.1963 Male	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
6.	Khadiga Mahmoud El Gammal	Spouse of Mr Gamal Mahamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 13.10.1982 Female	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption, and associated with Gamal Mohamed Hosni Elsayed Mubarak.
15.	Mohamed Zohir Mohamed Wahed Garrana	Former Minister of Tourism Date of birth: 20.2.1959 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.

	Name (and any aliases)	Identifying information	Grounds for designation
18.	Habib Ibrahim Habib Eladli	Former Minister of Interior Date of birth: 1.3.1938 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
19.	Elham Sayed Salem Sharshar	Spouse of Mr Habib Ibrahim Eladli Date of birth: 23.1.1963 Female	Person subject to judicial proceedings in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption, and associated with Habib Ibrahim Eladli.

B. Rights of defence and right to effective judicial protection under Egyptian law:

The rights of defence and the right to effective judicial protection

It follows from Articles 54, 97 and 98 of the Egypt Constitution, Articles 77, 78, 124, 199, 214, 271, 272 and 277 of the Egypt Criminal Procedures Act and Articles 93 and 94 of the Egypt Advocacy Act (Law No 17 of 1983) that the following rights are guaranteed under Egyptian law:

— to any individual suspected of or charged with a criminal offence:

1. the right to judicial review of any act or administrative decision;
2. the right to defend himself/herself in person or through legal assistance of his/her own choosing or, if he/she has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

— to any individual charged with a criminal offence:

1. the right to be informed promptly, in a language which he/she understands and in detail, of the nature and cause of the accusation against him/her;
2. the right to have adequate time and facilities for the preparation of his/her defence;
3. the right to examine or have examined witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her;
4. the right to have the free assistance of an interpreter if he/she cannot understand or speak the language used in court.

Application of the rights of defence and the right to effective judicial protection

1. Mohamed Hosni Elsayed Mubarak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Mubarak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

First case

On 27 June 2013, Mr Mubarak was charged together with two other individuals with misappropriation of public funds and proceedings were initiated before the Cairo Criminal Court on 17 November 2013. On 21 May 2014, that Court convicted the three defendants. The defendants challenged this judgment before the Court of Cassation. On 13 January 2015, the Court of Cassation quashed the verdict and ordered a retrial. On retrial, on 4 and 29 April 2015, verbal and written pleadings of the parties were presented. On 9 May 2015, the Cairo Criminal Court convicted the defendants, ordered the restitution of the misappropriated funds and ordered the payment of a fine. On 24 May 2015, an appeal was lodged with the Court of Cassation. On 9 January 2016, the Court of Cassation upheld the convictions. On 8 March 2016, the defendants reached a settlement within the Experts Committee set up by Prime Ministerial Decree No 2873 of 2015. That settlement was approved by the Cabinet of Ministers on 9 March 2016. That settlement was not submitted to the Court of Cassation for final approval by the Prosecutor General because the Experts Committee was not the competent committee. It is open to the defendants to submit a request for settlement to the competent committee, the National Committee for Recovery of Assets Located Abroad (NCRAA).

Second case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of defence or the right to effective judicial protection of Mr Mubarak were not respected.

3. Alaa Mohamed Hosni Elsayed Mubarak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Alaa Mubarak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Mr Alaa Mubarak and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent Criminal Court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Mr Alaa Mubarak has not challenged the ruling of 8 March 2011.

First case

The defendant was referred together with another individual to the trial court (Cairo Criminal Court) on 30 May 2012. On 6 June 2013, the Court returned the case to the public prosecution for further investigations. After the conclusion of the investigations, the case was referred again to the Court. On 15 September 2018, the Cairo Criminal Court delivered a judgment by which: (i) it requested the expert committee it had appointed to complement the expert report it had submitted to the court in July 2018; (ii) ordered the arrest of the defendants; and (iii) asked to refer the defendants to the National Committee for Recovery of Assets Located Abroad (NCRAA) with a view to a possible reconciliation. The defendants successfully challenged the order of arrest and, following a motion of recusal of the judicial panel, the case was referred to another circuit of the criminal court to review the merits.

Second case

On 27 June 2013, Mr Alaa Mubarak was charged together with two other individuals with misappropriation of public funds and proceedings were initiated before the Cairo criminal court on 17 November 2013. On 21 May 2014, that Court convicted the three defendants. The defendants challenged this judgment before the Court of Cassation. On 13 January 2015, the Court of Cassation quashed the verdict and ordered a retrial. On retrial, on 4 and 29 April 2015, verbal and written pleadings of the parties were presented.

On 9 May 2015, the Cairo Criminal Court convicted the defendants, ordered the restitution of the misappropriated funds and ordered the payment of a fine. On 24 May 2015, an appeal was lodged with the Court of Cassation. On 9 January 2016, the Court of Cassation upheld the convictions. On 8 March 2016, the defendants reached a settlement within the Experts Committee set up by Prime Ministerial Decree No 2873 of 2015. This settlement was approved by the Cabinet of Ministers on 9 March 2016. This settlement was not submitted to the Court of Cassation for final approval by the Prosecutor General because the Experts Committee was not the competent committee. It is open to the defendants to submit a request for settlement to the competent committee, the National Committee for Recovery of Assets Located Abroad (NCRAA).

Third case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of the defence or the right to effective judicial protection of Mr Alaa Mubarak were not respected.

4. Heidy Mahmoud Magdy Hussein Rasekh

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Ms Rasekh were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Ms Rasekh and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent Criminal Court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Ms Rasekh has not challenged the ruling of 8 March 2011.

Case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of the defence or the right to effective judicial protection of Ms Rasekh were not respected.

5. Gamal Mohamed Hosni Elsayed Mubarak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Gamal Mubarak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Mr Gamal Mubarak and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent criminal Court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Mr Gamal Mubarak has not challenged the ruling of 8 March 2011.

First case

Mr Gamal Mubarak and another individual were referred to the trial court (Cairo Criminal Court) on 30 May 2012. On 6 June 2013, the Court returned the case to the public prosecution for further investigations. After the conclusion of the investigations, the case was referred again to the court. On 15 September 2018, the Cairo Criminal Court delivered a judgment by which: (i) it requested the expert committee it had appointed to complement the expert report it had submitted to the Court in July 2018; (ii) ordered the arrest of the defendants; and (iii) asked to refer the defendants to the National Committee for Recovery of Assets Located Abroad (NCRAA) with a view to a possible reconciliation. The defendants successfully challenged the order of arrest and, following a motion of recusal of the judicial panel, the case was referred to another circuit of the criminal court to review the merits.

Second case

On 27 June 2013, Mr Gamal Mubarak was charged together with two other individuals with misappropriation of public funds and proceedings were initiated before the Cairo Criminal Court on 17 November 2013. On 21 May 2014, that Court convicted the three defendants. The defendants challenged this judgment before the Court of Cassation. On 13 January 2015, the Court of Cassation quashed the verdict and ordered a retrial. On retrial, on 4 and 29 April 2015, verbal and written pleadings of the parties were presented. On 9 May 2015, the Cairo Criminal Court convicted the defendants, ordered the restitution of the misappropriated funds and ordered the payment of a fine. On 24 May 2015, an appeal was lodged with the Court of Cassation. On 9 January 2016, the Court of Cassation upheld the convictions. On 8 March 2016, the defendants reached a settlement within the Experts Committee set up by Prime Ministerial Decree No 2873 of 2015. This settlement was approved by the Cabinet of Ministers on 9 March 2016. This settlement was not submitted to the Court of Cassation for final approval by the Prosecutor General because the Experts Committee was not the competent committee. It is open to the defendants to submit a request for settlement to the competent committee, the National Committee for Recovery of Assets Located Abroad (NCRAA).

Third case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. In the course of the investigation proceedings Mr Gamal Mubarak has been questioned. The Council has found no indication that the rights of the defence or the right to effective judicial protection of Mr Gamal Mubarak were not respected.

6. Khadiga Mahmoud El Gammal

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Ms El Gammal were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Ms Khadiga El Gammal and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent criminal court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Ms El Gammal has not challenged the ruling of 8 March 2011.

Case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of defence or the right to effective judicial protection of Ms El Gammal were not respected.

15. Mohamed Zohir Mohamed Wahed Garrana

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Garrana were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of defence or the right to effective judicial protection of Mr Garrana were not respected.

18. Habib Ibrahim Habib Eladli

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Eladli were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Case

Mr Eladli was referred by the investigating judge to the competent trial court on charges of misappropriation of public funds. On 7 February 2016, that Court decided that the assets of Mr Eladli, his spouse and minor son should be frozen. Pursuant to that Court decision the Prosecutor General issued a freezing order on 10 February 2016 in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. On 15 April 2017, the Court convicted the defendant. The defendant challenged this judgment before the Court of Cassation, which quashed the verdict on 11 January 2018 and ordered a retrial. The new trial is still ongoing.

19. Elham Sayed Salem Sharshar

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Ms Sharshar were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

The husband of Ms Sharshar was referred by the investigating judge to the competent trial court on charges of misappropriation of public funds. On 7 February 2016, that Court decided that the assets of her husband, her own and those of their minor son should be frozen. Pursuant to that Court decision the Prosecutor General issued a freezing order on 10 February 2016 in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Ms Sharshar has not challenged the Court ruling.’

COMMISSION DELEGATED REGULATION (EU) 2019/460**of 30 January 2019****amending Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the list of exempted entities****(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 1(6) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to and in the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) The withdrawal agreement as agreed between the negotiators contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to the United Kingdom. If that agreement enters into force, Regulation (EU) No 648/2012, including the exemption provided for in Article 1(4)(a) of that Regulation, will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.
- (3) The withdrawal of the United Kingdom from the Union would, in the absence of any special provisions, have the effect that the exemption for the members of the European System of Central Banks (ESCB) and other Member States' bodies performing similar functions and other Union public bodies charged with or intervening in the management of the public debt in Article 1(4)(a) of Regulation (EU) No 648/2012 will no longer apply to the United Kingdom central bank or other public bodies charged with or intervening in the management of the public debt.
- (4) The Commission has carried out an assessment of the international treatment of central banks and the public bodies charged with or intervening in the management of the public debt under the laws to be applicable in the United Kingdom after its withdrawal from the Union and has presented its conclusions to the European Parliament and the Council. In particular, the Commission conducted a comparative analysis of that treatment as well as of the risk-management standards applicable to the derivative transactions entered into by those bodies and by central banks in the United Kingdom.
- (5) The Commission concluded in its assessment that the United Kingdom central bank and public bodies charged with or intervening in the management of the public debt should be exempted from the clearing and reporting requirements and the requirement to apply risk-mitigation techniques to non-cleared transactions laid down in Regulation (EU) No 648/2012.
- (6) The authorities of the United Kingdom have provided assurances on the status, rights and obligations of ESCB members, including their intention to grant to the members of the ESCB and other Member States' bodies performing similar functions and other Union public bodies charged with or intervening in the management of the public debt an exemption comparable to the one provided for in Article 1(4) of Regulation (EU) No 648/2012.
- (7) Consequently, the central bank of the United Kingdom and the public bodies charged with or intervening in the management of the public debt in the United Kingdom should be included in the list of exempted entities laid down in Regulation (EU) No 648/2012.
- (8) Therefore, Regulation (EU) No 648/2012 should be amended accordingly.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

- (9) The Commission continues to monitor on a regular basis the treatment of those central banks and public bodies exempted from the clearing and reporting requirements laid down in the list in Article 1(4)(c) of Regulation (EU) No 648/2012. That list may be updated in light of the development of the regulatory arrangements in those third countries and taking into account any relevant new sources of information. Such reassessment could lead to the removal of certain third countries from the list of exempted entities.
- (10) This Regulation should enter into force as a matter of urgency and should apply from the day following that on which Regulation (EU) No 648/2012 ceases to apply to and in the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1(4)(c) of Regulation (EU) No 648/2012 the following point (ix) is added:

‘(ix) the United Kingdom of Great Britain and Northern Ireland.’

Article 2

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

It shall apply from the day following that on which Regulation (EU) No 648/2012 ceases to apply to and in the United Kingdom.

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

Done at Brussels, 30 January 2019.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2019/461**of 30 January 2019****amending Delegated Regulation (EU) 2016/522 as regards the exemption of the Bank of England and the United Kingdom Debt Management Office from the scope of Regulation (EU) No 596/2014 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC ⁽¹⁾, and in particular Article 6(5) thereof,

Whereas:

- (1) Transactions, orders or behaviour, in pursuit of monetary, exchange rate or public debt management policy by a Member State, the members of the ESCB, a ministry, agency or special purpose vehicle of one or several Member States, or by a person acting on its behalf, or, in the case of a Member State that is a federal state, a member making up the federation are exempt from the scope of application of Regulation (EU) No 596/2014 pursuant to Article 6(1) thereof.
- (2) Such an exemption from the scope of Regulation (EU) No 596/2014 may be extended, in accordance with Article 6(5) of that Regulation, to certain public bodies and central banks of third countries.
- (3) The list of exempted central banks of third countries set out in Commission Delegated Regulation (EU) 2016/522 ⁽²⁾ should be updated, including with a view to extend, whenever necessary, the scope of the exemption laid down in Article 6(1) of Regulation (EU) No 596/2014 to other central banks and certain public bodies of third countries. The Commission monitors and assesses relevant legislative and regulatory developments in third countries and may undertake a review of the exemptions at any time.
- (4) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (5) The withdrawal agreement as agreed between the negotiators contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to the United Kingdom. If that agreement enters into force, Regulation (EU) No 596/2014, including the exemption provided for in Article 6(1) of that Regulation, will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.
- (6) The withdrawal of the United Kingdom from the Union would, in the absence of any special provisions, have the effect that the Bank of England and the United Kingdom Debt Management Office will no longer benefit from the existing exemption unless they are included in the list of exempted third-country central banks and debt management offices.
- (7) In light of information obtained from the United Kingdom, the Commission prepared and presented to the European Parliament and to the Council a report assessing the international treatment of the Bank of England and the United Kingdom Debt Management Office. That report ⁽³⁾ concluded that it is appropriate to grant an exemption from the scope of Regulation (EU) No 596/2014 to United Kingdom's central bank and debt management office once the United Kingdom is a third country. Accordingly, the Bank of England and the United Kingdom Debt Management Office should be included in the list of exempted public entities set out in Delegated Regulation (EU) 2016/522.

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2016/522 of 17 December 2015 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council as regards an exemption for certain third countries public bodies and central banks, the indicators of market manipulation, the disclosure thresholds, the competent authority for notifications of delays, the permission for trading during closed periods and types of notifiable managers' transactions (OJ L 88, 5.4.2016, p. 1).

⁽³⁾ Report from the Commission to the European Parliament and the Council on the Exemption for the Bank of England and the United Kingdom Debt Management Office under the Market Abuse Regulation (MAR) [COM(2019) 68].

- (8) The authorities of the United Kingdom have provided assurances on the status, rights and obligations of ESCB members, including their intention to grant to the members of the ESCB and other Union and Member States' bodies performing monetary, exchange rate or public debt management policy an exemption comparable to the one provided for in Article 6(1) of Regulation (EU) No 596/2014.
- (9) Therefore, Delegated Regulation (EU) 2016/522 should be amended accordingly.
- (10) The Commission continues to monitor on a regular basis the treatment of those central banks and public bodies exempted from the market abuse requirements laid down in the list in the Annex I to Delegated Regulation (EU) 2016/522. That list may be updated in light of the development of the regulatory arrangements in those third countries and taking into account any relevant new sources of information. Such reassessment could lead to the removal of certain third countries from the list of exempted entities
- (11) This Regulation should enter into force as a matter of urgency and should apply from the day following that on which Regulation (EU) No 596/2014 ceases to apply to and in the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Delegated Regulation (EU) 2016/522 is replaced by the text in the Annex 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*.

It shall apply from the day following that on which Regulation (EU) No 596/2014 ceases to apply to and in the United Kingdom.

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

Done at Brussels, 30 January 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

'ANNEX I

1. Australia:
 - Reserve Bank of Australia;
 - Australian Office of Financial Management;
 2. Brazil:
 - Central Bank of Brazil;
 - National Treasury of Brazil;
 3. Canada:
 - Bank of Canada;
 - Department of Finance Canada;
 4. China:
 - People's Bank of China;
 5. Hong Kong SAR:
 - Hong Kong Monetary Authority;
 - Financial Services and the Treasury Bureau of Hong Kong;
 6. India:
 - Reserve Bank of India;
 7. Japan:
 - Bank of Japan;
 - Ministry of Finance of Japan;
 8. Mexico:
 - Bank of Mexico;
 - Ministry of Finance and Public Credit of Mexico;
 9. Singapore:
 - Monetary Authority of Singapore;
 10. South Korea:
 - Bank of Korea;
 - Ministry of Strategy and Finance of Korea;
 11. Switzerland:
 - Swiss National Bank;
 - Federal Finance Administration of Switzerland;
 12. Turkey:
 - Central Bank of the Republic of Turkey;
 - Undersecretariat of Treasury of the Republic of Turkey;
 13. The United Kingdom:
 - Bank of England;
 - United Kingdom Debt Management Office;
 14. The United States:
 - Federal Reserve System;
 - U.S. Department of the Treasury.'
-

COMMISSION DELEGATED REGULATION (EU) 2019/462**of 30 January 2019****amending Delegated Regulation (EU) 2017/1799 as regards the exemption of the Bank of England from the pre- and post-trade transparency requirements in Regulation (EU) No 600/2014 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 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 those 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 be extended, in accordance with Article 1(9) of that Regulation, to central banks of third countries as well as to the Bank for International Settlements.
- (3) The list of exempted central banks of third countries set out in Commission Delegated Regulation (EU) 2017/1799 ⁽²⁾ should be updated, including with a view to extend, where appropriate, the scope of the exemption laid down in Article 1(6) of Regulation (EU) No 600/2014 to other central banks of third countries.
- (4) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (5) The withdrawal agreement as agreed between the negotiators contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to the United Kingdom. If that agreement enters into force, Regulation (EU) No 600/2014, including the exemption provided for in Article 1(6) of that Regulation, will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.
- (6) The withdrawal of the United Kingdom from the Union would, in the absence of any special provisions, have the effect that the Bank of England will no longer benefit from the existing exemption unless it is included in the list of exempted third-country central banks.
- (7) In light of information obtained from the United Kingdom, the Commission prepared and presented to the European Parliament and to the Council a report assessing the international treatment of the Bank of England. That report ⁽³⁾ concluded that it is appropriate to grant an exemption from pre- and post-trade transparency requirements in Regulation (EU) No 600/2014 to the central bank of the United Kingdom. Accordingly, the Bank of England should be included in the list of exempted central banks set out in Delegated Regulation (EU) 2017/1799.
- (8) The authorities of the United Kingdom have provided reassurances on the status, rights and obligations of ESCB members, including their intention to grant to the members of the ESCB in pursuit of monetary, foreign exchange and financial stability policy an exemption comparable to the one provided for in Article 1(6) of Regulation (EU) No 600/2014.

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

⁽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 (OJ L 259, 7.10.2017, p. 11).

⁽³⁾ Report from the Commission to the European Parliament and the Council on the exemption for the Central Bank of The United Kingdom ('Bank of England') under the Markets in Financial Instruments Regulation (MiFIR) (COM(2019) 69).

- (9) Therefore, Commission Delegated Regulation (EU) 2017/1799 should be amended accordingly.
- (10) The Commission continues to monitor on a regular basis the treatment of those central banks and public bodies exempted from the trade transparency requirements laid down in the list in the Annex to Commission Delegated Regulation (EU) 2017/1799. That list may be updated in light of the development of the regulatory arrangements in those third countries and taking into account any relevant new sources of information. Such reassessment could lead to the removal of certain third countries from the list of exempted entities.
- (11) This Regulation should enter into force as a matter of urgency and should apply from the day following that on which Regulation (EU) No 600/2014 ceases to apply to and in the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Delegated Regulation (EU) 2017/1799 is replaced by the text in the Annex 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*.

It shall apply from the day following that on which on which Regulation (EU) No 600/2014 ceases to apply to and in the United Kingdom.

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

Done at Brussels, 30 January 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'ANNEX I

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 Kingdom:
 - Bank of England;
 13. United States of America:
 - Federal Reserve System;
 - Bank for International Settlements.'
-

COMMISSION DELEGATED REGULATION (EU) 2019/463
of 30 January 2019
amending Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard
to the list of exempted entities

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse ⁽¹⁾, and in particular Article 2(4) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) The withdrawal agreement as agreed between the negotiators contains arrangements for the application of provisions of Union law to and in the United Kingdom beyond the date the Treaties cease to apply to the United Kingdom. If that agreement enters into force, Regulation (EU) 2015/2365, including the exemption provided for in Article 2(2)(a) of that Regulation, will apply to and in the United Kingdom during the transition period in accordance with that agreement and will cease to apply at the end of that period.
- (3) The withdrawal of the United Kingdom from the Union would, in the absence of any special provisions, have the effect that the exemption for the members of the European System of Central Banks (ESCB) and other Member States' bodies performing similar functions and other Union public bodies charged with, or intervening in, the management of the public debt in Article 2(2)(a) of Regulation (EU) 2015/2365 will no longer apply to the United Kingdom central bank and other bodies performing similar functions and other public bodies charged with, or intervening in, the management of the public debt in the United Kingdom.
- (4) The Commission has carried out an assessment of the international treatment of central banks and the public bodies charged with or intervening in the management of the public debt under the laws to be applicable in the United Kingdom with regards to securities financing transactions after its withdrawal from the Union and has presented its conclusions to the European Parliament and the Council.
- (5) The Commission concluded in its assessment that the United Kingdom central bank and public bodies charged with or intervening in the management of the public debt should be exempted from the reporting obligation under Article 4 and the reuse transparency requirements under Article 15 of Regulation (EU) 2015/2365.
- (6) The authorities of the United Kingdom have provided assurances on the status, rights and obligations of ESCB members, including their intention to grant to the members of the ESCB and other Member States' bodies performing similar functions and other Union public bodies charged with or intervening in the management of the public debt an exemption comparable to the one provided for in Article 2(2) of Regulation (EU) 2015/2365.
- (7) Consequently, the central bank of the United Kingdom and other bodies performing similar functions and other public bodies charged with, or intervening in, the management of the public debt in the United Kingdom should be included in the list of exempted entities laid down in Regulation (EU) 2015/2365.
- (8) Therefore, Regulation (EU) 2015/2365 should be amended accordingly.
- (9) The Commission continues to monitor on a regular basis the treatment of the central banks and public bodies exempted from the reporting obligation and the reuse transparency requirements laid down in the list in Article 2(2) of Regulation (EU) 2015/2365. That list may be updated in light of the development of the regulatory arrangements in those third countries and taking into account any relevant new sources of information. Such reassessment could lead to the removal of certain third countries from the list of exempted entities.

⁽¹⁾ OJ L 337, 23.12.2015, p. 1.

- (10) This Regulation should enter into force as a matter of urgency and should apply from the day following that on which Regulation (EU) 2015/2365 ceases to apply to and in the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2(2) of Regulation (EU) 2015/2365, the following point (c) is added:

- ‘(c) the central bank and other bodies performing similar functions and other public bodies charged with, or intervening in, the management of the public debt in the United Kingdom of Great Britain and Northern Ireland.’.

Article 2

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

It shall apply from the day following that on which Regulation (EU) 2015/2365 ceases to apply to and in the United Kingdom.

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

Done at Brussels, 30 January 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/464
of 21 March 2019

initiating an investigation concerning possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 412/2013 on imports of ceramic tableware and kitchenware originating in the People's Republic of China, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union ⁽¹⁾ and in particular Articles 13(3) and 14(5) thereof,

After having informed the Member States,

Whereas:

A. EX-OFFICIO INVESTIGATION

- (1) The European Commission ('the Commission') has decided on its own initiative, pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036 ('the basic Regulation'), to investigate the possible circumvention of the anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China and to make such imports subject to registration.

B. PRODUCT

- (2) The product concerned by the possible circumvention is ceramic tableware and kitchenware, excluding ceramic condiment or spice mills and their ceramic grinding parts, ceramic coffee mills, ceramic knife sharpeners, ceramic sharpeners, ceramic kitchen tools to be used for cutting, grinding, grating, slicing, scraping and peeling, and cordierite ceramic pizza-stones of a kind used for baking pizza or bread, currently falling under CN codes ex 6911 10 00, ex 6912 00 21, ex 6912 00 23, ex 6912 00 25 and ex 6912 00 29 (TARIC codes 6911 10 00 90, 6912 00 21 11, 6912 00 21 91, 6912 00 23 10, 6912 00 25 10 and 6912 00 29 10) and originating in the People's Republic of China ('the product concerned').
- (3) The product under investigation is the same as that defined in the previous recital, currently falling under the same codes as the product concerned, imported under the TARIC additional codes listed in Annex ('the product under investigation').

C. EXISTING MEASURES

- (4) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Implementing Regulation (EU) No 412/2013 ⁽²⁾, as amended by Commission Implementing Regulation (EU) 2017/1932 ⁽³⁾ ('the existing measures').

D. GROUNDS

- (5) The Commission has at its disposal sufficient evidence that there is a reorganisation of patterns and channels of sales of the product concerned.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 131, 15.5.2013, p.1).

⁽³⁾ Commission Implementing Regulation (EU) 2017/1932 of 23 October 2017 amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 273, 24.10.2017, p.4).

- (6) Indicators for such channelling practices are a sharp rise or fall in the export statistics of certain companies, when comparing the figures and trends between 2014 and 2018. Moreover, in some cases, the actual exports from certain companies exceed their declared production. Finally, the Commission has been informed about ongoing customs authorities' investigations on the misuse of company specific TARIC codes.
- (7) It appears from these indicators that certain companies currently subject to the residual duty rate of 36,1 % (TARIC additional code B999) or companies subject to an individual duty rate are selling their products via other companies which are subject to a lower duty. A list of companies possibly involved in such practices is attached in Annex.
- (8) These channelling practices resulted in a change in the pattern of trade regarding exports from the People's Republic of China following the imposition of measures on the product concerned, without sufficient due cause or justification other than the imposition of the duty.
- (9) Furthermore, the evidence points to the fact that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantities and prices. The volumes of imports of the product under investigation have increased significantly. In addition, there is sufficient evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (10) Finally, the Commission has sufficient evidence at its disposal that the prices of product under investigation are dumped in relation to the normal value previously established for the product concerned.
- (11) Should circumvention practices covered by Article 13 of the basic Regulation, other than the ones mentioned above, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (12) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the products under investigation subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (13) In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the Chinese exporting producers listed in Annex.
- (14) In any event, all interested parties should contact the Commission forthwith, but not later than the time-limit set in Article 3(1) of this Regulation. The time-limit set in Article 3(2) of this Regulation applies to all interested parties.
- (15) The authorities of the People's Republic of China will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (16) All interested parties including the Union industry, importers and any relevant association are invited to make their views known in writing and to provide supporting evidence provided that such submissions are made within the deadline provided for in Article 3(2). Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

F. REGISTRATION

- (17) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports was imposed.

- (18) Any future liability would emanate from the findings of the investigation. With the information available at this stage, in particular the indicators that certain companies currently subject to the residual duty of 36,1 % (TARIC additional code B999) or companies subject to an individual duty rate are selling their products via other companies which are subject to a lower duty, the amount of possible future liability is set at the level of the residual duty, namely 36,1 % *ad valorem* on the CIF import value of the product under investigation, imported under the TARIC additional codes listed in Annex of this Regulation.

G. TIME-LIMITS

- (19) In the interest of sound administration, time-limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission.
- (20) Attention is drawn to the fact that the exercise of procedural rights set out in the basic Regulation depends on the party's making itself known within the time-limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (21) If any interested party refuses access to or does not provide the necessary information within the time-limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available in accordance with Article 18 of the basic Regulation.
- (22) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available in accordance with Article 18 of the basic Regulation.
- (23) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

- (24) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of entry into force of this Regulation.

J. PROCESSING OF PERSONAL DATA

- (25) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data ⁽⁴⁾.

K. HEARING OFFICER

- (26) Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.
- (27) The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised.

⁽⁴⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (28) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in the due course.
- (29) Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. In principle, the timeframes set out in Article 3 to request hearings with the Commission services apply *mutatis mutandis* to requests for hearings with the Hearing Officer. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.
- (30) For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is initiated pursuant to Article 13(3) of Regulation (EU) 2016/1036, in order to determine if imports into the Union of ceramic tableware and kitchenware, excluding ceramic condiment or spice mills and their ceramic grinding parts, ceramic coffee mills, ceramic knife sharpeners, ceramic sharpeners, ceramic kitchen tools to be used for cutting, grinding, grating, slicing, scraping and peeling, and cordierite ceramic pizza-stones of a kind used for baking pizza or bread, currently falling under CN codes ex 6911 10 00, ex 6912 00 21, ex 6912 00 23, ex 6912 00 25 and ex 6912 00 29 (TARIC codes 6911 10 00 90, 6912 00 21 11, 6912 00 21 91, 6912 00 23 10, 6912 00 25 10 and 6912 00 29 10) and originating in the People's Republic of China, imported under the TARIC additional codes listed in Annex, are circumventing the measures imposed by Council Implementing Regulation (EU) (No) 412/2013.

Article 2

The Customs authorities shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EU) 2016/1036, take the appropriate steps to register the imports into the Union declared under the TARIC additional codes listed in Annex of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

Article 3

1. Interested parties must make themselves known by contacting the Commission within 15 days from the date of entry into force of this Regulation.
2. Interested parties, if their representations are to be taken into account during the investigation, must present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.
3. Interested parties may also apply to be heard by the Commission within the same 37-day time-limit.
4. Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing (a) the Commission to use the information and data for the purpose of this trade defence proceeding and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their right of defence.

5. All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled '*Limited*' ⁽⁵⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.
6. Parties providing '*Limited*' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled '*For inspection by interested parties*'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.
7. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.
8. Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-R or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document '*CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES*' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Brussels
BELGIUM
E-mail: TRADE-R700@ec.europa.eu

Article 4

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, 21 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽⁵⁾ A '*Limited*' document is a document which is considered confidential pursuant to Article 19 of Regulation (EU) No 2016/1036 of the European Parliament and the Council (OJ L 176, 30.6.2016, p. 21) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

ANNEX

TARIC Additional Code	Company Name	Current duty rate (%)
B351	CHL Porcelain Industries Ltd	23,4
B353	Guangxi Province Beiliu City Laotian Ceramics Co., Ltd	22,9
B359	Beiliu Changlong Ceramics Co., Ltd	17,9
B360	Beiliu Chengda Ceramic Co., Ltd	17,9
B362	Beiliu Jiasheng Porcelain Co., Ltd	17,9
B383	Chaozhou Chengxi Jijie Art & Craft Painted Porcelain Fty.	17,9
B437	Guangdong Jinqiangyi Ceramics Co., Ltd	17,9
B446	Chaozhou Lianjun Ceramics Co., Ltd	17,9
B454	Chaozhou New Power Co., Ltd	17,9
B484	Chaozhou Xinde Ceramics Craft Factory	17,9
B492	Chaozhou Yaran Ceramics Craft Making Co., Ltd	17,9
B508	Dehua Kaiyuan Porcelain Industry Co., Ltd	17,9
B511	Dongguan Kennex Ceramic Ltd	17,9
B514	Evershine Fine China Co., Ltd	17,9
B517	Far East (Boluo) Ceramics Factory Co., Ltd	17,9
B519	Fengfeng Mining District Yuhang Ceramic Co. Ltd ('Yuhang')	17,9
B543	Fujian Dehua Rongxin Ceramic Co., Ltd	17,9
B548	Fujian Dehua Xingye Ceramic Co., Ltd	17,9
B549	Fujian Dehua Yonghuang Ceramic Co., Ltd	17,9
B554	Fujian Jackson Arts and Crafts Co., Ltd	17,9
B556	Profit Cultural & Creative Group Corporation	17,9
B560	Fujian Quanzhou Shunmei Group Co., Ltd	17,9
B579	Guangxi Beiliu Guixin Porcelain Co., Ltd	17,9
B583	Guangxi Beiliu Rili Porcelain Co.,Ltd	17,9
B592	Hebei Dersun Ceramic Co., Ltd	17,9
B599	Hunan Fungdeli Ceramics Co., Ltd	17,9
B602	Hunan Huawei China Industry Co., Ltd	17,9
B610	Hunan Wing Star Ceramic Co., Ltd	17,9
B619	Joyye Arts & Crafts Co., Ltd	17,9
B627	Liling GuanQian Ceramic Manufacture Co., Ltd	17,9
B635	Liling Liuxingtang Ceramics Co., Ltd	17,9

TARIC Additional Code	Company Name	Current duty rate (%)
B639	Liling Rongxiang Ceramic Co., Ltd	17,9
B641	Liling Santang Ceramics Manufacturing Co., Ltd	17,9
B645	Liling Top Collection Industrial Co., Ltd	17,9
B656	Meizhou Gaoyu Ceramics Co., Ltd	17,9
B678	Ronghui Ceramic Co., Ltd Liling Hunan China	17,9
B682	Shandong Zhaoding Porcelain Co., Ltd	17,9
B687	Shenzhen Donglin Industry Co., Ltd	17,9
B692	Shenzhen Fuxingjiayun Ceramics Co., Ltd	17,9
B693	Shenzhen Good-Always Imp. & Exp. Co. Ltd	17,9
B712	Tangshan Daxin Ceramics Co., Ltd	17,9
B724	Tangshan Redrose Porcelain Products Co., Ltd	17,9
B742	Xuchang Jianxing Porcelain Products Co., Ltd	17,9
B751	Yuzhou Huixiang Ceramics Co., Ltd	17,9
B752	Yuzhou Ruilong Ceramics Co., Ltd	17,9
B756	Zibo Boshan Shantou Ceramic Factory	17,9
B759	Zibo Fuxin Porcelain Co., Ltd	17,9
B762	Zibo Jinxin Light Industrial Products Co., Ltd	17,9
B956	Liling Taiyu Porcelain Industries Co., Ltd	17,9
B957	Liling Xinyi Ceramics Industry Ltd	17,9

COMMISSION IMPLEMENTING REGULATION (EU) 2019/465**of 21 March 2019****on the minimum selling price for skimmed milk powder for the 34th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 34th partial invitation to tender, a minimum selling price should be fixed.
- (3) 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

For the 34th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 19 March 2019, the minimum selling price shall be 164,10 EUR/100 kg.

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, 21 March 2019.

*For the Commission,
On behalf of the President,
Jerzy PLEWA*

*Director-General
Directorate-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

COUNCIL DECISION (EU) 2019/466

of 18 March 2019

on the position to be taken on behalf of the European Union within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the amendment of Annex XXVII to that Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 194 and 217, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement') was concluded by the Union by means of Council Decisions (EU) 2017/1247 ⁽²⁾ and (EU) 2017/1248 ⁽³⁾ and entered into force on 1 September 2017.
- (2) According to Article 273 of the Agreement, the Parties are to adapt their legislation, as referred to in Annex XXVII to the Agreement, in order to ensure that all conditions for the transport of electricity and gas are objective, reasonable, transparent and non-discriminatory, aiming to enhance the security of energy supply in the region.
- (3) Furthermore, with a view to making progress towards market integration, including the development of energy interconnections, Article 337 of the Agreement provides that the Parties continue and intensify their cooperation on energy matters, including through gradual approximation in the energy sector.
- (4) Article 341 of the Agreement sets out that gradual approximation in the energy sector is to proceed in accordance with the timetable set out in Annex XXVII to the Agreement.
- (5) Article 474 of the Agreement provides for an obligation for Ukraine to carry out gradual approximation of its legislation to Union law, including in the energy sector.
- (6) The Union *acquis* in the energy sector has substantially evolved since the conclusion of the negotiations of the Agreement.
- (7) Pursuant to Article 463(1) and (3) of the Agreement, the Association Council has the power to take decisions for the purpose of attaining the objectives of the Agreement. In particular, it may update or amend the Annexes to the Agreement, taking into account the evolution of Union law and applicable standards set out in international instruments deemed relevant by the Parties.
- (8) The Association Council is therefore to amend Annex XXVII to the Agreement in order to reflect the evolution of the Union *acquis*.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

⁽²⁾ Council Decision (EU) 2017/1247 of 11 July 2017 on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party (OJ L 181, 12.7.2017, p. 1).

⁽³⁾ Council Decision (EU) 2017/1248 of 11 July 2017 on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party (OJ L 181, 12.7.2017, p. 4).

- (9) Article 475 of the Agreement defines in general terms the monitoring of progress in the approximation of Ukrainian law to Union law, including aspects of implementation and enforcement. It provides that the reporting and assessment process will take into account specific modalities defined in the Agreement or decisions by the institutional bodies established under the Agreement.
- (10) In order to ensure more effective implementation of reforms, it is necessary to strengthen the monitoring mechanism for energy sector reform.
- (11) The Association Council is therefore to amend Annex XXVII to the Agreement in order to provide for more detailed rules for monitoring the approximation of Ukrainian law to Union law in the energy sector.
- (12) It is necessary to establish the position to be taken on the Union's behalf within the Association Council, as regards the amendment of Annex XXVII to the Agreement.
- (13) The position of the Union within the Association Council should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the amendment of Annex XXVII to that Agreement, shall be based on the draft Decision of the Association Council attached to this Decision.

Article 2

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

Done at Brussels, 18 March 2019.

For the Council
The President
F. MOGHERINI

DRAFT

**DECISION No .../2019 OF THE EU-UKRAINE ASSOCIATION COUNCIL
of ... 2019**

as regards the amendment of Annex XXVII to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

THE EU-UKRAINE ASSOCIATION COUNCIL,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, and in particular Article 463 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement') was signed on 21 March and 27 June 2014 and entered into force on 1 September 2017.
- (2) The Preamble to the Agreement recognises the Parties' desire to move the reform and approximation process forward in Ukraine, thus contributing to the gradual economic integration and deepening of political association as well as to achieving economic integration through extensive regulatory approximation. The Preamble also refers to the Parties' commitment to enhancing energy security by inter alia increasing market integration and regulatory approximation towards key elements of the EU *acquis*.
- (3) Furthermore, the bilateral Memorandum of Understanding on a Strategic Energy Partnership between the European Union and Ukraine of 24 November 2016 recognises that the goal of intensified cooperation in the energy field and of energy sector reform is full integration of the energy markets of the Union and Ukraine.
- (4) Article 1 of the Agreement refers to the objective of supporting Ukraine's efforts to complete the transition to a functioning market economy by means of, inter alia, the progressive approximation of its legislation to that of the Union.
- (5) According to Article 273 of the Agreement, the Parties are to adapt their legislation, as referred to in Annex XXVII to the Agreement, in order to ensure that all conditions for transport of electricity and gas are objective, reasonable, transparent and non-discriminatory.
- (6) Furthermore, with a view to making progress towards market integration, Article 337 of the Agreement provides that the Parties continue and intensify their cooperation on energy matters, including through gradual approximation in the energy sector.
- (7) Article 341 of the Agreement sets out that gradual approximation in the energy sector shall proceed in accordance with a timetable as set out in Annex XXVII to the Agreement.
- (8) Article 474 of the Agreement reiterates the general commitment of Ukraine to carry out gradual approximation of its legislation to Union law, including in the energy sector.
- (9) The EU *acquis* in the energy sector has substantially evolved since the conclusion of negotiation of the Agreement, as have Ukraine's obligations arising from the implementation of the Agreement and its membership of the Energy Community Treaty. This evolution needs to be reflected in Annex XXVII to the Agreement which should therefore be updated.
- (10) Article 475 of the Agreement defines in general terms the monitoring of progress in the approximation of Ukrainian law to Union law, including aspects of implementation and enforcement. It provides that the reporting and assessment process will take into account specific modalities defined in the Agreement or decisions by the institutional bodies established under the Agreement.
- (11) In order to ensure more effective implementation of reforms by Ukraine, it is necessary to strengthen the monitoring mechanism for energy sector reform so that the reforms achieved have an irreversible character and contribute thereby in a lasting way to the modernisation of the energy sector.

- (12) Pursuant to Article 463(1) and (3) of the Agreement, the Association Council has the power to take decisions for the purpose of attaining the objectives of the Agreement. In particular, it may update or amend the Annexes to the Agreement, taking into account the evolution of Union law and applicable standards set out in international instruments deemed relevant by the Parties.
- (13) The Association Council is therefore to amend Annex XXVII to the Agreement in order to provide for more detailed rules for monitoring the approximation of Ukrainian law to Union law in the energy sector. To that end, appropriate provisions strengthening the monitoring process should be included in Annex XXVII to the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVII to the Agreement is replaced by the Annex to this Decision.

Article 2

This Decision shall be published in the *Official Journal of the European Union* and in the Official Journal of Ukraine.

Article 3

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

Done at ...,

For the Association Council
The Chair

ANNEX

'ANNEX XXVII TO CHAPTER 1

ENERGY COOPERATION, INCLUDING NUCLEAR ISSUES

ANNEX XXVII-A

MONITORING OF APPROXIMATION IN ENERGY SECTOR

With the aim of strengthening the monitoring of approximation of EU energy sector *acquis* in Ukraine's domestic law and achieving a lasting modernisation of Ukraine's energy sector, the Parties shall apply the following additional measures, in line with Article 475(2) of the Agreement. These measures shall not affect the rights and obligations of either Party arising from their membership of the Energy Community Treaty.

Effective implementation of EU *acquis*

1. The European Commission shall promptly inform Ukraine about any European Commission proposals to adopt or amend, and about any EU act altering, EU *acquis* listed in this Annex.
2. Ukraine shall ensure the effective implementation of the approximated domestic acts and undertake any action necessary to reflect the developments in Union law in its domestic law in the energy sector, as listed in Annex XXVII-B. In particular, any act corresponding to:
 - (a) an EU Regulation or Decision shall be made part of the internal legal order of Ukraine;
 - (b) an EU Directive shall leave to the authorities of Ukraine the choice of form and method of implementation;
 - (c) a European Commission Regulation regarding a network code in electricity or gas sectors shall be made part of the internal legal order of Ukraine without changes to the structure and text of the Regulation other than translation, unless such changes are indicated as necessary by the European Commission.
3. Ukraine shall refrain from any action that would undermine the objective or the outcome of approximation of its domestic law to the EU *acquis* in the energy sector, as listed in Annex XXVII-B.
4. Ukraine shall repeal provisions of its domestic law or discontinue domestic practices that are inconsistent with Union law or with its domestic law approximated to Union law in the energy sector, as listed in Annex XXVII-B.

Consultations

5. Ukraine shall consult the European Commission, as regards the compatibility with the EU *acquis* of any legislative proposal in the areas to be approximated to the EU legal acts listed in Annex XXVII-B, prior to its entry into force. The consultation obligation includes the proposals for a modification to the already approximated domestic legislative act, regardless of the legal form of the proposal.
6. The Government of Ukraine may consult the European Commission as regards the compatibility with the EU *acquis* of any proposal for an act implementing the legislation in the energy sector, which has been or is to be approximated to the EU *acquis* listed in Annex XXVII-B. If the Government of Ukraine decides to consult the European Commission on such an act, point (7) shall apply.
7. Ukraine shall refrain from putting into effect any act submitted for consultation as referred to in points (5) and (6) before the European Commission has assessed the compatibility of the proposed act with the relevant EU *acquis* and where the European Commission has concluded that the proposed act is incompatible with the said EU *acquis*.
8. The compatibility assessment by the European Commission may include recommendations with respect to the proposed act, or parts thereof, which the European Commission deems incompatible with the EU *acquis*. For the purpose of the assessment, the European Commission may consult the Energy Community Secretariat or organise expert missions, as it deems appropriate. The compatibility assessment shall be concluded within three months as of the date of reception of the English-language version of the proposed act, or a longer period as may be agreed by the European Commission and Ukraine. In the absence of a response from the European Commission within that period, Ukraine may put the proposed act into effect. The absence of a response within that period shall not imply that the European Commission considers the proposed act as compatible with the EU *acquis*.

9. Ukraine shall communicate to the European Commission the final version of each act in the areas to be approximated to the EU *acquis* listed in Annex XXVII-B or which modifies an approximated domestic legislation in those areas.
10. The Government of Ukraine may bring any other act or a proposal in energy matters covered by this Agreement to the attention of the European Commission in order to request a non-binding opinion on the compatibility of the act with the EU *acquis* listed in Annex XXVII-B.
11. The Parties shall exchange information as stipulated in this Annex through the Secretaries of the Association Committee.

Reporting to the Association Council

12. The European Commission shall inform the Association Council, ahead of its annual meeting, of all opinions requested by and issued to Ukraine under this Annex regarding compliance of Ukraine's domestic acts with the EU *acquis*.
13. Ukraine shall report in writing to the Association Council, three months ahead of its annual meeting, on the progress made in implementing the energy sector reform, based on the EU *acquis* listed in Annex XXVII-B. This report shall address in detail the manner in which Ukraine took into account the opinions and recommendations issued by the European Commission in its adopted acts as well as provide information on the effective application of the adopted laws.
14. The results of the monitoring activities shall be submitted for discussion in all relevant bodies established under this Agreement, including for the purpose of recommendations as referred to in Article 475(4) of the Agreement.

ANNEX XXVII-B

APPROXIMATION OBLIGATIONS OF UKRAINE IN THE ENERGY SECTOR

Ukraine undertakes to gradually approximate its legislation to the following EU legislation within the stipulated timeframes:

1. EU *acquis* that Ukraine committed to implement within the framework of the Energy Community Treaty. Deadlines agreed therein shall apply to this Annex.

Electricity

Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC

Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003

Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency

Directive 2005/89/EC of the European Parliament and of the Council of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment

Commission Regulation (EU) 838/2010 of 23 September 2010 on laying down guidelines relating to the inter-transmission system operator compensation mechanism and a common regulatory approach to transmission charging

Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council

Commission Regulation (EU) 2016/1388 of 17 August 2016 establishing a network code on demand connection

Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators

Commission Regulation (EU) 2016/1447 of 26 August 2016 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power park modules

Regulation (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC

Gas

Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC

Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005

Council Directive 2004/67/EC of 26 April 2004 concerning measures to safeguard security of natural gas supply

Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules

Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013

Commission Regulation (EU) 2017/460 of 16 March 2017 establishing a network code on harmonised transmission tariff structures for gas

Renewable energy sources

Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

Oil

Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products

Energy infrastructure

Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009

Energy efficiency

Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings

Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting the framework for energy labelling and repealing Directive 2010/30/EU

Implementing Regulations:

- Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet;

- Commission Delegated Regulation (EU) No 2017/254 of 30 November 2016 amending Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013, (EU) No 812/2013, (EU) No 65/2014, (EU) No 1254/2014, (EU) 2015/1094, (EU) 2015/1186 and (EU) 2015/1187 with regard to the use of tolerances in verification procedures;
- Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances;
- Commission Delegated Regulation (EU) No 65/2014 of 1 October 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods;
- Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners;
- Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires;
- Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers;
- Commission Directive 96/60/EC of 19 September 1996 implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-driers;
- Commission Delegated Regulation (EU) No 392/2012 of 1 March 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers;
- Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines;
- Commission Delegated Regulation (EU) No 665/2013 of 3 May 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners;
- Commission Delegated Regulation (EU) No 812/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device;
- Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device;
- Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions;
- Commission Delegated Regulation (EU) No 1254/2014 of 11 July 2014 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of residential ventilation units;
- Commission Delegated Regulation (EU) 2015/1094 of 5 May 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of professional refrigerated storage cabinets;
- Commission Delegated Regulation (EU) 2015/1186 of 24 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of local space heaters;
- Commission Delegated Regulation (EU) 2015/1187 of 27 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices;

2. EU *acquis* to be implemented by Ukraine, beyond Ukraine's obligations within the Energy Community Treaty.

Gas

Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks

Timetable: the Regulation's provisions shall be implemented by 31 December 2019.

Prospection and exploration of hydrocarbons

Directive 94/22/EC on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement, taking into account Articles (279 and 280) of the Trade-related Energy provisions covered by Chapter 11 (Trade-related Energy) of Title IV (Trade and Trade-related Matters).

Energy efficiency – energy performance of buildings

Commission Delegated Regulation (EU) No 244/2012 of 16 January 2012 supplementing Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings by establishing a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements

Timetable: the Regulation's provisions shall be implemented by 30 June 2019.

Energy efficiency – ecodesign

Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products

Timetable: The provisions of Directive 2009/125/EC shall be implemented within 3 years after entry into force of this Agreement.

Implementing Regulations:

- Commission Regulation (EU) 2016/2282 of 30 November 2016 amending Regulations (EC) No 1275/2008, (EC) No 107/2009, (EC) No 278/2009, (EC) No 640/2009, (EC) No 641/2009, (EC) No 642/2009, (EC) No 643/2009, (EU) No 1015/2010, (EU) No 1016/2010, (EU) No 327/2011, (EU) No 206/2012, (EU) No 547/2012, (EU) No 932/2012, (EU) No 617/2013, (EU) No 666/2013, (EU) No 813/2013, (EU) No 814/2013, (EU) No 66/2014, (EU) No 548/2014, (EU) No 1253/2014, (EU) 2015/1095, (EU) 2015/1185, (EU) 2015/1188, (EU) 2015/1189 and (EU) 2016/2281 with regard to the use of tolerances in verification procedures

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) 2016/2281 of 30 November 2016 implementing Directive 2009/125/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products, with regard to ecodesign requirements for air heating products, cooling products, high temperature process chillers and fan coil units

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) 2015/1189 of 28 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel boilers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) 2015/1188 of 28 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for local space heaters

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) 2015/1185 of 24 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel local space heaters

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) 2015/1095 of 5 May 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers
- Commission Regulation (EU) No 1253/2014 of 7 July 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for ventilation units

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 548/2014 of 21 May 2014 on implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to small, medium and large power transformers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 66/2014 of 14 January 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for domestic ovens, hobs and range hoods

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 814/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 617/2013 of 26 June 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for computers and computer servers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 932/2012 of 3 October 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household tumble driers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.
- Commission Regulation (EU) No 622/2012 of 11 July 2012 amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 206/2012 of 6 March 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners and comfort fans

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 327/2011 of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 1016/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 1015/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) 2015/1428 of 25 August 2015 amending Commission Regulation (EC) No 244/2009 with regard to ecodesign requirements for non-directional household lamps, and Commission Regulation (EC) No 245/2009 with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps and repealing Directive 2000/55/EC of the European Parliament and of the Council, and Commission Regulation (EU) No 1194/2012 with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement.

- Commission Regulation (EU) No 1194/2012 of 12 December 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement.

- Commission Regulation (EC) No 859/2009 of 18 September 2009 amending Regulation (EC) No 244/2009 as regards the ecodesign requirements on ultraviolet radiation of non-directional household lamps

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 347/2010 of 21 April 2010 amending Commission Regulation (EC) No 245/2009 as regards the ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EU) No 4/2014 of 6 January 2014 amending Regulation (EC) No 640/2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors + Corrigendum OJ L 46, 19.2.2011

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

- Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement.

- Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement.

- Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment, as amended

Timetable: the Regulation's provisions shall be implemented within 3 years after the entry into force of this Agreement.

- Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels, as amended

Timetable: the Directive's provisions shall be implemented within 3 years after the entry into force of this Agreement.

- Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances, as amended

Timetable: the timetable for the implementation of the Regulation's provisions shall be determined by 31 December 2021.

Nuclear

Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom

Timetable: the Directive's provisions shall be implemented within 4 years after entry into force of this Agreement.

Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel

Timetable: the Directive's provisions shall be implemented within 2 years after entry into force of this Agreement.

Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement.

Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations

Timetable: the Directive's provisions shall be implemented within 3 years after entry into force of this Agreement.

Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste

Timetable: the Directive's provisions shall be implemented within 3 years after the entry into force of this Agreement.'

COUNCIL DECISION (CFSP) 2019/467**of 21 March 2019****amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina**

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 21 March 2011, the Council adopted Decision 2011/173/CFSP ⁽¹⁾ concerning restrictive measures in view of the situation in Bosnia and Herzegovina.
- (2) On the basis of a review of Decision 2011/173/CFSP, the restrictive measures should be renewed until 31 March 2020.
- (3) Decision 2011/173/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The second paragraph of Article 6 of Decision 2011/173/CFSP is replaced by the following:

‘This Decision shall apply until 31 March 2020.’.

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, 21 March 2019.

For the Council

The President

G. CIAMBA

⁽¹⁾ Council Decision 2011/173/CFSP of 21 March 2011 concerning restrictive measures in view of the situation in Bosnia and Herzegovina (OJ L 76, 22.3.2011, p. 68).

COUNCIL DECISION (CFSP) 2019/468**of 21 March 2019****amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt**

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 21 March 2011, the Council adopted Decision 2011/172/CFSP ⁽¹⁾ concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt.
- (2) On the basis of a review of Decision 2011/172/CFSP, those restrictive measures should be renewed until 22 March 2020 and the Annex should be supplemented with information regarding the rights of defence and the right to effective judicial protection.
- (3) Decision 2011/172/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/172/CFSP is amended as follows:

- (1) in Article 5, the second paragraph is replaced by the following:
‘This Decision shall apply until 22 March 2020.’;
- (2) the Annex is amended as set out in the Annex to this Decision.

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, 21 March 2019.

For the Council

The President

G. CIAMBA

⁽¹⁾ Council Decision 2011/172/CFSP of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ L 76, 22.3.2011, p. 63).

ANNEX

The Annex to Decision 2011/172/CFSP is replaced by the following:

‘ANNEX

A. List of natural and legal persons, entities and bodies referred to in Article 1

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Mohamed Hosni Elsayed Mubarak	Former President of the Arab Republic of Egypt Date of birth: 4.5.1928 Male	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
2.	Suzanne Saleh Thabet	Spouse of Mr Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.2.1941 Female	Associated with Mohamed Hosni Elsayed Mubarak, who is subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
3.	Alaa Mohamed Hosni Elsayed Mubarak	Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 26.11.1960 Male	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
4.	Heidy Mahmoud Magdy Hussein Rasekh	Spouse of Mr Alaa Mohamed Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 5.10.1971 Female	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption, and associated with Alaa Mohamed Hosni Elsayed Mubarak.
5.	Gamal Mohamed Hosni Elsayed Mubarak	Son of Mr. Mohamed Hosni Elsayed Mubarak, former President of the Arab Republic of Egypt Date of birth: 28.12.1963 Male	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
6.	Khadiga Mahmoud El Gammal	Spouse of Mr Gamal Mahamed Hosni Elsayed Mubarak, son of former President of the Arab Republic of Egypt Date of birth: 13.10.1982 Female	Person subject to judicial proceedings or an asset recovery process by the Egyptian authorities following a final court ruling in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption, and associated with Gamal Mohamed Hosni Elsayed Mubarak.
15.	Mohamed Zohir Mohamed Wahed Garrana	Former Minister of Tourism Date of birth: 20.2.1959 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.

	Name (and any aliases)	Identifying information	Grounds for designation
18.	Habib Ibrahim Habib Eladli	Former Minister of Interior Date of birth: 1.3.1938 Male	Person subject to judicial proceedings by the Egyptian authorities in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption.
19.	Elham Sayed Salem Sharshar	Spouse of Mr Habib Ibrahim Eladli Date of birth: 23.1.1963 Female	Person subject to judicial proceedings in respect of the misappropriation of State Funds on the basis of the United Nations Convention against corruption, and associated with Habib Ibrahim Eladli.

B. Rights of defence and right to effective judicial protection under Egyptian law:

The rights of defence and the right to effective judicial protection

It follows from Articles 54, 97 and 98 of the Egypt Constitution, Articles 77, 78, 124, 199, 214, 271, 272 and 277 of the Egypt Criminal Procedures Act and Articles 93 and 94 of the Egypt Advocacy Act (Law No 17 of 1983) that the following rights are guaranteed under Egyptian law:

— to any individual suspected of or charged with a criminal offence:

1. the right to judicial review of any act or administrative decision;
2. the right to defend himself/herself in person or through legal assistance of his/her own choosing or, if he/she has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

— to any individual charged with a criminal offence:

1. the right to be informed promptly, in a language which he/she understands and in detail, of the nature and cause of the accusation against him/her;
2. the right to have adequate time and facilities for the preparation of his/her defence;
3. the right to examine or have examined witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her;
4. the right to have the free assistance of an interpreter if he/she cannot understand or speak the language used in court.

Application of the rights of defence and the right to effective judicial protection

1. Mohamed Hosni Elsayed Mubarak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Mubarak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

First case

On 27 June 2013, Mr Mubarak was charged together with two other individuals with misappropriation of public funds and proceedings were initiated before the Cairo Criminal Court on 17 November 2013. On 21 May 2014, that Court convicted the three defendants. The defendants challenged this judgment before the Court of Cassation. On 13 January 2015, the Court of Cassation quashed the verdict and ordered a retrial. On retrial, on 4 and 29 April 2015, verbal and written pleadings of the parties were presented. On 9 May 2015, the Cairo Criminal Court convicted the defendants, ordered the restitution of the misappropriated funds and ordered the payment of a fine. On 24 May 2015, an appeal was lodged with the Court of Cassation. On 9 January 2016, the Court of Cassation upheld the convictions. On 8 March 2016, the defendants reached a settlement within the Experts Committee set up by Prime Ministerial Decree No 2873 of 2015. That settlement was approved by the Cabinet of Ministers on 9 March 2016. That settlement was not submitted to the Court of Cassation for final approval by the Prosecutor General because the Experts Committee was not the competent committee. It is open to the defendants to submit a request for settlement to the competent committee, the National Committee for Recovery of Assets Located Abroad (NCRAA).

Second case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of defence or the right to effective judicial protection of Mr Mubarak were not respected.

3. Alaa Mohamed Hosni Elsayed Mubarak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Alaa Mubarak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Mr Alaa Mubarak and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent Criminal Court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Mr Alaa Mubarak has not challenged the ruling of 8 March 2011.

First case

The defendant was referred together with another individual to the trial court (Cairo Criminal Court) on 30 May 2012. On 6 June 2013, the Court returned the case to the public prosecution for further investigations. After the conclusion of the investigations, the case was referred again to the Court. On 15 September 2018, the Cairo Criminal Court delivered a judgment by which: (i) it requested the expert committee it had appointed to complement the expert report it had submitted to the court in July 2018; (ii) ordered the arrest of the defendants; and (iii) asked to refer the defendants to the National Committee for Recovery of Assets Located Abroad (NCRAA) with a view to a possible reconciliation. The defendants successfully challenged the order of arrest and, following a motion of recusal of the judicial panel, the case was referred to another circuit of the criminal court to review the merits.

Second case

On 27 June 2013, Mr Alaa Mubarak was charged together with two other individuals with misappropriation of public funds and proceedings were initiated before the Cairo criminal court on 17 November 2013. On 21 May 2014, that Court convicted the three defendants. The defendants challenged this judgment before the Court of Cassation. On 13 January 2015, the Court of Cassation quashed the verdict and ordered a retrial. On retrial, on 4 and 29 April 2015, verbal and written pleadings of the parties were presented.

On 9 May 2015, the Cairo Criminal Court convicted the defendants, ordered the restitution of the misappropriated funds and ordered the payment of a fine. On 24 May 2015, an appeal was lodged with the Court of Cassation. On 9 January 2016, the Court of Cassation upheld the convictions. On 8 March 2016, the defendants reached a settlement within the Experts Committee set up by Prime Ministerial Decree No 2873 of 2015. This settlement was approved by the Cabinet of Ministers on 9 March 2016. This settlement was not submitted to the Court of Cassation for final approval by the Prosecutor General because the Experts Committee was not the competent committee. It is open to the defendants to submit a request for settlement to the competent committee, the National Committee for Recovery of Assets Located Abroad (NCRAA).

Third case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of the defence or the right to effective judicial protection of Mr Alaa Mubarak were not respected.

4. Heidy Mahmoud Magdy Hussein Rasekh

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Ms Rasekh were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Ms Rasekh and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent Criminal Court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Ms Rasekh has not challenged the ruling of 8 March 2011.

Case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of the defence or the right to effective judicial protection of Ms Rasekh were not respected.

5. Gamal Mohamed Hosni Elsayed Mubarak

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Gamal Mubarak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Mr Gamal Mubarak and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent criminal Court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Mr Gamal Mubarak has not challenged the ruling of 8 March 2011.

First case

Mr Gamal Mubarak and another individual were referred to the trial court (Cairo Criminal Court) on 30 May 2012. On 6 June 2013, the Court returned the case to the public prosecution for further investigations. After the conclusion of the investigations, the case was referred again to the court. On 15 September 2018, the Cairo Criminal Court delivered a judgment by which: (i) it requested the expert committee it had appointed to complement the expert report it had submitted to the Court in July 2018; (ii) ordered the arrest of the defendants; and (iii) asked to refer the defendants to the National Committee for Recovery of Assets Located Abroad (NCRAA) with a view to a possible reconciliation. The defendants successfully challenged the order of arrest and, following a motion of recusal of the judicial panel, the case was referred to another circuit of the criminal court to review the merits.

Second case

On 27 June 2013, Mr Gamal Mubarak was charged together with two other individuals with misappropriation of public funds and proceedings were initiated before the Cairo Criminal Court on 17 November 2013. On 21 May 2014, that Court convicted the three defendants. The defendants challenged this judgment before the Court of Cassation. On 13 January 2015, the Court of Cassation quashed the verdict and ordered a retrial. On retrial, on 4 and 29 April 2015, verbal and written pleadings of the parties were presented. On 9 May 2015, the Cairo Criminal Court convicted the defendants, ordered the restitution of the misappropriated funds and ordered the payment of a fine. On 24 May 2015, an appeal was lodged with the Court of Cassation. On 9 January 2016, the Court of Cassation upheld the convictions. On 8 March 2016, the defendants reached a settlement within the Experts Committee set up by Prime Ministerial Decree No 2873 of 2015. This settlement was approved by the Cabinet of Ministers on 9 March 2016. This settlement was not submitted to the Court of Cassation for final approval by the Prosecutor General because the Experts Committee was not the competent committee. It is open to the defendants to submit a request for settlement to the competent committee, the National Committee for Recovery of Assets Located Abroad (NCRAA).

Third case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. In the course of the investigation proceedings Mr Gamal Mubarak has been questioned. The Council has found no indication that the rights of the defence or the right to effective judicial protection of Mr Gamal Mubarak were not respected.

6. Khadiga Mahmoud El Gammal

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Ms El Gammal were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

On 28 February 2011, the Prosecutor General issued an order prohibiting Ms Khadiga El Gammal and other individuals from disposing of their assets and funds in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. On 8 March 2011, the competent criminal court upheld the prohibition order. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Ms El Gammal has not challenged the ruling of 8 March 2011.

Case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of defence or the right to effective judicial protection of Ms El Gammal were not respected.

15. Mohamed Zohir Mohamed Wahed Garrana

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Garrana were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Case

The investigation relating to facts of misappropriation of public funds or assets is still ongoing. The Council has found no indication that the rights of defence or the right to effective judicial protection of Mr Garrana were not respected.

18. Habib Ibrahim Habib Eladli

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Eladli were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Case

Mr Eladli was referred by the investigating judge to the competent trial court on charges of misappropriation of public funds. On 7 February 2016, that Court decided that the assets of Mr Eladli, his spouse and minor son should be frozen. Pursuant to that Court decision the Prosecutor General issued a freezing order on 10 February 2016 in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. On 15 April 2017, the Court convicted the defendant. The defendant challenged this judgment before the Court of Cassation, which quashed the verdict on 11 January 2018 and ordered a retrial. The new trial is still ongoing.

19. Elham Sayed Salem Sharshar

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Ms Sharshar were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular as follows:

Freezing order

The husband of Ms Sharshar was referred by the investigating judge to the competent trial court on charges of misappropriation of public funds. On 7 February 2016, that Court decided that the assets of her husband, her own and those of their minor son should be frozen. Pursuant to that Court decision the Prosecutor General issued a freezing order on 10 February 2016 in accordance with Article 208 bis/a of the Egypt Criminal Procedures Act, which allows the Prosecutor General to prohibit the defendant, his wife and his children from disposing of their assets if there are any doubts that such assets are the illegal proceeds of the crimes committed by that defendant. Pursuant to the laws of the Arab Republic of Egypt, defendants have the right to challenge the court ruling on the prohibition order before the same court. Ms Sharshar has not challenged the Court ruling.’

COMMISSION IMPLEMENTING DECISION (EU) 2019/469**of 20 March 2019****amending Implementing Decision 2014/909/EU as regards the period of application of the protective measures in relation to small hive beetle in Italy***(notified under document C(2019) 2044)***(Only the Italian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/909/EU ⁽³⁾ established certain protective measures to be taken by Italy following the occurrences of the small hive beetle (*Aethina tumida*) in certain areas, originally in the regions of Calabria and Sicily. Following epidemiological developments, those measures are currently limited to the region of Calabria and Implementing Decision 2014/909/EU is applicable until 31 March 2019.
- (2) Italy notified the Commission of several new occurrences of small hive beetle in Calabria in the second half of 2018 and informed also about the epidemiological situation in February 2019 showing that small hive beetle infestations still occur in Calabria.
- (3) Therefore, the application of the protective measures provided for in Implementing Decision 2014/909/EU should be prolonged until 21 April 2021, taking into account that Regulation (EU) 2016/429 of the European Parliament and of the Council ⁽⁴⁾, which provides for safeguard measures in the event of animal diseases, applies from 21 April 2021.
- (4) Implementing Decision 2014/909/EU should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Implementing Decision 2014/909/EU is replaced by the following:

‘Article 4

This Decision shall apply until 21 April 2021.’

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision 2014/909/EU of 12 December 2014 concerning certain protective measures with regard to confirmed occurrences of the small hive beetle in Italy (OJ L 359, 16.12.2014, p. 161).

⁽⁴⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (‘Animal Health Law’) (OJ L 84, 31.3.2016, p. 1).

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 20 March 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2019/470**of 20 March 2019****repealing Decision 2005/779/EC concerning animal health protection measures against swine vesicular disease in Italy***(notified under document C(2019) 2045)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Decision 2005/779/EC ⁽²⁾ was adopted following outbreaks of swine vesicular disease in Italy. It lays down animal health rules as regards swine vesicular disease for the regions of that Member State that are recognised as free from swine vesicular disease, and also for those regions of that Member State that are not recognised as free from that disease.
- (2) A programme for the eradication and monitoring of swine vesicular disease has been implemented in Italy for several years, with a view to achieving swine vesicular disease-free status for all regions of that Member State.
- (3) Italy has submitted new information to the Commission as regards the swine vesicular disease-free status of the region of Calabria, demonstrating that the disease has been eradicated from that region.
- (4) Following examination of the information submitted by Italy, and given the favourable results emanating from the implementation of the eradication and monitoring programme, the region of Calabria should be recognised as free from swine vesicular disease.
- (5) Since swine vesicular disease has now been eradicated in all regions of Italy, Decision 2005/779/EC has become obsolete and should be repealed.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/779/EC is repealed.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 March 2019.

For the Commission

Vytenis ANDRIUKAITIS

Member of the Commission⁽¹⁾ OJ L 224, 18.8.1990, p. 29.⁽²⁾ Commission Decision 2005/779/EC of 8 November 2005 concerning animal health protection measures against swine vesicular disease in Italy (OJ L 293, 9.11.2005, p. 28).

COMMISSION IMPLEMENTING DECISION (EU) 2019/471**of 20 March 2019****approving the plan for the eradication of African swine fever in feral pigs in certain areas of Hungary***(notified under document C(2019) 2073)***(Only the Hungarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ⁽¹⁾, and in particular the second subparagraph of Article 16(1) thereof,

Whereas:

- (1) Directive 2002/60/EC lays down the minimum Union measures to be taken for the control of African swine fever, including those to be applied in the event of confirmation of a case of African swine fever in feral pigs.
- (2) In addition, Commission Implementing Decision 2014/709/EU ⁽²⁾ lays down animal health control measures in relation to African swine fever in the Member States or areas thereof as listed in the Annex thereto (the Member States concerned), and in all Member States as regards movements of feral pigs and information obligations. The Annex to Implementing Decision 2014/709/EU demarcates and lists certain areas of the Member States concerned, differentiated by the level of risk based on the epidemiological situation as regards that disease, including a list of high risk areas. That Annex has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that needed to be reflected in that Annex.
- (3) In 2018 Hungary notified the Commission of cases of African swine fever in feral pigs and has duly taken the disease control measures required by Directive 2002/60/EC.
- (4) In light of the current epidemiological situation and in accordance with Article 16 of Directive 2002/60/EC, Hungary has submitted to the Commission a plan for the eradication of African swine fever (the eradication plan).
- (5) The Annex to Implementing Decision 2014/709/EU was latest amended by Commission Implementing Decision (EU) 2018/1856 ⁽³⁾ to take account, inter alia, of the cases of African swine fever in feral pigs in Hungary and Parts I and II of that Annex now includes the infected areas in Hungary.
- (6) The eradication plan submitted by Hungary has been examined by the Commission and found to comply with the requirements set out in Article 16 of Directive 2002/60/EC. They should therefore be approved accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The plan submitted by Hungary on 04 October 2018 in line with Article 16(1) of Directive 2002/60/EC, concerning the eradication of African swine fever from the feral pig population in the areas referred to in the Annex to Implementing Decision 2014/709/EU is approved.

⁽¹⁾ OJ L 192, 20.7.2002, p. 27.

⁽²⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽³⁾ Commission Implementing Decision (EU) 2018/1856 of 27 November 2018 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 302, 28.11.2018, p. 78).

Article 2

Hungary shall bring into force the laws, regulations and administrative provisions required for the implementation of the eradication plan within a period of 30 days from the date of adoption of this Decision.

Article 3

This Decision is addressed to Hungary.

Done at Brussels, 20 March 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

