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Contents

II *Non-legislative acts*

REGULATIONS

- Commission Implementing Regulation (EU) 2016/251 of 23 February 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

DECISIONS

- ★ **Decision (EU) 2016/252 of the European Parliament and of the Council of 25 November 2015 on the mobilisation of the European Union Solidarity Fund for the payment of advances** 5
- ★ **Decision (EU) 2016/253 of the European Parliament and of the Council of 25 November 2015 on the mobilisation of the Flexibility Instrument for immediate budgetary measures to address the refugee crisis** 6
- ★ **Council Implementing Decision (EU) 2016/254 of 12 February 2016 on the launch of automated data exchange with regard to vehicle registration data (VRD) in Latvia** 8
- ★ **Commission Decision (EU) 2016/255 of 23 February 2016 amending the Annex to the Monetary Agreement between the European Union and the Vatican City State** 10

GUIDELINES

- ★ **Guideline (EU) 2016/256 of the European Central Bank of 5 February 2016 concerning the extension of common rules and minimum standards to protect the confidentiality of the statistical information collected by the European Central Bank assisted by the national central banks to national competent authorities of participating Member States and to the European Central Bank in its supervisory functions (ECB/2016/1)** 16

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

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

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/251**of 23 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*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

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

Done at Brussels, 23 February 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

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	IL	283,3
	MA	91,7
	SN	172,2
	TN	107,9
	TR	102,0
	ZZ	151,4
0707 00 05	MA	84,1
	TR	177,1
	ZZ	130,6
0709 91 00	TN	173,6
	ZZ	173,6
0709 93 10	MA	40,5
	TR	159,5
	ZZ	100,0
0805 10 20	EG	44,1
	IL	77,2
	MA	51,2
	TN	54,0
	TR	61,7
	ZZ	57,6
0805 20 10	IL	130,4
	MA	88,5
	TR	84,6
	ZZ	101,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	68,8
	IL	138,8
	JM	161,2
	MA	113,4
	TR	43,5
	ZZ	105,1
0805 50 10	EG	90,7
	IL	96,1
	MA	64,8
	TR	90,7
	ZZ	85,6

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0808 10 80	CL	93,6
	US	107,4
	ZZ	100,5
0808 30 90	CL	114,0
	CN	89,7
	TR	156,1
	ZA	100,0
	ZZ	115,0

⁽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

DECISION (EU) 2016/252 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 November 2015

on the mobilisation of the European Union Solidarity Fund for the payment of advances

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽¹⁾, and in particular Article 4a(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽²⁾, and in particular point 11 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union Solidarity Fund (the 'Fund') aims to enable the Union to respond in a rapid, efficient and flexible manner to emergency situations and to show solidarity with the population of regions struck by disasters.
- (2) The Fund is not to exceed a maximum amount of EUR 500 million (2011 prices), as laid down in Article 10 of Council Regulation (EU, Euratom) No 1311/2013 ⁽³⁾.
- (3) Article 4a(4) of Regulation (EC) No 2012/2002 foresees that the Fund may be mobilised in an amount up to a maximum of EUR 50 000 000 for the payment of advances, and the corresponding appropriations entered into the general budget of the Union,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2016, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 50 000 000 in commitment and payment appropriations for the payment of advances.

Article 2

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

Done at Strasbourg, 25 November 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. SCHMIT

⁽¹⁾ OJ L 311, 14.11.2002, p. 3.

⁽²⁾ OJ C 373, 20.12.2013, p. 1.

⁽³⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

DECISION (EU) 2016/253 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 25 November 2015
on the mobilisation of the Flexibility Instrument for immediate budgetary measures to address the
refugee crisis

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽¹⁾, and in particular point 12 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 11 of Council Regulation (EU, Euratom) No 1311/2013 ⁽²⁾ allows for the mobilisation of the Flexibility Instrument within the annual ceiling of EUR 471 million (2011 prices) to allow the financing of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings.
- (2) Due to the urgent needs, it is necessary to mobilise an important additional amount to finance measures to alleviate the migration and refugee crisis.
- (3) After having examined all possibilities for re-allocating appropriations under the expenditure ceilings for heading 3 (*Security and Citizenship*) and heading 4 (*Global Europe*), it appears necessary to mobilise the Flexibility Instrument to complement the financing in the general budget of the European Union for the financial year 2016, beyond the ceilings of heading 3 by EUR 1 506 million and heading 4 by EUR 24 million to finance measures in the field of migration and refugees. The unused annual amounts available for the Flexibility Instruments of the financial years 2014 and 2015 should be used for this mobilisation.
- (4) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument should be distributed over several financial years and are estimated to EUR 734,2 million in 2016, EUR 654,2 million in 2017, EUR 83,0 million in 2018, and EUR 58,6 million in 2019,

HAVE ADOPTED THIS DECISION:

Article 1

1. For the general budget of the European Union for the financial year 2016, the Flexibility Instrument shall be mobilised to provide the sum of EUR 1 506 million in commitment appropriations in heading 3 (*Security and citizenship*) and EUR 24 million in commitment appropriations in heading 4 (*Global Europe*).

Those amounts shall be used to finance measures for managing the refugee crisis.

2. On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument will be as follows:

- (a) EUR 734,2 million in 2016;
- (b) EUR 654,2 million in 2017;

⁽¹⁾ OJ C 373, 20.12.2013, p. 1.

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

(c) EUR 83,0 million in 2018;

(d) EUR 58,6 million in 2019.

The specific amounts for each financial year shall be authorised in accordance with the annual budgetary procedure.

Article 2

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

Done at Strasbourg, 25 November 2015.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
N. SCHMIT

COUNCIL IMPLEMENTING DECISION (EU) 2016/254**of 12 February 2016****on the launch of automated data exchange with regard to vehicle registration data (VRD) in Latvia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾, and in particular Article 33 thereof,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) According to Article 25(2) of Decision 2008/615/JHA, the supply of personal data provided for under that Decision may not take place until the general provisions on data protection set out in Chapter 6 of that Decision have been implemented in the national law of the territories of the Member States involved in such supply.
- (2) Article 20 of Council Decision 2008/616/JHA ⁽³⁾ provides that the verification that the above condition has been met with respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.
- (3) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council working group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.
- (4) Latvia has completed the questionnaire on data protection and the questionnaire on vehicle registration data (VRD) exchange.
- (5) A successful pilot run has been carried out by Latvia with the Netherlands.
- (6) An evaluation visit has taken place in Latvia and a report on the evaluation visit has been produced by the Dutch and Lithuanian evaluation team and forwarded to the relevant Council working group.
- (7) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning VRD exchange, has been presented to the Council.
- (8) On 8 October 2015, the Council concluded that Latvia had fully implemented the general provisions on data protection set out in Chapter 6 of Decision 2008/615/JHA.
- (9) Therefore, for the purposes of automated searching of VRD, Latvia should be entitled to receive and supply personal data pursuant to Article 12 of Decision 2008/615/JHA.
- (10) Denmark is bound by Decision 2008/615/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2008/615/JHA.
- (11) Ireland is bound by Decision 2008/615/JHA and is therefore taking part in the adoption and application of this Decision which implements Decision 2008/615/JHA.
- (12) The United Kingdom is not bound by Decision 2008/615/JHA and is therefore not taking part in the adoption of this Decision which implements Decision 2008/615/JHA and is not bound by it or subject to its application,

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.

⁽²⁾ Opinion of 20 January 2016 (not yet published in the Official Journal).

⁽³⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of automated searching of Vehicle Registration Data, Latvia is entitled to receive and supply personal data pursuant to Article 12 of Decision 2008/615/JHA as from 24 February 2016.

Article 2

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

This Decision shall apply in accordance with the Treaties.

Done at Brussels, 12 February 2016.

For the Council

The President

J.R.V.A. DIJSSELBLOEM

COMMISSION DECISION (EU) 2016/255**of 23 February 2016****amending the Annex to the Monetary Agreement between the European Union and the Vatican City State**

THE EUROPEAN COMMISSION,

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

Having regard to the Monetary Agreement of 17 December 2009 between the European Union and the Vatican City State, and in particular Article 8(3) thereof,

Whereas:

- (1) Article 8(1) of the Monetary Agreement between the European Union and the Vatican City State ('the Monetary Agreement') requires the Vatican City State to implement Union legal acts and rules on euro banknotes and coins, prevention of money laundering, of fraud and counterfeiting of cash and non-cash means of payment; medals and tokens and statistical reporting requirements. Those acts and rules are listed in the Annex to the Monetary Agreement.
- (2) The Annex to the Monetary Agreement needs to be amended by the Commission every year to take into account the new relevant Union legal acts and rules and the amendments to the existing ones.
- (3) Some new relevant legal acts and rules of the Union and some amendments to existing legal acts were adopted and have to be added to the Annex.
- (4) The Annex to the Monetary Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the Monetary Agreement between the European Union and the Vatican City State is replaced by the text in the Annex 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, 23 February 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

‘ANNEX

	Legal Provisions to be implemented	Deadline for implementing
	Prevention of money laundering	
1	Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15) (*)	31 Dec 2010
	Amended by:	
2	Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as regards the implementing powers conferred on the Commission (OJ L 76, 19.3.2008, p. 46).	
	Supplemented by:	
3	Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	
4	Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9).	
5	Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (OJ L 214, 4.8.2006, p. 29) (**)	
6	Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ L 345, 8.12.2006, p. 1).	
7	Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39).	31 Dec 2016 ⁽²⁾
8	Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ L 141, 5.6.2015, p. 1).	31 Dec 2017 ⁽³⁾

	Legal Provisions to be implemented	Deadline for implementing
9	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	31 Dec 2017 ⁽³⁾
	Prevention of fraud and counterfeiting	
10	Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment (OJ L 149, 2.6.2001, p. 1).	31 Dec 2010
11	Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6). Amended by:	31 Dec 2010
12	Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).	
13	Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1). Amended by:	31 Dec 2010
14	Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5).	
15	Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).	31 Dec 2016 ⁽²⁾
	Rules on euro banknotes and coins	
16	Council Conclusions of 23 November 1998 and of 5 November 2002 on collector coins	31 Dec 2010
17	Council Conclusions of 10 May 1999 on the quality management system for euro coins	31 Dec 2010
18	Communication from the Commission 2001/C-318/03 of 22 October 2001 on copyright protection of the common face design of the euro coins (C(2001) 600 final) (OJ C 318, 13.11.2001, p. 3).	31 Dec 2010

	Legal Provisions to be implemented	Deadline for implementing
19	Guideline ECB/2003/5 of the European Central Bank of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20). Amended by:	31 Dec 2010
20	Guideline ECB/2013/11 of the European Central Bank of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43).	31 Dec 2014 ⁽¹⁾
21	Decision ECB/2010/14 of the European Central Bank of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1). Amended by:	31 Dec 2012
22	Decision ECB/2012/19 of the European Central Bank of 7 September 2012 (OJ L 253, 20.9.2012, p. 19).	31 Dec 2013 ⁽¹⁾
23	Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1).	31 Dec 2012
24	Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135).	31 Dec 2013 ⁽¹⁾
25	Decision ECB/2013/10 of the European Central Bank of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 37).	31 Dec 2014 ⁽¹⁾
26	Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation (Recast) (OJ L 194, 2.7.2014, p. 1).	31 Dec 2013 ⁽²⁾

Section of the Annex to the Monetary Agreement in accordance with the Ad hoc arrangement of the Joint Committee on a request from the Holy See and Vatican City State on the inclusion of relevant rules applicable to entities carrying out financial activities on a professional basis

	Relevant parts of the following legal instruments	Deadline for implementing
27	Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1). Amended by:	31 Dec 2016 ⁽²⁾
28	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 (OJ L 283, 27.10.2001, p. 28).	

	Relevant parts of the following legal instruments	Deadline for implementing
29	Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 (OJ L 178, 17.7.2003, p. 16).	
30	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 (OJ L 224, 16.8.2006, p. 1).	
31	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	31 Dec 2017 ⁽²⁾
32	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 (OJ L 176, 27.6.2013, p. 1). Amended by:	31 Dec 2017 ⁽²⁾
33	Commission Delegated Regulation (EU) 2015/62 of 10 October 2014 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the leverage ratio (OJ L 11, 17.1.2015, p. 37). Supplemented by:	31 Dec 2017 ⁽³⁾
34	Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions (OJ L 74, 14.3.2014, p. 8), Amended by:	31 Dec 2017 ⁽³⁾
35	Commission Delegated Regulation (EU) 2015/923 of 11 March 2015 amending Delegated Regulation (EU) No 241/2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions (OJ L 150, 17.6.2015, p. 1).	31 Dec 2017 ⁽³⁾
36	Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for Credit Institutions (OJ L 11, 17.1.2015, p. 1).	31 Dec 2017 ⁽³⁾
	Legislation on collection of statistical information	
37	Guideline ECB/2013/24 of the European Central Bank of 25 July 2013 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 2, 7.1.2014, p. 34).	31 Dec 2016 ⁽²⁾

	Relevant parts of the following legal instruments	Deadline for implementing
38	Regulation (EU) No 1071/2013 of the European Central Bank of 24 September 2013 concerning the balance sheet of the monetary financial institutions sector (ECB/2013/33) (OJ L 297, 7.11.2013, p. 1). Amended by:	31 Dec 2016 ⁽²⁾
39	Regulation (EU) No 1375/2014 of the European Central Bank of 10 December 2014 amending Regulation (EU) No 1071/2013 (ECB/2013/33) concerning the balance sheet of the monetary financial institutions sector (ECB/2014/51) (OJ L 366, 20.12.2014, p. 77).	
40	Regulation (EU) No 1072/2013 of the European Central Bank of 24 September 2013 concerning statistics on interest rates applied by monetary financial institutions (ECB/2013/34) (OJ L 297, 7.11.2013, p. 51). Amended by:	31 Dec 2016 ⁽²⁾
41	Regulation (EU) No 756/2014 of the European Central Bank of 8 July 2014 amending Regulation (EU) No 1072/2013 (ECB/2013/34) concerning statistics on interest rates applied by monetary financial institutions (ECB/2014/30) (OJ L 205, 12.7.2014, p. 14).	
42	Guideline ECB/2014/15 of the European Central Bank of 4 April 2014 on monetary and financial statistics (OJ L 340, 26.11.2014, p. 1). Amended by:	31 Dec 2016 ⁽²⁾
43	Guideline ECB/2014/43 of the European Central Bank of 6 November 2014 amending Guideline ECB/2014/15 on monetary and financial statistics (OJ L 93, 9.4.2015, p. 82).	

⁽¹⁾ These deadlines were agreed by the Joint Committee of 2013.

⁽²⁾ These deadlines were agreed by the Joint Committee of 2014.

⁽³⁾ These deadlines were agreed by the Joint Committee of 2015.

^(*) Directive 2005/60/EC is repealed by Directive 2015/849/EU but remains in the annex until the deadline decided for the transposition of Directive 2015/849/EU.

^(**) Commission Directive 2006/70/EC is repealed by Directive 2015/849/EU but remains in the annex until the deadline decided for the transposition of Directive 2015/849/EU.

GUIDELINES

GUIDELINE (EU) 2016/256 OF THE EUROPEAN CENTRAL BANK

of 5 February 2016

concerning the extension of common rules and minimum standards to protect the confidentiality of the statistical information collected by the European Central Bank assisted by the national central banks to national competent authorities of participating Member States and to the European Central Bank in its supervisory functions (ECB/2016/1)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 127(6) thereof,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 6(1) in conjunction with Article 6(7) thereof,

Whereas:

- (1) Article 5.1 of the Statute of the European System of Central Banks and of the European Central Bank requires the European Central Bank (ECB), assisted by the national central banks (NCBs), to collect either from the competent national authorities or directly from economic agents the statistical information which is necessary to undertake the tasks of the European System of Central Banks (ESCB).
- (2) Article 8(3) of Council Regulation (EC) No 2533/98 ⁽²⁾ requires the ESCB members to take all the necessary regulatory, administrative, technical and organisational measures to ensure the physical and logical protection of confidential statistical information. To this end, the ECB must define common rules and implement minimum standards to prevent unlawful disclosure and unauthorised use of confidential statistical information.
- (3) Guideline ECB/1998/NP28 of the European Central Bank ⁽³⁾ establishes the common rules and minimum standards required by Article 8(3) of Regulation (EC) No 2533/98, which ensure a basic level of protection of confidential statistical information collected by the ECB.
- (4) Following the establishment of the Single Supervisory Mechanism (SSM), Council Regulation (EU) 2015/373 ⁽⁴⁾ amended Article 8(1)(d) and Article 8(4) of Regulation (EC) No 2533/98 allowing the transmission and use of confidential statistical information, for the performance of tasks in the field of prudential supervision given to the members of the ESCB. The processing of confidential statistical information by the members of the ESCB should be subject to appropriate protection of confidentiality, as required under Article 8(3) of Regulation (EC) No 2533/98.
- (5) Furthermore, Regulation (EU) 2015/373 inserted a new Article 8(4a) into Regulation (EC) No 2533/98 which allows the ESCB to transmit confidential statistical information to authorities or bodies of the Member States responsible for the supervision of financial institutions, markets and infrastructures to the extent and at the level of detail necessary for the performance of their respective tasks. The authorities or bodies receiving confidential statistical information should take all the necessary regulatory, administrative, technical and organisational measures to ensure the physical and logical protection of confidential statistical information.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).

⁽³⁾ Guideline ECB/1998/NP28 of 22 December 1998 concerning the common rules and minimum standards to protect the confidentiality of the individual statistical information collected by the European Central Bank assisted by the national central banks (OJ L 55, 24.2.2001, p. 72).

⁽⁴⁾ Council Regulation (EU) 2015/373 of 5 March 2015 amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ L 64, 7.3.2015, p. 6).

- (6) Guideline ECB/1998/NP28 specifies obligations of the members of the ESCB with regard to the handling of confidential statistical information with regard to their tasks outside the SSM. The same level of protection should be ensured in the transmission and subsequent use of confidential statistical information with regard to both national competent authorities (NCAs) of Member States participating in the SSM, including NCBs with regard to their function as NCAs, and the ECB in the performance of its tasks under Regulation (EU) No 1024/2013.
- (7) Article 6(7) of Regulation (EU) No 1024/2013 empowers the ECB, in consultation with national competent authorities, and on the basis of a proposal from the Supervisory Board, to adopt and make public a framework to organise the practical arrangements for the implementation of that Article, which, inter alia, provides that the ECB is responsible for the effective and consistent functioning of the SSM,

HAS ADOPTED THIS GUIDELINE:

Article 1

Definitions

For the purposes of this Guideline, the following definitions shall apply:

- (1) 'confidential statistical information' means statistical information which is defined as confidential in accordance with Article 1(12) of Regulation (EC) No 2533/98 and which has been collected in accordance with the provisions and for the purposes outlined in that Regulation;
- (2) 'protection measures' means procedures appropriate for the protection, both logical and physical, of confidential statistical information;
- (3) 'logical protection measures' means measures that prevent unauthorised access to confidential statistical information itself;
- (4) 'physical protection measures' means measures that prevent unauthorised access to a physical area and physical media;
- (5) 'physical area' means any part of a building in which are located the physical media on which confidential statistical information is stored or over which it is transmitted;
- (6) 'physical media' means hard copies (paper) and computer equipment (including peripherals and storage devices) on which confidential statistical information is stored or processed;
- (7) 'national competent authority' has the meaning given in Article 2(2) of Regulation (EU) No 1024/2013;
- (8) 'reporting agent' has the meaning given in Article 1(2) of Regulation (EC) No 2533/98.

Article 2

Logical protection

- 1. The ECB and the NCAs shall each define and implement authorisation rules and logical protection measures governing their staff's access to confidential statistical information.
- 2. Without prejudice to the continuity of the system administration function, the minimum protection measure to be implemented shall be a unique user identifier and personalised password.

3. All appropriate measures shall be taken to ensure that confidential statistical information is arranged in such a way that any published data covers at least three economic agents. Where one or two economic agents make up a sufficiently large proportion of any observation to make them indirectly identifiable, published data shall be arranged in such a way as to prevent their indirect identification. These rules shall not apply if the reporting agents or the other legal persons, natural persons, entities or branches that can be identified have explicitly given their consent to disclosure.

Article 3

Physical protection

The ECB and the NCAs shall each define and implement authorisation rules and physical protection measures governing their staff's access to any physical area, without prejudice to Article 4 of this Guideline.

Article 4

Third party access

In the event of any third party having access to confidential statistical information in line with Article 8(4a) of Regulation (EC) No 2533/98, the ECB and the NCAs shall ensure through appropriate means, where possible by way of a contract, that the confidentiality requirements as prescribed in Regulation (EC) No 2533/98 and in this Guideline are complied with by the third party.

Article 5

Data transmission and networks

1. Where allowed by Article 8 of Regulation (EC) No 2533/98, confidential statistical information shall be transmitted *extra muros* electronically, following encryption.
2. The ECB and the NCAs shall each define authorisation rules for such transmission of confidential statistical information.
3. For internal networks, appropriate protection measures shall be taken to prevent unauthorised access.
4. Interactive access to confidential statistical information from unsecured networks shall be prohibited.

Article 6

Documentation and staff awareness

The ECB and the NCAs shall ensure that all their rules and procedures relating to the protection of confidential statistical information are documented, and that this documentation is kept up to date. The staff involved shall be informed about the importance of the protection of confidential statistical information and kept up to date about all rules and procedures that affect their work.

Article 7

Reporting

1. The NCAs shall inform the ECB at least once a year of any problems experienced since the last report, actions taken in response to these problems and planned improvements with regard to the protection of confidential statistical information. The ECB shall also draw up a report covering the same issues at least once a year.

2. The Governing Council shall assess the implementation of this Guideline at least once a year. In preparation for that assessment, the ECB shall be informed of the authorisation rules and types of protection measures applied by the NCAs as referred to in Articles 2, 3 and 5 of this Guideline. The ECB shall report to the Governing Council on the application of those rules and protection measures by both the NCAs and the ECB.

Article 8

Taking effect and implementation

1. This Guideline shall take effect on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. The NCAs and the ECB shall ensure that the provisions of this Guideline also apply to members of their decision making bodies.
3. The ECB and the NCAs shall aim, to the extent legally feasible, to extend the obligations defined in implementation of the provisions of this Guideline to persons involved in the performance of supervisory tasks who are not staff members.

Article 9

Addressees

This Guideline is addressed to the NCAs, and to the ECB in the performance of its tasks under Regulation (EU) No 1024/2013, in each case insofar as they receive confidential statistical information from the ESCB.

Done at Frankfurt am Main, 5 February 2016.

For the Governing Council of the ECB
The President of the ECB
Mario DRAGHI

