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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/222

of 5 February 2016

entering a name in the register of protected designations of origin and protected geographical indications (ព្រឹត្តិបត្រ Mrech Kampot)/Poivre de Kampot (PGI))

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

The name 'ព្រឹត្តិបត្រ' (Mrech Kampot)/'Poivre de Kampot' (PGI) is hereby registered.

The name referred to in the first paragraph identifies a product in Class 1.8. 'other products listed in Annex I to the Treaty (spices etc.)' set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 265, 13.8.2015, p. 7.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 5 February 2016.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2016/223**of 17 February 2016****establishing a procedure for assessing certain market economy treatment and individual treatment claims made by exporting producers from China and Vietnam, and implementing the judgment of the Court of Justice in joined cases C-659/13 and C-34/14**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union ('TFEU'), and in particular to Article 266 thereof,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 14 thereof,

Whereas:

A. PROCEDURE

- (1) On 23 March 2006, the Commission adopted Commission Regulation (EC) No 553/2006 imposing provisional anti-dumping measures on imports of certain footwear with uppers of leather ('footwear') originating in the People's Republic of China ('PRC') and Vietnam ('the provisional Regulation') ⁽²⁾.
- (2) By Council Regulation (EC) No 1472/2006 ⁽³⁾, the Council imposed definitive anti-dumping duties ranging from 9,7 % to 16,5 % on imports of certain footwear with uppers of leather, originating in Vietnam and in the PRC for two years ('Council Regulation (EC) No 1472/2006' or 'the contested Regulation').
- (3) By Regulation (EC) No 388/2008 ⁽⁴⁾ the Council extended the definitive anti-dumping measures on imports of certain footwear with upper leather originating in the PRC to imports consigned from the Macao Special Administrative Region ('SAR'), whether declared as originating in the Macao SAR or not.
- (4) Further to an expiry review initiated on 3 October 2008 ⁽⁵⁾, the Council further extended the anti-dumping measures for 15 months by Implementing Regulation (EU) No 1294/2009 ⁽⁶⁾, namely until 31 March 2011, when the measures expired ('Implementing Regulation (EU) No 1294/2009').
- (5) Brosmann Footwear (HK) Ltd, Seasonable Footwear (Zhongshan) Ltd, Lung Pao Footwear (Guangzhou) Ltd and Risen Footwear (HK) Co Ltd as well as Zhejiang Aokang Shoes Co. Ltd ('the applicants') challenged the contested Regulation in the Court of First Instance (now: the General Court). By judgements of 4 March 2010 in Case T-401/06 Brosmann Footwear (HK) and Others v Council [2010] ECR II-671 and of 4 March 2010 in Joined Cases T-407/06 and T-408/06 Zhejiang Aokang Shoes and Wenzhou Taima Shoes v Council [2010] ECR II-747 ('the judgments of the General Court'), the General Court rejected those challenges.

⁽¹⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽²⁾ OJ L 98, 6.4.2006, p. 3.

⁽³⁾ Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with upper leather originating in the People's Republic of China and Vietnam (OJ L 275, 6.10.2006, p. 1).

⁽⁴⁾ Council Regulation (EC) No 388/2008 of 29 April 2008 extending the definitive anti-dumping measures imposed by Regulation (EC) No 1472/2006 on imports of certain footwear with uppers of leather originating in the People's Republic of China to imports of the same product consigned from the Macao SAR, whether declared as originating in the Macao SAR or not (OJ L 117, 1.5.2008, p. 1).

⁽⁵⁾ OJ C 251, 3.10.2008, p. 21.

⁽⁶⁾ Council Implementing Regulation (EU) No 1294/2009 of 22 December 2009 imposing a definitive anti-dumping duty on imports of certain footwear with uppers of leather originating in Vietnam and originating in the People's Republic of China, as extended to imports of certain footwear with uppers of leather consigned from the Macao SAR, whether declared as originating in the Macao SAR or not, following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 (OJ L 352, 30.12.2009, p. 1).

- (6) The applicants appealed those judgements. In its judgments of 2 February 2012 in case C-249/10 P *Brosmann et al* and of 15 November 2012 in case C-247/10P *Zhejiang Aokang Shoes Co. Ltd*, the Court of Justice set aside the judgments of the General Court. It held that the General Court erred in law in so far as it held that the Commission was not required to examine requests for market economy treatment ('MET') under Article 2(7)(b) and (c) of the basic Regulation from non-sampled traders (paragraph 36 of the judgement in Case C-249/10 P and paragraph 29 and 32 of the judgement in Case C-247/10 P).
- (7) The Court of Justice then gave judgement itself in the matter. It held: '[...] the Commission ought to have examined the substantiated claims submitted to it by the appellants pursuant to Article 2(7)(b) and (c) of the basic regulation for the purpose of claiming MET in the context of the anti-dumping proceeding [which is] the subject of the contested regulation. It must next be found that it cannot be ruled out that such an examination would have led to a definitive anti-dumping duty being imposed on the appellants other than the 16,5 % duty applicable to them pursuant to Article 1(3) of the contested regulation. It is apparent from that provision that a definitive anti-dumping duty of 9,7 % was imposed on the only Chinese trader in the sample which obtained MET. As is apparent from paragraph 38 above, had the Commission found that the market economy conditions prevailed also for the appellants, they ought, when the calculation of an individual dumping margin was not possible, also to have benefited from the same rate' (paragraph 42 of the judgement in Case C-249/10 P and paragraph 36 of the judgement in Case C-247/10 P).
- (8) As a consequence, it annulled the contested Regulation, in so far as it relates to the applicants concerned.
- (9) In October 2013, the Commission by means of notice published in the *Official Journal of the European Union* ⁽¹⁾ announced that it had decided to resume the anti-dumping proceeding at the very point at which the illegality occurred and to examine whether market economy conditions prevailed for the applicants for the period from 1 April 2004 to 31 March 2005 and invited interested parties to come forward and make themselves known.
- (10) In March 2014, the Council, by Council Implementing Decision 2014/149/EU ⁽²⁾, rejected a Commission proposal to adopt a Council Implementing Regulation re-imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on certain footwear with uppers of leather originating in the People's Republic of China and produced by Brosmann Footwear (HK) Ltd, Seasonable Footwear (Zhongshan) Ltd, Lung Pao Footwear (Guangzhou) Ltd, Risen Footwear (HK) Co Ltd and Zhejiang Aokang Shoes Co. Ltd and terminated the proceedings with regard to these producers. The Council took the view that importers having bought shoes from those exporting producers, to whom the relevant customs duties had been reimbursed by the competent national authorities on the basis of Article 236 of Regulation (EEC) No 2913/1992 of 12 October 1992 establishing the Community Customs Code ⁽³⁾ ('the Community Customs Code'), had acquired legitimate expectations on the basis of Article 1(4) of the contested Regulation, which had rendered the provisions of the Community Customs Code, and in particular its Article 221, applicable to the collection of the duties, which would be put into question by the adoption of the Commission proposal.
- (11) Two importers of the product concerned, C&J Clark International Ltd. and Puma SE challenged the anti-dumping measures on imports of certain footwear from China and Vietnam invoking the jurisprudence mentioned in recitals (5) to (7) before their national Courts, which referred the matters to the Court of Justice for a preliminary ruling.
- (12) In the joined Cases C-659/13 C & J Clark International Limited and C-34/14 Puma SE, the Court of Justice declared Council Regulations (EC) No 1472/2006 and Implementing Regulation (EU) No 1294/2009 invalid in so far as the European Commission did not examine the MET and individual treatment ('IT') claims submitted by exporting producers in the PRC and Vietnam that were not sampled, contrary to the requirements laid down in Articles 2(7)(b) and 9(5) of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽⁴⁾ ('the judgments').

⁽¹⁾ OJ C 295, 11.10.2013, p. 6.

⁽²⁾ Council Implementing Decision 2014/149/EU of 18 March 2014 rejecting the proposal for an Implementing Regulation reimposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on certain footwear with uppers of leather originating in the People's Republic of China and produced by Brosmann Footwear (HK) Ltd, Seasonable Footwear (Zhongshan) Ltd, Lung Pao Footwear (Guangzhou) Ltd, Risen Footwear (HK) Co Ltd and Zhejiang Aokang Shoes Co. Ltd (OJ L 82, 20.3.2014, p. 27).

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 56, 6.3.1996, p. 1.

- (13) Article 266 TFEU provides that the Institutions must take the necessary measures to comply with the Court's judgments. In case of annulment of an act adopted by the Institutions in the context of an administrative procedure, such as anti-dumping, compliance with the Court's judgement consists in the replacement of the annulled act by a new act, in which the illegality identified by the Court is eliminated ('Asteris judgment') ⁽¹⁾.
- (14) According to the case-law of the Court, the procedure for replacing the annulled act may be resumed at the very point at which the illegality occurred ⁽²⁾. That implies in particular that in a situation where an act concluding an administrative procedure is annulled, that annulment does not necessarily affect the preparatory acts, such as the initiation of the anti-dumping procedure. In a situation where a Regulation imposing definitive anti-dumping measures is annulled, that means that subsequent to the annulment, the anti-dumping proceeding is still open, because the act concluding the anti-dumping proceeding has disappeared from the Union legal order ⁽³⁾, except if the illegality occurred at the stage of initiation.
- (15) Apart from the fact that the Institutions did not examine the MET and IT claims submitted by exporting producers in the PRC and Vietnam that were not sampled, all other findings made in Regulation (EC) No 1472/2006 and Implementing Regulation (EU) No 1294/2009 remain valid.
- (16) In this case, the illegality occurred after initiation. Hence, the Commission decided to resume this anti-dumping proceeding that was still open at the very point at which the illegality occurred and to examine whether market economy conditions prevailed for the exporting producers concerned for the period from 1 April 2004 to 31 March 2005.
- (17) For imports of C&J Clark International Ltd. and Puma SE, the Commission will assess all MET and IT claims submitted.
- (18) It is appropriate to order the national customs authorities, on the basis of Article 14 of the basic Regulation, not to reimburse those duties in the meantime. The Commission will make that assessment within eight months from the date of the judgment.
- (19) For imports of other importers that did not have standing themselves to bring an action for annulment, and which hence can rely on the judgment in their applications for re-imbursement of anti-dumping duties pursuant to Article 236 Community Customs Code, the Commission will, for the sake of efficient use of resources, only assess MET and IT claims of those exporting producers which are concerned by re-imbursement claims that have been filed with national customs authorities in due time and form. The Commission notes that according to Article 236(2) of the Community Customs Code Import duties or export duties shall be repaid or remitted upon submission of an application to the appropriate customs office within a period of three years from the date on which the amount of those duties was communicated to the debtor. The Commission also notes that the invalidation of a regulation imposing anti-dumping duties does not constitute unforeseeable circumstances within the meaning of that provision, allowing an extension of the three-year time-limit during which an importer can request the repayment of import duties paid pursuant to that regulation.

B. IMPLEMENTATION OF THE JUDGMENTS OF THE COURT OF JUSTICE IN JOINED CASES C-659/13 AND C-34/14

- (20) If an act of the Institutions has been declared invalid by a preliminary ruling of the Court of Justice, such judgment has *erga omnes* effects ⁽⁴⁾, namely. it is not limited to the applicant before the national court which then raises the question to the Court of Justice. In such a situation, the Commission is thus obliged to implement the judgement with regard to all the parties affected by the illegality which led to the annulment of the measure.
- (21) The Commission has the possibility to remedy the aspects of the contested Regulation which led to its annulment, while leaving unchanged the parts of the assessment which are not affected by the judgment ⁽⁵⁾.

⁽¹⁾ Joined cases 97, 193, 99 and 215/86 *Asteris AE and others and Hellenic Republic v Commission* [1988] ECR 2181, paragraphs 27 and 28.

⁽²⁾ Case C-415/96 *Spain v Commission* [1998] ECR I-6993, paragraph 31; Case C-458/98 P *Industrie des Poudres Sphériques v Council* [2000] I-8147, paragraphs 80 to 85; Case T-301/01 *Alitalia v Commission* [2008] II-1753, paragraphs 99 and 142; Joined Cases T-267/08 and T-279/08 *Région Nord-Pas de Calais v Commission* [2011] II-0000, paragraph 83.

⁽³⁾ Case C-415/96 *Spain v Commission* [1998] ECR I-6993, paragraph 31; Case C-458/98 P *Industrie des Poudres Sphériques v Council* [2000] I-8147, paragraphs 80 to 85.

⁽⁴⁾ Case 66/80 *International Chemical Corporation* [1981] 1191, paragraph 18.

⁽⁵⁾ Case C-458/98 P *Industrie des Poudres Sphériques v Council* [2000] I-8147, paragraph 80 to 85.

- (22) In order to ensure an efficient use of resources, the Commission refrains from investigating all the MET and IT claims made by non-sampled Chinese and Vietnamese exporting producers during the investigation which led to the adoption of the contested Regulation. Instead, it considers it appropriate to oblige national customs authorities, which have to decide on an application for re-imbursement of anti-dumping duties on the basis of Article 236 of the Community Customs Code ⁽¹⁾, to forward the request for re-imbursement to the Commission and to await the Commission's assessment of the MET and IT claim and, where appropriate, the re-imposition of the antidumping duty at the appropriate rate, before proceeding with re-imbursement. The legal basis for such an obligation is Article 14 basic Regulation, which provides that the Regulation imposing duties shall specify the detailed modalities of its collection by Member States.
- (23) The Commission will then verify whether the exporting producer whose exports were subject to the repayment claim had indeed requested the MET or IT assessment and if yes, whether such an exporting producer should be granted MET or IT or not.
- (24) The Commission will adopt Regulations establishing the assessment and re-imposing, where appropriate, the applicable duty rate. Those newly established rates will take effect as from the date on which the annulled regulation entered into force.
- (25) Therefore, the national customs authorities are obliged to await the outcome of such investigation before deciding on any repayment claim.
- (26) The Commission will strive to respect the delay provided for in the basic Regulation for assessing MET and IT, that is eight months from receiving the information from national customs authorities, in order to avoid any undue delays.

C. CONCLUSIONS

- (27) The analysis of MET and IT claims of exporting producers that have sold to Puma SE and C&J Clark International Ltd should be carried out within eight months from the date of the judgment.
- (28) As regards the anti-dumping duty imposed on other Chinese and Vietnamese exporting producers (apart from those subject to Council Implementing Decision 2014/149/EU and those referred to in the first sentence hereof) the national customs authorities before which claims for repayment or remission of anti-dumping duties paid in respect of exports of these other exporting producers were made should contact the Commission, so that it can assess the MET and IT claims and re-impose, where appropriate, the anti-dumping duties.

D. COMMITTEE

- (29) The Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009,

HAS ADOPTED THIS REGULATION:

Article 1

1. National customs authorities, which have received a request for re-imbursement, based on Article 236 of the Community Customs Code, of anti-dumping duties imposed by Regulation (EC) No 1472/2006 or Implementing Regulation (EU) No 1294/2009 and collected by national customs authorities, which is based on the fact that a non-sampled exporting producer had requested MET or IT, shall forward that request and any supporting documents to the Commission.
2. Within eight months of the receipt of the request and any supporting documents, the Commission shall verify whether the exporting producer had indeed lodged an MET and IT claim. If so, the Commission shall assess that claim and re-impose the appropriate duty by means of a Commission Implementing Regulation, after disclosure pursuant to Article 20 of the basic Regulation.
3. The national customs authorities shall await the publication of the relevant Commission Implementing Regulation re-imposing the duties before deciding on the claim for repayment and remission of anti-dumping duties.

⁽¹⁾ Or, as of 1 May 2016, on the basis of the relevant provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union customs code (OJ L 269, 10.10.2013, p. 1).

Article 2

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

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

Done at Brussels, 17 February 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/224**of 17 February 2016****amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 18(2), Article 20(c), (f), (l), (m) and (n) and Article 223(3)(c) thereof,

Having regard to Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products ⁽²⁾, and in particular Article 4 thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽³⁾, and in particular Article 62(2)(b) thereof,

Whereas:

- (1) Commission Implementing Regulations (EU) No 947/2014 ⁽⁴⁾ and (EU) No 948/2014 ⁽⁵⁾ opened private storage for butter and skimmed milk powder, respectively, in view of the particular difficult market situation, notably resulting from the ban introduced by Russia on imports of dairy products from the Union.
- (2) Those private storage schemes have been extended by Commission Implementing Regulations (EU) No 1337/2014 ⁽⁶⁾, (EU) 2015/303 ⁽⁷⁾ and (EU) 2015/1548 ⁽⁸⁾. As a result, applications for aid can be lodged until 29 February 2016.
- (3) On 25 June 2015, Russia prolonged the ban on the import of agricultural products and foodstuffs originating in the Union for another year, up to 6 August 2016.
- (4) In addition, the global demand for milk and milk products has remained fragile throughout 2015 while milk supply has increased in the main exporting regions.
- (5) As a consequence, prices of butter and skimmed milk powder in the Union have further deteriorated and downward pressure is likely to carry on.
- (6) In view of the current market situation it is appropriate to secure the undisrupted availability of the private storage aid schemes for butter and skimmed milk powder and to extend them until the end of the 2016 intervention period on 30 September 2016.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 346, 20.12.2013, p. 12.

⁽³⁾ OJ L 347, 20.12.2013, p. 549.

⁽⁴⁾ Commission Implementing Regulation (EU) No 947/2014 of 4 September 2014 opening private storage for butter and fixing in advance the amount of aid (OJ L 265, 5.9.2014, p. 15).

⁽⁵⁾ Commission Implementing Regulation (EU) No 948/2014 of 4 September 2014 opening private storage for skimmed milk powder and fixing in advance the amount of aid (OJ L 265, 5.9.2014, p. 18).

⁽⁶⁾ Commission Implementing Regulation (EU) No 1337/2014 of 16 December 2014 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 360, 17.12.2014, p. 15).

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/303 of 25 February 2015 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 55, 26.2.2015, p. 4).

⁽⁸⁾ Commission Implementing Regulation (EU) 2015/1548 of 17 September 2015 amending Implementing Regulations (EU) No 947/2014 and (EU) No 948/2014 as regards the last day for submission of applications for private storage aid for butter and skimmed milk powder (OJ L 242, 18.9.2015, p. 26).

- (7) In order to avoid any interruption of the possibility for lodging applications under the schemes, this Regulation should enter into force on the day following that of its publication.
- (8) 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

Amendment to Implementing Regulation (EU) No 947/2014

In Article 5 of Regulation (EU) No 947/2014, '29 February 2016' is replaced by '30 September 2016'.

Article 2

Amendment to Implementing Regulation (EU) No 948/2014

In Article 5 of Regulation (EU) No 948/2014, '29 February 2016' is replaced by '30 September 2016'.

Article 3

Entry into force

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

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

Done at Brussels, 17 February 2016.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/225**of 17 February 2016****fixing the maximum volume of product per Member State and the period for lodging applications for exceptional private storage aid for the remaining unused quantities of certain cheeses from those set out in Delegated Regulation (EU) 2015/1852**

THE EUROPEAN COMMISSION,

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

Having regard to the 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 Delegated Regulation (EU) 2015/1852 of 15 October 2015 opening a temporary exceptional private storage aid scheme for certain cheeses and fixing in advance the amount of aid ⁽²⁾, in particular Article 15 thereof,

Whereas:

- (1) Delegated Regulation (EU) 2015/1852 opened a temporary exceptional private storage aid scheme for certain cheeses and fixed in advance the amount of aid.
- (2) Article 4(3) of Regulation (EU) 2015/1852 sets 15 January 2016 as the last date for the submission of applications for aid.
- (3) Ireland, France, Italy, Lithuania, Netherlands, Finland, Sweden and the United Kingdom notified the Commission of their wish to continue using the private storage aid scheme.
- (4) A quantity of 68 123 tonnes remained unused after 15 January 2016. It is therefore appropriate to make that quantity available to those Member States which notified their wish to further make use of the private storage aid scheme and to set a breakdown of that quantity per Member State, taking into account the quantities applied for by Member States until 15 January 2016.
- (5) A new period for lodging applications for aid should be set.
- (6) The rules laid down in Delegated Regulation (EU) 2015/1852 for the implementation of the private storage aid scheme for certain cheeses should apply *mutatis mutandis* to the implementation of the scheme set out by this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1***Subject matter**

The maximum volume of product per Member State subject to the temporary exceptional private storage aid scheme for the remaining unused quantities of cheeses as provided for in Delegated Regulation (EU) 2015/1852 is set out in the Annex to this Regulation.

The rules laid down in Delegated Regulation (EU) 2015/1852 for the implementation of the scheme shall apply *mutatis mutandis* to the quantities set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 271, 16.10.2015, p. 15.

*Article 2***Applications for aid**

Applications for aid may be lodged as from the date of entry into force of this Regulation. The last date for the submission of applications shall be 30 September 2016.

*Article 3***Entry into force**

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

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

Done at Brussels, 17 February 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Member State	Maximum quantities (tonnes)
Ireland	4 127
France	6 340
Italy	27 025
Lithuania	2 616
Netherlands	16 526
Finland	694
Sweden	2 126
United Kingdom	8 669
Total	68 123

COMMISSION IMPLEMENTING REGULATION (EU) 2016/226**of 17 February 2016****amending Implementing Regulation (EU) No 999/2014 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 9(4) and 14(1),

Whereas:

- (1) By Regulation (EC) No 2022/95 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of ammonium nitrate falling within CN codes 3102 30 90 and 3102 40 90 and originating in Russia. Pursuant to a further investigation, which established that the duty was being absorbed, the measures were amended by Council Regulation (EC) No 663/98 ⁽³⁾. Following an expiry review and an interim review pursuant to Articles 11(2) and 11(3) respectively of Council Regulation (EC) No 384/96 ⁽⁴⁾, the Council, by Regulation (EC) No 658/2002 ⁽⁵⁾, imposed a definitive anti-dumping duty of EUR 47,07 per tonne on imports of ammonium nitrate falling within CN codes 3102 30 90 and 3102 40 90 and originating in Russia. Subsequently, a product scope interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 was carried out and, by Council Regulation (EC) No 945/2005 ⁽⁶⁾, a definitive anti-dumping duty ranging between EUR 41,42 per tonne and EUR 47,07 per tonne was imposed on imports of solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, currently falling within CN codes 3102 30 90, 3102 40 90, ex 3102 29 00, ex 3102 60 00, ex 3102 90 00, ex 3105 10 00, ex 3105 20 10, ex 3105 51 00, ex 3105 59 00 and ex 3105 90 20 originating in Russia.
- (2) Following a second expiry review and a second partial interim review pursuant to Article 11(2) and (3) of Regulation (EC) No 384/96, the anti-dumping measures described in the previous recital (as last amended by Regulation (EC) No 945/2005), were maintained by Council Regulation (EC) No 661/2008 ⁽⁷⁾, except for the EuroChem group, for which the fixed amount of duty ranged between EUR 28,88 and EUR 32,82 per tonne.
- (3) By Decision 2008/577/EC ⁽⁸⁾, the Commission accepted the undertaking offers with a quantitative ceiling from, among others, the Russian producers Open Joint Stock Company (JSC in Russian OAO) Acron and JSC Dorogobuzh.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EC) No 2022/95 of 16 August 1995 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia (OJ L 198, 23.8.1995, p. 1).

⁽³⁾ Council Regulation (EC) No 663/98 of 23 March 1998 amending Regulation (EC) No 2022/95 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia (OJ L 93, 26.3.1998, p. 1).

⁽⁴⁾ Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ L 56, 6.3.1996, p. 1).

⁽⁵⁾ Council Regulation (EC) No 658/2002 of 15 April 2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia (OJ L 102, 18.4.2002, p. 1).

⁽⁶⁾ Council Regulation (EC) No 945/2005 of 21 June 2005 amending Regulation (EC) No 658/2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia and Regulation (EC) No 132/2001 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in, inter alia, Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ L 160, 23.6.2005, p. 1).

⁽⁷⁾ Council Regulation (EC) No 661/2008 of 8 July 2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ L 185, 12.7.2008, p. 1).

⁽⁸⁾ Commission Decision 2008/577/EC of 4 July 2008 accepting the undertakings offered in connection with the anti-dumping proceeding concerning imports of ammonium nitrate originating in Russia and Ukraine (OJ L 185, 12.7.2008, p. 43).

- (4) By judgment of 10 September 2008 ⁽¹⁾, as interpreted by judgment of 9 July 2009 ⁽²⁾, the General Court annulled Regulation (EC) No 945/2005 in so far as it concerned Open Joint Stock Company (JSC) Kirovo-Chepetsky Khimichesky Kombinat (Kirovo), part of OJSC UCC Uralchem (Uralchem). The Council, by Regulation (EC) No 989/2009 ⁽³⁾, amended Regulation (EC) No 661/2008 accordingly. Consequently, for the company Kirovo, the anti-dumping duty (EUR 47,07 per tonne) applies only to imports of ammonium nitrate currently falling within CN codes 3102 30 90 and 3102 40 90.
- (5) By Implementing Regulation (EU) No 999/2014 ⁽⁴⁾, the Commission maintained the anti-dumping measures (as last amended by Regulation (EC) No 989/2009), following an expiry review pursuant to Article 11(2) of the basic Regulation.
- (6) On 16 September 2015 Kirovo notified the Commission of its planned reorganisation within the Uralchem Group of companies. As from 1 October 2015 Kirovo is effectively no longer a Joint Stock Company within OJSC UCC Uralchem (Uralchem), but it became a branch of Uralchem, called the Kirovo-Chepetsky Khimichesky Kombinat Branch of OJSC UCC Uralchem (Kirovo Branch). The company submitted that the aim of the reorganisation was to improve the corporate governance of the entire Uralchem Group.
- (7) Uralchem has another production site, the Azot Branch of Uralchem, located in Berezniki (Russia), to which the anti-dumping duty (EUR 47,07 per tonne) applies to all types of ammonium nitrate specified in Article 1(1) of Implementing Regulation (EU) No 999/2014. Therefore, the risk of circumvention need to be assessed given the fact that there are now two branches (Berezniki and Kirovo) within the same legal entity producing ammonium nitrate.
- (8) The Commission thus analysed the information provided by the company and all other information at its disposal and concluded that the risk of circumventing the anti-dumping measures by the different branches of Uralchem is low for the reasons set out below.
- (9) First, since the change of the measures following Regulation (EC) No 989/2009 (when the anti-dumping duties applicable to Kirovo were limited only to imports of ammonium nitrate currently falling within CN codes 3102 30 90 and 3102 40 90) there is no evidence that Uralchem has misused the exemption applicable to Kirovo. Indeed, the imports of ammonium nitrate currently not falling within CN codes 3102 30 90 and 3102 40 90 have remained stable since the amendment of the measures. Moreover, the Commission has no indications that the Berezniki plant had wrongly declared any of its production as having been produced by Kirovo, thereby misusing the exemption granted to Kirovo.
- (10) Second, Uralchem submitted that pursuant to the applicable national legislation in Russia, fertilisers are subject to compulsory registration and markings, including the actual legal name and the physical address of the production site. The manufacturer's production site has to be also included in a number of other official documents. Finally, if ammonium nitrate is exported, the production site must be contained in a number of mandatory documents, such as customs export declaration, certificate of origin and waybills. Therefore, it is unlikely that that once the TARIC additional code A959 is attributed to Kirovo Branch of Uralchem, any other production site of the group would misuse it.
- (11) Third, by a letter sent to the Commission, dated 13 October 2015, Uralchem committed to not engaging in any actions which may lead to misusing the TARIC additional code A959, namely by exporting to the Union, under that TARIC code, products not produced in the Kirovo branch based in Kirovo-Chepetsk, Kirov oblast.
- (12) Fourth, the maximum capacity of the Berezniki and Kirovo plants is also known by the Commission and it takes several years in order to build new facilities and to increase the existing capacity. Therefore, any imminent increase of imports in the future, in particular above the maximum capacity of the Kirovo plant, may lead to an *ex officio* anti-circumvention investigation.

⁽¹⁾ Case T-348/05: *JSC Kirovo-Chepetsky Khimichesky Kombinat v Council*, 10 September 2008, ECR 2008 II-00159, point 1 of the operative part.

⁽²⁾ Case T-348/05 INTP: *JSC Kirovo-Chepetsky Khimichesky Kombinat v Council*, 9 July 2009, ECR 2009 II-00116, point 1 of the operative part.

⁽³⁾ Council Regulation (EC) No 989/2009 of 19 October 2009 amending Regulation (EC) No 661/2008, imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia (OJ L 278, 23.10.2009, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 999/2014 of 23 September 2014 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 280, 24.9.2014, p. 19).

- (13) Nevertheless, in order to further minimise the risks of circumvention, special measures are needed to ensure the application of the individual anti-dumping duties applicable to the different branches within Uralchem. Uralchem must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1, third paragraph of this Regulation. Imports not accompanied by that invoice shall be subject to the duty rate applicable to 'all other companies'.
- (14) The Commission informed all interested parties of the essential facts and considerations on the basis of which it intended to amend Regulation (EU) No 999/2014. Those parties were granted a period within which they could make comments on the disclosure. Uralchem and the Government of the Russian Federation provided comments. Their comments were taken into account.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2)(b) of Implementing Regulation (EU) No 999/2014 shall read as follows:

- '(b) For goods produced by "KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk" (TARIC additional code A959):

Product description	CN code	TARIC Code	Fixed amount of duty (EUR per tonne)
Ammonium nitrate other than in aqueous solutions	3102 30 90	—	47,07
Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight	3102 40 90	—	47,07

For goods mentioned in paragraph 1 produced by KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk and which are not mentioned in the table above, no anti-dumping duty shall apply.

The non-application of any anti-dumping duty for certain goods produced by KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk shall be conditional upon presentation by Joint Stock Company United Chemical Company Uralchem to the customs authorities of the Member States of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: "*I, the undersigned, certify that the (volume) of ammonium nitrate sold for export to the European Union covered by this invoice was manufactured by (KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk and address) (TARIC additional code A959) in Russia. I declare that the information provided in this invoice is complete and correct.*" If no such invoice is presented, the duty rate applicable to "all other companies" shall apply to all product types of ammonium nitrate produced by KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk.'

Article 2

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

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

Done at Brussels, 17 February 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/227**of 17 February 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 February 2016.

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

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	86,9
	IL	283,6
	MA	93,0
	SN	172,2
	TN	107,9
	TR	114,4
	ZZ	143,0
0707 00 05	MA	84,1
	TR	184,9
	ZZ	134,5
0709 93 10	MA	42,7
	TR	171,3
	ZZ	107,0
0805 10 20	CL	98,4
	EG	44,8
	IL	118,8
	MA	54,1
	TN	49,8
	TR	61,6
	ZZ	71,3
0805 20 10	IL	123,4
	MA	87,7
	TR	84,6
	ZZ	98,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	68,8
	IL	133,1
	MA	118,5
	TR	74,7
	ZZ	98,8
0805 50 10	IL	106,9
	MA	74,1
	TR	92,4
	ZZ	91,1
0808 10 80	CL	93,1
	US	108,2
	ZZ	100,7

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0808 30 90	CL	148,6
	CN	89,3
	ZA	97,6
	ZZ	111,8

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

DECISIONS

COUNCIL DECISION (EU) 2016/228

of 14 July 2015

on the resolution procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Council Decision 2009/937/EU of 1 December 2009 adopting the Council's rules of procedure ⁽¹⁾ and, in particular, Articles 12(1) and 14(1) thereof,

Whereas:

- (1) Article 18(7) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of the Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ⁽²⁾ establishes a resolution procedure whereby the Council may be called to decide on the adoption of resolution schemes.
- (2) From 1 January 2016, the Council acting by simple majority, on the basis of a Commission proposal, may object to a resolution scheme, or approve or object to a material modification of the amount of the Fund provided for in a resolution scheme adopted by the Single Resolution Board within 24 hours from the adoption of the resolution scheme.
- (3) The act of the Council should be adopted by a written vote given the tight deadline as provided for by Article 18(7) of the Regulation. The procedure for objecting to a resolution scheme, or approve or object to a material modification of the amount of the Fund provided thereof is, by nature, urgent.
- (4) Based on the grounds of urgency, the Council may deliberate and take its decision on the basis of documents and drafts drawn up in one of the languages specified in the rules in force governing languages as provided for in Article 14(1) of the Council's Rules of procedure. This should not put into question the obligation to adopt and publish the decision in all languages specified in the rules in force governing languages at a later stage,

HAS ADOPTED THIS DECISION:

Article 1

1. Where the Council has to take a decision on the basis of a Commission proposal in the framework of Article 18(7) of Regulation (EU) No 806/2014, the act of the Council shall be adopted by a written vote.

2. When adopting its decision, the Council may deliberate and take decisions on the basis of documents and drafts drawn up in English only.

⁽¹⁾ OJ L 325, 11.12.2009, p. 35.

⁽²⁾ OJ L 225, 30.7.2014, p. 1.

Article 2

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

It shall apply from 1 January 2016.

Done at Brussels, 14 July 2015.

For the Council

The President

P. GRAMEGNA

COUNCIL DECISION (EU) 2016/229**of 16 February 2016****appointing a member, proposed by the Kingdom of Denmark, of the European Economic and Social Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the proposal of the Danish Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 18 September 2015 and 1 October 2015, the Council adopted Decisions (EU, Euratom) 2015/1600 ⁽¹⁾ and 2015/1790 ⁽²⁾ appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Ms Marie-Louise KNUPPERT,

HAS ADOPTED THIS DECISION:

Article 1

Mr Arne GREVSEN, *First Vice-President of the Danish Confederation of Trade Unions (LO)*, is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2020.

Article 2

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

Done at Brussels, 16 February 2016.

For the Council
The President
A.G. KOENDERS

⁽¹⁾ Council Decision (EU, Euratom) 2015/1600 of 18 September 2015 appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020 (OJ L 248, 24.9.2015, p. 53).

⁽²⁾ Council Decision (EU, Euratom) 2015/1790 of 1 October 2015 appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020 (OJ L 260, 7.10.2015, p. 23).

COMMISSION IMPLEMENTING DECISION (EU) 2016/230**of 17 February 2016****amending Implementing Decision 2014/908/EU as regards the lists of third countries and territories whose supervisory and regulatory requirements are considered equivalent for the purposes of the treatment of exposures according to Regulation (EU) No 575/2013 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Articles 107(4) and 142(2) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/908/EU ⁽²⁾ lays down lists of third countries and territories whose supervisory and regulatory arrangements are found equivalent to the corresponding supervisory and regulatory arrangements applied in the Union in accordance with Regulation (EU) No 575/2013.
- (2) The Commission has conducted further assessments of the supervisory and regulatory arrangements applicable to investment firms and exchanges using the same methodology as for the equivalence assessments that led to the adoption of Implementing Decision 2014/908/EU.
- (3) In its assessments, the Commission has considered relevant developments in the supervisory and regulatory framework since the adoption of Implementing Decision 2014/908/EU and took into account available sources of information, including independent assessments carried out by international organisations, such as the International Monetary Fund and the International Organization of Securities Commissions.
- (4) The Commission has concluded that in Japan only the supervisory and regulatory arrangements applied to a subset of the Japanese investment firms comply with a series of operational, organisational and supervisory standards reflecting the essential elements of the Union's supervisory and regulatory arrangements applicable to investment firms. That subset of Japanese investment firms, as defined in Article 28 of the Financial Instrument and Exchange Act of Japan, engages in defined business and is referred to in Japan's legal framework as Type I Financial Instruments Business Operators (Type I FIBOs). Type I FIBOs are subject to specific rules related to registration capital requirements, as well as to ongoing risk-based capital requirements. Based on the analysis carried out, it is appropriate to consider the supervisory and regulatory requirements applied to Type I FIBOs located in Japan as at least equivalent to those applied in the Union for the purposes of Article 107(4) and Article 142(1)(4)(b) of Regulation (EU) No 575/2013.
- (5) The Commission has concluded that Hong Kong, Indonesia and South Korea have in place supervisory and regulatory arrangements which comply with a series of operational, organisational and supervisory standards reflecting the essential elements of the Union's supervisory and regulatory arrangements applicable to investment firms. Therefore, it is appropriate to consider the supervisory and regulatory requirements applied to investment firms located in those third countries and territories as at least equivalent to those applied in the Union for the purposes of Article 107(4) and Article 142(1)(4)(b) of Regulation (EU) No 575/2013.

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Commission Implementing Decision 2014/908/EU of 12 December 2014 on the equivalence of the supervisory and regulatory requirements of certain third countries and territories for the purposes of the treatment of exposures according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 359, 16.12.2014, p. 155).

- (6) The Commission has concluded that Australia, Indonesia and South Korea have in place supervisory and regulatory arrangements which comply with a series of operational standards reflecting the essential elements of the Union's supervisory and regulatory arrangements applicable to exchanges. Therefore, it is appropriate to consider the supervisory and regulatory arrangements applied to exchanges located in those third countries as at least equivalent to those applied in the Union for the purposes of Article 107(4) of Regulation (EU) No 575/2013.
- (7) Implementing Decision 2014/908/EU should therefore be amended to include those third countries and territories in the appropriate list of third countries and territories whose supervisory and regulatory requirements are considered equivalent to the Union's regime for the purposes of the treatment of exposures according to Regulation (EU) No 575/2013.
- (8) The measures provided for in this Decision are in accordance with the opinion of the European Banking Committee,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2014/908/EU is amended as follows:

- (1) Annex II is replaced by the text set out in Annex I to this Decision;
- (2) Annex III is replaced by the text set out in Annex II to this Decision;
- (3) Annex V is replaced by the text set out in Annex III to this Decision.

Article 2

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

Done at Brussels, 17 February 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

ANNEX II

LIST OF THIRD COUNTRIES AND TERRITORIES FOR THE PURPOSES OF ARTICLE 2 (INVESTMENT FIRMS)

- (1) Australia
 - (2) Brazil
 - (3) Canada
 - (4) China
 - (5) Hong Kong
 - (6) Indonesia
 - (7) Japan (limited to Type I Financial Instruments Business Operators)
 - (8) Mexico
 - (9) South Korea
 - (10) Saudi Arabia
 - (11) Singapore
 - (12) South Africa
 - (13) USA'
-

ANNEX II

ANNEX III

LIST OF THIRD COUNTRIES FOR THE PURPOSES OF ARTICLE 3 (EXCHANGES)

- (1) Australia
 - (2) Brazil
 - (3) Canada
 - (4) China
 - (5) India
 - (6) Indonesia
 - (7) Japan
 - (8) Mexico
 - (9) South Korea
 - (10) Saudi Arabia
 - (11) Singapore
 - (12) South Africa
 - (13) USA'
-

ANNEX III

ANNEX V

LIST OF THIRD COUNTRIES AND TERRITORIES FOR THE PURPOSES OF ARTICLE 5 (CREDIT INSTITUTIONS AND INVESTMENT FIRMS)

Credit institutions:

- (1) Australia
- (2) Brazil
- (3) Canada
- (4) China
- (5) Guernsey
- (6) Hong Kong
- (7) India
- (8) Isle of Man
- (9) Japan
- (10) Jersey
- (11) Mexico
- (12) Monaco
- (13) Saudi Arabia
- (14) Singapore
- (15) South Africa
- (16) Switzerland
- (17) USA

Investment firms:

- (1) Australia
 - (2) Brazil
 - (3) Canada
 - (4) China
 - (5) Hong Kong
 - (6) Indonesia
 - (7) Japan (limited to Type I Financial Instruments Business Operators)
 - (8) Mexico
 - (9) South Korea
 - (10) Saudi Arabia
 - (11) Singapore
 - (12) South Africa
 - (13) USA'
-

GUIDELINES

GUIDELINE (EU) 2016/231 OF THE EUROPEAN CENTRAL BANK

of 26 November 2015

amending Guideline ECB/2011/23 on the statistical reporting requirements of the European Central Bank in the field of external statistics (ECB/2015/39)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 3.1 and 3.3, Articles 5.1, 12.1, 14.3 and Article 16 thereof,

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽¹⁾, and in particular Articles 4 and 8 thereof,

Whereas:

- (1) External statistics are increasingly used for purposes other than monetary policy, including macro-prudential analysis and monitoring of excessive economic imbalances. These activities, as well as other activities in the area of international cooperation and research, will be facilitated by the European Central Bank's publication of the euro area aggregates compiled on the basis of Guideline ECB/2011/23 ⁽²⁾ and of the national data collected in this respect.
- (2) Given the balance between merit and costs, the reduction of the reporting period for the transmission of quarterly balance of payments and international investment position data due to apply from 2019 under Guideline ECB/2011/23, will no longer be applied.
- (3) Therefore, Guideline ECB/2011/23 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline ECB/2011/23 is amended as follows:

- (1) in Article 1, the following definition is added:

‘(17) “publishable national data sets” means the data corresponding to Tables 2A and 4A of Annex II, which are subsets of the data presented, respectively, in Tables 2 and 4 of Annex II.’;

- (2) Article 2 is amended as follows:

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

‘1. The NCBs shall make available to the ECB data on the international transactions, positions and revaluations, as well as on the stocks of reserve assets, other foreign currency assets and reserve-related liabilities. The data shall be made available as defined in Tables 1 to 5 of Annex II and in accordance with the deadlines defined in Article 3.’;

⁽¹⁾ OJ L 318, 27.11.1998, p. 8.

⁽²⁾ Guideline ECB/2011/23 of 9 December 2011 on the statistical reporting requirements of the European Central Bank in the field of external statistics (OJ L 65, 3.3.2012, p. 1).

(b) the following paragraph 1a is inserted:

‘1a. The subsets presented in Tables 2A and 4A of Annex II shall be made available to the ECB with the submission of data presented, respectively, in Table 2 and 4 of the same Annex. These include quarterly international transactions and positions which shall be transmitted in accordance with the deadlines defined for the quarterly balance of payments and international investment position set out in Article 3.’;

(3) Article 3(2) is amended as follows:

(a) point (b) is replaced by the following:

‘(b) the 82nd calendar day following the end of the quarter to which the data relate, from 2017 onwards.’;

(b) point (c) is deleted;

(4) the following Article 3a is inserted:

‘Article 3a

Transmission and publication of data by the ECB

1. The ECB shall transmit to the NCBs the euro area aggregates it publishes, as well as the publishable national data sets collected under Article 2.

2. The ECB may publish publishable national data sets following the publication of the respective euro area aggregates.’;

(5) in Article 6, paragraph 3 is replaced by the following:

‘3. Where the data for an item in Tables 1 to 5 of Annex II are of negligible or of insignificant size for euro area and national statistics, or the data for that item cannot be collected at reasonable cost, best estimates based on sound statistical methodologies shall be permitted provided the analytical value of the statistics is not compromised. In addition, best estimates shall be permitted for the following breakdowns in Tables 1, 2, 2A and 6 of Annex II:

(a) sub-items of primary income on other investment;

(b) sub-items of other primary income and of secondary income;

(c) sub-items of capital transfers in the capital account;

(d) geographical breakdown of financial derivatives liabilities;

(e) reinvested earnings credits on investment funds shares without an ISIN code;

(f) investment income credits on investment funds shares with an ISIN code (until the CSDB is deemed fit for the appropriate derivation of this item);

(g) breakdown of cross-border banknote shipments by denomination.’;

(6) Annexes I and II are amended in accordance with the Annex to this Guideline.

Article 2

Taking effect and implementation

1. This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.

2. The Eurosystem central banks shall comply with this Guideline from 1 June 2016.

*Article 3***Addressees**

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 26 November 2015.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

ANNEX

Annexes I and II to Guideline ECB/2011/23 are amended as follows:

(1) Annex I is amended as follows:

(a) Section 1.2 is replaced by the following:

'1.2. Quarterly balance of payments statistics

Objective

The objective of the quarterly balance of payments of the euro area is to provide more detailed information to permit further analysis of international transactions. Quarterly balance of payments data are also the basis for detailed country economic monitoring.

These statistics notably contribute to the compilation of the euro area sectoral and financial accounts and to the joint publication of Union/euro area balance of payments in cooperation with the European Commission (Eurostat).

Requirements

Quarterly balance of payments statistics conform as far as possible to international standards (see Article 2(4) of this Guideline). The required breakdown of quarterly balance of payments statistics is presented in Annex II, Tables 2 and 2A. Harmonised concepts and definitions used in the capital and financial accounts are set out in Annex III.

The breakdown of the quarterly current account is similar to the one required for the monthly figures. However, for income a more detailed breakdown is needed on a quarterly basis.

In the financial account, the ECB follows the requirements of the sixth edition of the International Monetary Fund (IMF) Balance of Payments and International Investment Position Manual (hereinafter the "BPM6") for the "other investment" item. There is a difference in the presentation of the breakdown (i.e. sector as first priority). This sectoral breakdown is however compatible with the breakdown of the BPM6 where instruments have priority. As in the BPM6 presentation, currency and deposits are distinguished from loans and other investments.

NCBs are required to distinguish between transactions with euro area Member States and all other international transactions. The statistics on net transactions in portfolio investment assets of the euro area are compiled by aggregating reported net transactions in securities issued by non-euro area residents. Statistics on net transactions in portfolio investment liabilities of the euro area are compiled by consolidation of net transactions in total national liabilities and net transactions in securities issued and purchased by euro area residents.

An analogous reporting requirement and compilation method for the aggregate data are applied for portfolio investment income.

For direct investment NCBs are required to submit quarterly the following sectoral breakdown: (a) deposit-taking corporations except the central bank; (b) general government; (c) financial corporations other than MFIs; (d) non-financial corporations, households and non-profit institutions serving households. For the "portfolio investment assets" and "other investment" items the breakdown of reports according to institutional sectors follows the standard components of the IMF comprising (a) central bank; (b) deposit-taking corporations except the central bank; (c) money market funds; (d) general government; (e) financial corporations other than MFIs; (f) non-financial corporations, households, and non-profit institutions serving households.

For compiling the statistics on euro area net transactions in portfolio investment liabilities by sector of the euro area resident issuers, the requirements for quarterly data are similar to those for monthly balance of payments.

In line with the system of national accounts, the BPM6 recommends that interest should be recorded on an accruals basis. This requirement affects the current account (investment income) as well as the financial account.;

(b) Section 3 is replaced by the following:

‘3. International investment position statistics

Objective

The international investment position is a statement of the external assets and liabilities of the euro area as a whole, for monetary policy and exchange market analysis. In particular, it contributes to the assessment of the Member States' external vulnerability and to monitoring the developments in holdings of liquid assets abroad by the money-holding sector. This statistical information is key to the compilation of the rest of the world account in the euro area quarterly financial accounts and may also assist in the compilation of balance of payments flows. Quarterly international investment position statistics are also the basis for detailed country economic monitoring.

Requirements

The NCBs must deliver international investment position statistics on a quarterly basis in respect of end-of-period stock levels and revaluations due to exchange rate or other price changes.

The international investment position data conform as far as possible with international standards (see Article 2(4) of this Guideline). The ECB compiles the international investment position for the euro area as a whole. The breakdown of the international investment position for the euro area is presented in Annex II, Tables 4 and 4A.

The international investment position shows financial stocks at the end of the reference period, valued at end-period prices. Changes in the value of stocks could be due to the following factors. First, part of the change in the value during the reference period will be due to the financial transactions that have taken place and been recorded in the balance of payments. Second, part of the changes in positions at the beginning and at the end of a given period will be caused by changes in the prices of the financial assets and liabilities shown. Third, in the event that stocks are denominated in currencies other than the unit of account used for the international investment position, changes in the exchange rates vis-à-vis other currencies will also affect the values. Finally, any other change which is not due to the above factors will be considered as due to other changes in volume during the period.

A proper reconciliation between the financial flows and stocks of the euro area requires changes in value owing to price, to exchange rate changes and to other changes in volume to be distinguished.

Coverage of the international investment position should be as close as possible to that for quarterly balance of payments flows. The concepts, definitions and breakdowns are in line with those used for quarterly balance of payments flows.

As far as possible, data on the international investment position should be consistent with other statistics, such as money and banking statistics, financial accounts and national accounts.

As for the monthly and quarterly balance of payments, NCBs are required to distinguish in their international investment position statistics between holdings vis-à-vis euro area Member States and all other international positions. A distinction between holdings in securities issued by euro area residents and in securities issued by non-euro area residents is required in the portfolio investment accounts. Statistics on net assets in portfolio investment of the euro area are compiled by aggregating reported net assets in securities issued by non-euro area residents. Statistics on net liabilities in portfolio investment of the euro area are compiled by consolidation of net total national liabilities and net holdings in securities issued and purchased by euro area residents.

Portfolio investment assets and liabilities within the international investment position are compiled purely from stock data.

NCBs (and other competent statistical authorities where appropriate) collect, as a minimum, quarterly portfolio investment stocks of assets and liabilities on a security-by-security basis according to one of the models set out in the table contained in Annex VI.;

(2) Annex II is amended as follows:

(a) Table 2 is replaced by the following:

Table 2

Quarterly balance of payments

	Credit	Debit
1. Current account ⁽¹⁾		
Goods	Geo 4 ⁽²⁾	Geo 4
General merchandise on a balance of payments (BOP) basis	Geo 3	Geo 3
Net exports of goods under merchanting	Geo 3	
Goods acquired under merchanting (negative credit)	Geo 3	
Goods sold under merchanting	Geo 3	
Non-monetary gold	Geo 3	Geo 3
Branding — quasi-transit trade adjustment	Geo 4	Geo 4
Services	Geo 4	Geo 4
Manufacturing services on physical inputs owned by others	Geo 4	Geo 4
Maintenance and repair services not included elsewhere (n.i.e.)	Geo 4	Geo 4
Transport	Geo 4	Geo 4
Travel	Geo 4	Geo 4
Construction	Geo 4	Geo 4
Insurance and pension services	Geo 4	Geo 4
Financial services	Geo 4	Geo 4
Explicitly charged and other financial services	Geo 3	Geo 3
Financial intermediation services indirectly measured (FISIM)	Geo 3	Geo 3
Charges for the use of intellectual property n.i.e.	Geo 4	Geo 4
Telecommunications, computer, and information services	Geo 4	Geo 4

	Credit	Debit
Other business services	Geo 4	Geo 4
Research and development services	Geo 3	Geo 3
Professional and management consulting services	Geo 3	Geo 3
Technical, trade-related, and other business services	Geo 3	Geo 3
Personal, cultural and recreational services	Geo 4	Geo 4
Government goods and services n.i.e.	Geo 4	Geo 4
Primary income		
Compensation of employees	Geo 4	Geo 4
Investment income		
Direct investment		
Equity	Geo 4	Geo 4
Dividends and withdrawals from income of quasi-corporations		
<i>In direct investment enterprises</i>	Geo 3	Geo 3
<i>In direct investor (reverse investment)</i>	Geo 3	Geo 3
<i>Between fellow enterprises</i>	Geo 3	Geo 3
By resident sector (Sec 2) ⁽³⁾	Geo 2	Geo 2
Reinvested earnings	Geo 4	Geo 4
By resident sector (Sec 2)	Geo 2	Geo 2
Debt instruments	Geo 4	Geo 4
<i>In direct investment enterprises</i>	Geo 3	Geo 3
<i>In direct investor (reverse investment)</i>	Geo 3	Geo 3
<i>Between fellow enterprises</i>	Geo 3	Geo 3
<i>Of which: interest</i>		
By resident sector (Sec 2)	Geo 2	Geo 2

	Credit	Debit
Portfolio investment		
Equity and investment fund shares	Geo 4	Geo 1
Equity securities		
Dividends		
By resident sector (Sec 2)	Geo 3	Geo 1
By counterpart issuer sector (Sec 2)	Geo 2	
Investment fund shares		
Dividends		
By resident sector (Sec 2)	Geo 3	Geo 1
By counterpart issuer sector (Sec 2)	Geo 2	
Reinvested earnings		
By resident sector (Sec 2)	Geo 3	Geo 1
By counterpart issuer sector (Sec 2)	Geo 2	
Debt securities		
Short-term	Geo 4	Geo 1
Interest		
By resident sector (Sec 2)	Geo 3	Geo 1
By counterpart issuer sector (Sec 2)	Geo 2	
Long-term	Geo 4	Geo 1
Interest		
By resident sector (Sec 2)	Geo 3	Geo 1
By counterpart issuer sector (Sec 2)	Geo 2	
Other investment	Geo 4	Geo 4
Withdrawals from income of quasi-corporations	Geo 3	Geo 3
Interest	Geo 3	Geo 3
By resident sector (Sec 2)	Geo 2	Geo 2

	Credit	Debit
<i>Of which:</i> interest on SDRs		Geo 1
<i>Of which:</i> interest before FISIM	Geo 3	Geo 3
By resident sector (Sec 2)	Geo 2	Geo 2
Investment income attributable to policyholders in insurance, pension schemes, and standardised guarantee schemes	Geo 3	Geo 3
By resident sector (Sec 2)	Geo 2	Geo 2
Reserve assets	Geo 3	
<i>Of which:</i> interest	Geo 3	
Other primary income	Geo 4	Geo 4
General government	Geo 3	Geo 3
Taxes on production and on imports	Geo 3/Union institutions	Geo 3/Union institutions
Taxes on products	Geo 3/Union institutions	Geo 3/Union institutions
Other taxes on production	Geo 3/Union institutions	Geo 3/Union institutions
Subsidies	Geo 3/Union institutions	Geo 3/Union institutions
Subsidies on products	Geo 3/Union institutions	Geo 3/Union institutions
Other subsidies on production	Geo 3/Union institutions	Geo 3/Union institutions
Rents	Geo 3	Geo 3
Other sectors	Geo 3	Geo 3
Taxes on production and on imports	Geo 3/Union institutions	Geo 3/Union institutions
Taxes on products	Geo 3/Union institutions	Geo 3/Union institutions
Other taxes on production	Geo 3/Union institutions	Geo 3/Union institutions

	Credit	Debit
Subsidies	Geo 3/Union institutions	Geo 3/Union institutions
Subsidies on products	Geo 3/Union institutions	Geo 3/Union institutions
Other subsidies on production	Geo 3/Union institutions	Geo 3/Union institutions
Rents	Geo 3	Geo 3
Secondary income	Geo 4	Geo 4
General government	Geo 3	Geo 3
Current taxes on income, wealth, etc.	Geo 3	Geo 3
Social contributions	Geo 3	Geo 3
Social benefits	Geo 3	Geo 3
Current international cooperation	Geo 3	Geo 3
<i>Of which:</i> vis-à-vis the Union institutions (excluding the ECB)	Union institutions	Union institutions
Miscellaneous current transfers	Geo 3	Geo 3
Value added tax and gross national income-based Union own resources	Union institutions	Union institutions
Other sectors	Geo 3	Geo 3
Current taxes on income, wealth, etc.	Geo 3	Geo 3
Social contributions	Geo 3	Geo 3
Social benefits	Geo 3	Geo 3
Net non-life insurance premiums	Geo 3	Geo 3
Non-life insurance claims	Geo 3	Geo 3
Miscellaneous current transfers	Geo 3	Geo 3
<i>Of which:</i> Personal transfers (between resident and non-resident households)	Geo 3	Geo 3
<i>Of which:</i> workers' remittances	Geo 4	Geo 4
Adjustment for change in pension entitlements	Geo 3	Geo 3

		Credit	Debit
2. Capital account		Geo 4	Geo 4
Gross acquisitions/disposals of non-produced non-financial assets		Geo 3	Geo 3
Capital transfers		Geo 3	Geo 3
General government		Geo 3	Geo 3
Capital taxes		Geo 3	Geo 3
Investment grants		Geo 3	Geo 3
Other capital transfers		Geo 3	Geo 3
Of which: debt forgiveness		Geo 3	Geo 3
Other sectors		Geo 3	Geo 3
Capital taxes		Geo 3	Geo 3
Investment grants		Geo 3	Geo 3
Other capital transfers		Geo 3	Geo 3
Of which: debt forgiveness		Geo 3	Geo 3
	Net acquisition of financial assets	Net incurrence of liabilities	Net
3. Financial account		Geo 1	
Direct investment	Geo 4	Geo 4	
	Equity and investment funds shares	Geo 4	
	a. Equity	Geo 2	
	Listed	Geo 2	
	Unlisted	Geo 2	
	Other (e.g. real estate)	Geo 2	
	b. Investment funds shares	Geo 2	
	1. Equity other than reinvestment of earnings		
	In direct investment enterprises	Geo 3	
	In direct investor (reverse investment)	Geo 3	
	Between fellow enterprises	Geo 3	
	By resident sector (Sec 2)	Geo 2	

	Net acquisition of financial assets	Net incurrence of liabilities	Net
2. Reinvestment of earnings	Geo 4	Geo 4	
By resident sector (Sec 2)	Geo 2	Geo 2	
Debt instruments	Geo 4	Geo 4	
<i>In direct investment enterprises</i>	Geo 3	Geo 3	
<i>In direct investor (reverse investment)</i>	Geo 3	Geo 3	
<i>Between fellow enterprises</i>	Geo 3	Geo 3	
By resident sector (Sec 2)	Geo 2	Geo 2	
Portfolio investment	Geo 4	Geo 1	
Equity and investment fund shares	Geo 4	Geo 1	
Equity securities			
By resident sector (Sec 2)	Geo 3	Geo 1	
Listed	Geo 2	Geo 1	
Unlisted	Geo 2	Geo 1	
By counterpart issuer sector (Sec 2)			
Listed	Geo 2		
Unlisted	Geo 2		
Investment fund shares			
By resident sector (Sec 2)	Geo 3	Geo 1	
<i>Of which: reinvestment of earnings</i>	Geo 3	Geo 1	
By counterpart issuer sector (Sec 2)	Geo 2		
<i>Of which: reinvestment of earnings</i>	Geo 2		
Debt securities			
Short-term	Geo 4	Geo 1	
By resident sector (Sec 2)	Geo 3	Geo 1	
By counterpart issuer sector (Sec 2)	Geo 2		

	Net acquisition of financial assets	Net incurrence of liabilities	Net
Long-term	Geo 4	Geo 1	
By resident sector (Sec 2)	Geo 3	Geo 1	
By counterpart issuer sector (Sec 2)	Geo 2		
Financial derivatives (other than reserves) and employee stock options			
By resident sector (Sec 2)			Geo 3
Other investment	Geo 4	Geo 4	
By resident sector (Sec 1)	Geo 4	Geo 4	
Other equity	Geo 3	Geo 3	
Currency and deposits			
By resident sector (Sec 2)			
Short-term	Geo 3	Geo 3	
Long-term	Geo 3	Geo 3	
Loans			
By resident sector (Sec 2)			
Short-term	Geo 3, IMF	Geo 3, IMF	
Long-term	Geo 3, IMF	Geo 3, IMF	
Insurance, pension schemes, and standardised guarantee schemes			
By resident sector (Sec 2)	Geo 3	Geo 3	
Trade credits and advances			
By resident sector (Sec 2)			
Short-term	Geo 3	Geo 3	
Long-term	Geo 3	Geo 3	
Other accounts receivable/payable			

	Net acquisition of financial assets	Net incurrence of liabilities	Net
By resident sector (Sec 2)			
Short-term	Geo 3	Geo 3	
Long-term	Geo 3	Geo 3	
SDRs		Geo 1	
Reserve assets	Geo 3		
4. Balancing items			
Balance on goods and services			Geo 4
Current account balance			Geo 1
Net lending (+)/net borrowing (-) (balance from current and capital account)			Geo 1
Net lending (+)/net borrowing (-) (from finan- cial account)			Geo 1
Net errors and omissions			Geo 1

(¹) Concepts and definitions of selected items are specified in Annex III.

(²) The details of the required geographical breakdowns are specified in Table 7.

(³) The details of the required institutional sector breakdowns are specified in Table 8.;

(b) the following Table 2A is inserted:

‘Table 2A

Quarterly balance of payments — publishable subset

	Credit	Debit	Balance/Net
1. Current account	Geo 2	Geo 1	
Goods	Geo 2	Geo 2	
General merchandise on a balance of pay- ments (BOP) basis	Geo 1	Geo 1	
Net exports of goods under merchanting	Geo 1		
Services	Geo 2	Geo 2	
Manufacturing services on physical inputs owned by others	Geo 1	Geo 1	
Maintenance and repair services not included elsewhere (n.i.e.)	Geo 1	Geo 1	
Transport	Geo 1	Geo 1	
Travel	Geo 1	Geo 1	
Construction	Geo 1	Geo 1	
Insurance and pension services	Geo 1	Geo 1	

	Credit	Debit	Balance/Net
Financial services	Geo 1	Geo 1	
Charges for the use of intellectual property n.i.e.	Geo 1	Geo 1	
Telecommunications, computer, and information services	Geo 1	Geo 1	
Other business services	Geo 1	Geo 1	
Personal, cultural and recreational services	Geo 1	Geo 1	
Government goods and services n.i.e.	Geo 1	Geo 1	
Services not allocated	Geo 1	Geo 1	
Primary income	Geo 2	Geo 1	
Compensation of employees	Geo 2	Geo 2	
Investment income	Geo 2	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Direct investment	Geo 2	Geo 2	
Equity	Geo 2	Geo 2	
Dividends and withdrawals from income of quasi-corporations	Geo 1	Geo 1	
Reinvested earnings	Geo 1	Geo 1	
Debt instruments	Geo 2	Geo 2	
Portfolio investment	Geo 2	Geo 1	
Equity and investment fund shares	Geo 2	Geo 1	
Equity securities dividends	Geo 1	Geo 1	
Investment fund shares income	Geo 1	Geo 1	

	Credit	Debit	Balance/Net
Debt securities	Geo 2	Geo 1	
Short-term	Geo 2	Geo 1	
Long-term	Geo 2	Geo 1	
Other investment	Geo 2	Geo 2	
Interest	Geo 1	Geo 1	
Of which: interest before FISIM	Geo 1	Geo 1	
Reserve assets	Geo 1		
Other primary income	Geo 2	Geo 2	
Secondary income	Geo 2	Geo 2	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Of which: workers' remittances	Geo 1	Geo 1	
2. Capital account	Geo 2	Geo 2	
Gross acquisitions/disposals of non-produced non-financial assets	Geo 1	Geo 1	
Capital transfers	Geo 1	Geo 1	
	Net acquisition of financial assets	Net incurrence of liabilities	Net
3. Financial account	Geo 2 ⁽¹⁾	Geo 1	
Direct investment	Geo 2	Geo 2	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Equity	Geo 2	Geo 2	
Debt instruments	Geo 2	Geo 2	
Portfolio investment	Geo 2	Geo 1	
Equity and investment fund shares	Geo 2	Geo 1	

	Net acquisition of financial assets	Net incurrence of liabilities	Net
Equity securities	Geo 1	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Investment fund shares	Geo 1	Geo 1	
Central bank	Geo 1		
Other MFIs	Geo 1	Geo 1	
General government	Geo 1		
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1		
Counterpart issuer sector: Other MFIs	Geo 1		
Debt securities	Geo 2	Geo 1	
Short-term	Geo 2	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Long-term	Geo 2	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	

	Net acquisition of financial assets	Net incurrence of liabilities	Net
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Financial derivatives (other than reserves) and employee stock options			Geo 1
Central bank			Geo 1
Other MFIs			Geo 1
General government			Geo 1
Other sectors			Geo 1
Financial corporations other than MFIs			Geo 1
Non-financial corporations, households, and NPISHs			Geo 1
Other investment	Geo 2	Geo 2	
Other equity	Geo 1	Geo 1	
Currency and deposits	Geo 2	Geo 2	
Central bank	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	

	Net acquisition of financial assets	Net incurrence of liabilities	Net
Loans	Geo 2	Geo 2	
Central bank	Geo 1		
Short-term	Geo 1		
Long-term	Geo 1		
Other MFIs	Geo 1		
Short-term	Geo 1		
Long-term	Geo 1		
General government	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Insurance, pension schemes, and standardised guarantee schemes	Geo 1	Geo 1	
Trade credits and advances	Geo 2	Geo 2	
<i>Of which:</i> Non-financial corporations, house- holds, and NPISHs	Geo 1	Geo 1	
Other accounts receivable/payable	Geo 1	Geo 1	
SDRs		Geo 1	
Reserve assets	Geo 1		
4. Balancing items			
Balance on goods and services			Geo 2
Current account balance			Geo 1
Net lending (+)/net borrowing (-) (balance from current and capital account)			Geo 1
Net lending (+)/net borrowing (-) (from finan- cial account)			Geo 1
Net errors and omissions			Geo 1

(1) Including "financial derivatives — net".;

(c) Table 4 is replaced by the following:

‘Table 4

Quarterly international investment position

	Assets			Liabilities			Net
	Positions	Revaluations due to exchange rate changes	Revaluations due to other price changes	Positions	Revaluations due to exchange rate changes	Revaluations due to other price changes	Revaluations due to other price changes
Financial account ⁽¹⁾	Geo 1 ⁽²⁾			Geo 1			
Direct investment	Geo 4			Geo 4			
Equity and investment funds shares	Geo 4	Geo 2	Geo 2	Geo 4	Geo 2	Geo 2	
<i>In direct investment enterprises</i>	Geo 2			Geo 2			
<i>In direct investor (reverse investment)</i>	Geo 2			Geo 2			
<i>Between fellow enterprises</i>	Geo 2			Geo 2			
By resident sector (Sec 2) ⁽³⁾	Geo 2			Geo 2			
a. <i>Equity</i>							
<i>Listed</i>	Geo 2			Geo 2			
<i>Unlisted</i>	Geo 2			Geo 2			
<i>Other (e.g. real estate)</i>	Geo 2			Geo 2			
b. <i>Investment funds shares</i>	Geo 2			Geo 2			
Debt instruments	Geo 4	Geo 2	Geo 2	Geo 4	Geo 2	Geo 2	
<i>In direct investment enterprises</i>	Geo 2			Geo 2			
<i>In direct investor (reverse investment)</i>	Geo 2			Geo 2			
<i>Between fellow enterprises</i>	Geo 2			Geo 2			
By resident sector (Sec 2)	Geo 2			Geo 2			
Portfolio investment	Geo 4			Geo 1			
Equity and investment fund shares	Geo 4			Geo 1			
Equity securities							
By resident sector (Sec 2)	Geo 3			Geo 1			
<i>Listed</i>	Geo 2	Geo 2	Geo 2	Geo 1	Geo 1	Geo 1	
<i>Unlisted</i>	Geo 2	Geo 2	Geo 2	Geo 1	Geo 1	Geo 1	
By counterpart issuer sector (Sec 2)							
<i>Listed</i>	Geo 2	Geo 2	Geo 2				
<i>Unlisted</i>	Geo 2	Geo 2	Geo 2				

	Assets			Liabilities			Net
	Positions	Revaluations due to exchange rate changes	Revaluations due to other price changes	Positions	Revaluations due to exchange rate changes	Revaluations due to other price changes	Revaluations due to other price changes
Investment fund shares							
By resident sector (Sec 2)	Geo 2	Geo 2	Geo 2	Geo 1	Geo 1	Geo 1	
By counterpart issuer sector (Sec 2)	Geo 2	Geo 2	Geo 2				
Debt securities							
Short-term	Geo 4			Geo 1			
By resident sector (Sec 2)	Geo 3	Geo 2	Geo 2	Geo 1	Geo 1	Geo 1	
By counterpart issuer sector (Sec 2)	Geo 2	Geo 2	Geo 2				
By currency:							
Euro	Geo 2			Geo 1			
US dollar	Geo 2			Geo 1			
Other currencies	Geo 2			Geo 1			
Long-term	Geo 4			Geo 1			
By resident sector (Sec 2)	Geo 3	Geo 2	Geo 2	Geo 1	Geo 1	Geo 1	
With redemption due in one year or less				Geo 1			
With redemption due in more than one year				Geo 1			
By counterpart issuer sector (Sec 2)	Geo 2	Geo 2	Geo 2				
With redemption due in one year or less	Geo 2						
With redemption due in more than one year	Geo 2						
By currency:							
Euro	Geo 2			Geo 1			
US dollar	Geo 2			Geo 1			
Other currencies	Geo 2			Geo 1			
Financial derivatives (other than reserves) and employee stock options	Geo 4			Geo 4			
By resident sector (Sec 2)	Geo 2			Geo 2			Geo 2

	Assets			Liabilities			Net
	Positions	Revaluations due to exchange rate changes	Revaluations due to other price changes	Positions	Revaluations due to exchange rate changes	Revaluations due to other price changes	Revaluations due to other price changes
Other investment	Geo 4			Geo 4			
By resident sector (Sec 1)	Geo 4			Geo 4			
By resident sector (Sec 2)		Geo 2	Geo 2		Geo 2	Geo 2	
Other equity	Geo 2	Geo 2	Geo 2	Geo 2	Geo 2	Geo 2	
Currency and deposits	Geo 4	Geo 2		Geo 4	Geo 2		
By resident sector (Sec 2)							
Short-term	Geo 3			Geo 3			
Long-term	Geo 3			Geo 3			
Loans	Geo 4	Geo 2		Geo 4	Geo 2		
By resident sector (Sec 2)							
Short-term	Geo 3, IMF			Geo 3, IMF			
Long-term	Geo 3, IMF			Geo 3, IMF			
Insurance, pension schemes, and standardised guarantee schemes		Geo 2	Geo 2		Geo 2	Geo 2	
By resident sector (Sec 2)	Geo 3			Geo 3			
Trade credits and advances	Geo 4	Geo 2		Geo 4	Geo 2		
By resident sector (Sec 2)							
Short-term	Geo 3			Geo 3			
Long-term	Geo 3			Geo 3			
Other accounts receivable/payable		Geo 2			Geo 2		
By resident sector (Sec 2)							
Short-term	Geo 3			Geo 3			
Long-term	Geo 3			Geo 3			
SDRs				Geo 1	Geo 1		

⁽¹⁾ Concepts and definitions of selected items are specified in Annex III.

⁽²⁾ The details of the required geographical breakdowns are specified in Table 7.

⁽³⁾ The details of the required institutional sector breakdowns are specified in Table 8.;

(d) the following Table 4A is inserted:

‘Table 4A

Quarterly international investment position — publishable subset

	Positions		
	Assets	Liabilities	Net
Financial account	Geo 2	Geo 1	
Direct investment	Geo 2	Geo 2	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Equity	Geo 2	Geo 2	
Debt instruments	Geo 2	Geo 2	
Portfolio investment	Geo 2	Geo 1	
Equity and investment fund shares	Geo 2	Geo 1	
Equity securities	Geo 1	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Investment fund shares	Geo 1	Geo 1	
Central bank	Geo 1		
Other MFIs	Geo 1	Geo 1	
General government	Geo 1		
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1		
Counterpart issuer sector: Other MFIs	Geo 1		

	Positions		
	Assets	Liabilities	Net
Debt securities	Geo 2	Geo 1	
Short-term	Geo 2	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Long-term	Geo 2	Geo 1	
Central bank	Geo 1	Geo 1	
Other MFIs	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Financial derivatives (other than reserves) and employee stock options			Geo 1
Central bank			Geo 1
Other MFIs			Geo 1
General government			Geo 1
Other sectors			Geo 1
Financial corporations other than MFIs			Geo 1
Non-financial corporations, households, and NPISHs			Geo 1
Other investment	Geo 2	Geo 2	
Other equity	Geo 1	Geo 1	
Currency and deposits	Geo 2	Geo 2	
Central bank	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	

	Positions		
	Assets	Liabilities	Net
Other MFIs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
General government	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Loans	Geo 2	Geo 2	
Central bank	Geo 1		
Short-term	Geo 1		
Long-term	Geo 1		
Other MFIs	Geo 1		
Short-term	Geo 1		
Long-term	Geo 1		
General government	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Other sectors	Geo 1	Geo 1	
Financial corporations other than MFIs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	
Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Short-term	Geo 1	Geo 1	
Long-term	Geo 1	Geo 1	

	Positions		
	Assets	Liabilities	Net
Insurance, pension schemes, and standardised guarantee schemes	Geo 1	Geo 1	
Trade credits and advances	Geo 2	Geo 2	
<i>Of which:</i> Non-financial corporations, households, and NPISHs	Geo 1	Geo 1	
Other accounts receivable/payable	Geo 1	Geo 1	
SDRs		Geo 1'	

