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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.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the entry into force of the Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Republic of Croatia to the European Union

The Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Republic of Croatia to the European Union ⁽¹⁾, notified on 29 July 2015 and 24 February 2016 respectively, has, in accordance with Article 7(1) thereof, entered into force on 1 March 2016.

⁽¹⁾ OJ L 117, 8.5.2015, p. 3.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/451

of 16 December 2015

laying down general principles and criteria for the investment strategy and rules for the administration of the Single Resolution Fund

THE EUROPEAN COMMISSION,

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

Having regard to 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 a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ⁽¹⁾, and in particular Article 75(4) thereof,

Whereas:

- (1) Regulation (EU) No 806/2014 establishes the Single Resolution Fund ('the Fund') owned by the Single Resolution Board ('the Board').
- (2) The general principles and criteria for the investment strategy of the Fund should define the essential and foundational elements of the investment strategy that is to be adopted by the Board. The investment objectives should constitute one of those elements. In line with the requirement that the Board have a safe and prudent investment strategy, the overarching goal should be to protect the value of the Fund and satisfy its liquidity requirements. However, due to the intrinsic nature of investments, changing market conditions and interest rate environment, even the safest and most liquid assets may entail negative returns. In this respect, a loss incurred on the portfolio should not imply a violation of the investment objectives.
- (3) Regulation (EU) No 806/2014 requires amounts held in the Fund to be invested in obligations of the Member States or intergovernmental organisations, or in highly liquid assets of high creditworthiness, taking into account Commission Delegated Regulation (EU) 2015/61 ⁽²⁾ which defines assets of high liquidity and high credit quality and lays down requirements on their composition. Therefore, assets eligible for the investments of the Fund and criteria for the composition of the portfolio should be defined with reference to Delegated Regulation (EU) 2015/61. The eligibility of an asset for investment should not lead the Board to an automatic investment decision. Rather, the Board should always conduct an assessment of eligible assets. The interaction with the entire investment portfolio should be considered when determining the prudence of an individual investment. For instance, a volatile asset with a negative correlation to the portfolio could be judged in isolation as too risky but have a positive diversification effect for the overall portfolio. For that assessment, the Board should choose between the different levels (issuer, asset class, security) and sources of information that allow it to evaluate the liquidity, creditworthiness and compatibility with the investment objectives.
- (4) Criteria should be provided to further specify sectorial diversification. In order to be applicable, sectorial diversification requires a definition of 'sector'. For practical reasons, high levels of sectorial classification should be used. Council Regulation (EC) No 2223/96 ⁽³⁾ defines institutional sectors which can be used to diversify the

⁽¹⁾ OJ L 225, 30.7.2014, p. 1.

⁽²⁾ 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).

⁽³⁾ Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (OJ L 310, 30.11.1996, p. 1).

investments of the Fund by type of economic entity. In addition, Regulation (EC) No 1893/2006 of the European Parliament and of the Council ⁽¹⁾ defines a statistical classification of economic activities whose highest level (section) is appropriate to provide criteria for diversification to the Board. Finally, given the mission of the Fund, not only direct but also indirect exposures to the financial sector should be limited.

- (5) Criteria should be provided to further specify geographical diversification. In order to ensure sufficient geographical diversification, the Board should make use of readily available criteria, namely the principles referred to in Article 77 of Regulation (EU) No 806/2014, which imply the calculation of the shares of contributions of institutions established in each participating Member State. Given that those shares are based on the size of the contributing credit institutions and investment firms, and adjusted to their risk profile, they will be positively correlated with the size and depth of the corresponding financial markets. Since other considerations may warrant additional investments in a given participating Member State, a buffer should be introduced to allow further margin of appreciation by the Board, while ensuring minimum diversification across a sufficient number of participating Member States. In addition, since those shares may not be calculated for investments in non-participating Member States or third countries, they should be subject to limits to be set by the Board proportionally to those for participating Member States, on the basis of the similarities between countries.
- (6) Criteria should be provided to further specify proportional diversification. It is prudent for the Board to limit the exposure to any particular issue or issuer and to make use of different maturities in order to meet its investment objectives. As regards individual issues, commercial paper is issued with an International Securities Identification Number (ISIN) corresponding to the specific investment of the investor (in terms of maturity, amount and other characteristics), so that the investor owns 100 % of the security even if it does not own 100 % of the entire commercial paper programme. This should be taken into account when defining limits to the exposure to a particular issue. In addition, since irrevocable payment commitments may represent a significant share of the total amount of contributions to the Fund, the Board should also consider the collateral pledged to back irrevocable payment commitments when monitoring its overall concentration risk.
- (7) Given the need to set up a prudent and safe investment strategy, the Board should limit its use of derivatives. In order to minimise counterparty credit risk, the Board should only use derivatives cleared by a central counterparty as authorised or recognised according to Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾. Transacting with certain central banks could also be consistent with the objective of minimising counterparty risk, provided that other risks, such as credit risk, are appropriately controlled. Given that derivatives are usually issued by credit institutions, and other entities referred to in Article 7(4) of Delegated Regulation (EU) 2015/61, the general prohibition to invest in assets issued by these entities laid down by that provision should not apply to the use of derivatives.
- (8) The Board should endeavour to hedge currency risk into a mix of the currencies of the Member States participating in the Fund on the basis of the financial capacity of the Fund and of the expected disbursements as determined by current information, assumptions and stress scenarios. The extent of the hedging, and consequently of the remaining open currency exposure, should be calibrated in order to limit the foreign exchange risk for the Fund to the degree that is appropriate and compatible with its investment objectives.
- (9) With regard to risk management, the Board should make use of best practices and establish internal capacities and functions to give effect to them. The adequate measurement of risk should be an essential element of that ongoing process.
- (10) While it is within the Board's prerogatives to decide on the implementation of investments, and therefore to outsource part of all of its investment tasks, any potential conflict with the prudent and safe behaviour that the Board should maintain and with its overall investment objectives should be avoided, in consideration of the public interest in the Fund's ability to fulfil its duties at all times. Therefore, the Board should outsource investment tasks only to providers that are not profit-seeking undertakings. This should not preclude service providers and the Board from contracting necessary services from other third parties for execution purposes. Furthermore, the Board should maintain responsibility and oversight at all times irrespective of any outsourcing decision. When referring to the best business practices on outsourcing within the financial sector, the Board

⁽¹⁾ Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

⁽²⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

should, to the extent possible, take into account existing best practices, such as the Guidelines on Outsourcing of 14 December 2006 by the Committee of European Banking Supervisors.

- (11) Until it has adopted its first investment strategy, the Board should be allowed to give effect to Article 75(3) of Regulation (EU) No 806/2014 by virtue of deposits with central banks. Similarly, it should be allowed to use estimates to determine the percentage limits on geographical concentration as laid down in this Regulation before the actual data to compute them becomes available.
- (12) Given the unique nature of the Fund, the general principles and criteria for its investment strategy and the rules for its management laid down in this Regulation may need to be reviewed relatively soon after their entry into force, once the Board has started applying them. To this end, the Board should provide the Commission with adequate information on the practical application of the new rules one year after the establishment of the Fund, subject to Article 99 of Regulation (EU) No 806/2014.
- (13) This Regulation should apply from 1 January 2016, when the Fund becomes operational pursuant to Regulation (EU) No 806/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation lays down rules concerning the investment by the Single Resolution Board ('the Board') of the amounts held in the Single Resolution Fund ('the Fund') referred to in Article 75(3) of Regulation (EU) No 806/2014.
2. This Regulation does not apply to collateral of low-risk assets unencumbered by any third-party rights, at the free disposal of and earmarked for the exclusive use by the Board as referred to in Article 70(3) of Regulation (EU) No 806/2014.

Article 2

Definitions

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

1. 'institutional sectors' means institutional sectors as defined by paragraph 1.28 of Annex A to Council Regulation (EC) No 2223/96;
2. 'sectors of economic activity' means sections set out in Annex I of Regulation (EC) No 1893/2006;
3. 'bodies governed by public law' shall mean bodies governed by public law as defined in Article 1(9) of Directive 2004/18/EC of the European Parliament and of the Council ⁽¹⁾;
4. 'ESCB central banks' shall mean ESCB central banks as defined in Article 4(1)(45) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽²⁾.

Article 3

Investment objectives

1. The Board shall conduct a prudent and safe investment strategy with the objective of protecting the value of the amounts held in the Fund and of satisfying the liquidity requirements of the Fund. The Board shall take into account both the financial capacity of the Fund and the expected disbursements according to the mission of the Fund as defined in Article 76 of Regulation (EU) No 806/2014. It shall take into account all available information and adequate assumptions and stress scenarios.
2. The investment strategy shall include a definition of the risk appetite, quantifying the maximum tolerable potential loss over a defined time horizon with a defined probability.

⁽¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

⁽²⁾ 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).

3. The amounts referred to in Article 1(1) of this Regulation shall be invested all together as a single pool of resources, regardless of the division of the Fund into national compartments provided for in Article 77 of Regulation (EU) No 806/2014.

Article 4

Eligible assets for investment

1. The Board shall determine the eligibility of assets for investment on the basis of the general requirements for liquid assets of credit institutions laid down in Article 7(2), (4), (5) and (6), and in points (a) and (b) of Article 7(7) of Delegated Regulation (EU) 2015/61.
2. The Board shall invest the amounts referred to in Article 1(1) exclusively in assets which meet the requirements established in Articles 10(1), 11(1), points (a) to (e) of Article 12(1) and Article 15(1) of Delegated Regulation (EU) 2015/61.
3. The requirements for credit institutions laid down in the second sentence of Article 10(1)(d) and in point (iii) of Article 10(1)(f), point (iii) of Article 11(1)(c), point (v) of Article 11(1)(d) and point (ii) of Article 12(1)(e) of Delegated Regulation (EU) 2015/61 shall not apply to the Board.
4. The Board shall conduct an appropriate assessment of an eligible asset before investing in it, including an evaluation of its liquidity and creditworthiness and of its compatibility with the investment objectives set out in Article 3. The interaction with the entire investment portfolio should be considered when determining the prudence of an individual investment.
5. In case any asset loses its eligibility, the Board shall progressively reduce the exposure of the Fund to that given asset. Without prejudice to Article 3, the Board shall do so within a timeframe and in a manner that minimise any impact on market prices.

Article 5

Composition of the portfolio

1. The Board shall comply with the following requirements on the composition of the Fund's portfolio:
 - (a) a minimum of 60 % of the portfolio shall be composed of assets which meet the requirements established in Article 10(1) of Delegated Regulation (EU) 2015/61;
 - (b) a minimum of 30 % of the portfolio shall be composed of assets which meet the requirements established in points (a) to (e) and (g) of Article 10(1) of Delegated Regulation (EU) 2015/61;
 - (c) a maximum of 15 % of the portfolio shall be held in assets which meet the requirements established in points (a) to (e) of Article 12(1) of Delegated Regulation (EU) 2015/61.
2. For the purposes of paragraph 1, assets which meet the requirements established in Article 15(1) of Delegated Regulation (EU) 2015/61 shall be treated equivalently to the assets underlying the relevant undertaking.

Article 6

Sectorial diversification

1. Investments of the amounts held in the Fund shall be sufficiently diversified across sectors.
2. The Board shall limit exposures to individual institutional sectors and to individual sectors of economic activity.
3. The Board shall take into account that correlations between sectors of economic activity may reduce the actual diversification achieved by application of paragraph 2.
4. In addition to the requirements of Article 4(1) of this Regulation, the Board shall also limit indirect exposures to the issuers set out in Article 7(4) of Delegated Regulation (EU) 2015/61.

*Article 7***Geographical diversification**

1. Investments of the amounts held in the Fund shall be geographically diversified, taking into account the structure and composition of any expenditure of the Fund estimated in Part II of the Board's budget pursuant to Article 60 of Regulation (EU) No 806/2014.
2. The exposures to eligible assets specified in Article 4 from issuers established in a given participating Member State, as a share of the total exposures of the Fund, shall not represent more than 1,2 times the share of *ex ante* contributions raised in accordance with Article 70 of Regulation (EU) No 806/2014 from the institutions authorised in the corresponding Member State.
3. The exposures to eligible assets specified in Article 4 from issuers established in a given non-participating Member State or in a given third country, expressed as a share of the total exposures of the Fund, shall be sufficiently geographically diversified, taking into account criteria such as the size of the economy, the depth and liquidity of the financial market and the additional investment opportunities, including in terms of risk diversification.

That exposure shall not exceed in any case the highest limit established by paragraph 2.

*Article 8***Diversification by issuer and issue**

1. The Board shall set a ceiling of up to 30 % of any single issue in which amounts held in the Fund may be invested. That ceiling may be exceeded only where, given the nature of the investment, the purchase of any amount of a security of that given investment results in ownership of 100 % of the corresponding International Securities Identification Number (ISIN).
2. The Board shall set a ceiling of up to 30 % for any issuer's total issues in which amounts held in the Fund may be invested.

*Article 9***Additional criteria on diversification**

1. Without prejudice to Article 3, the Board shall endeavour to diversify investments across maturities.
2. When deciding on diversification, the Board shall take into account the elements laid down in Article 3(1) of this Regulation and, when relevant, the liquidity and other characteristics of the collateral referred to in Article 70(3) of Regulation (EU) No 806/2014.

*Article 10***Derivatives**

1. The Board shall only use derivatives for risk management purposes, including managing market risk and liquidity risk. The Board may adopt guidelines to specify the eligible uses of derivatives.

2. The Board shall only use derivatives cleared by:
 - (a) a central counterparty authorised under Article 14 or 15 of Regulation (EU) No 648/2012 or recognised under Article 25 thereof; or
 - (b) a central bank, provided that exposures to that central bank or its central government are assigned a credit assessment by a nominated external credit assessment institution (ECAI) which is at least credit quality step 1 in accordance with Article 114(2) of Regulation (EU) No 575/2013.
3. The requirement laid down in Article 7(4) of Delegated Regulation (EU) 2015/61 shall not apply to the use of derivatives by the Board pursuant to this Article.

Article 11

Currency

1. The Board shall hedge currency risk into euro or into currencies of participating Member States whose currency is not the euro in order to ensure a limited remaining foreign exchange risk for the Fund.
2. Where applicable, in order to manage the currency risk between the different currencies referred to in paragraph 1, the Board shall take into account the elements laid down in Article 3(1).

Article 12

Additional general principles

1. For all investment decisions, the Board shall take into account the possible repercussions on the Fund's creditworthiness in order to safeguard the Board's prerogatives with respect to both alternative funding means, as established by Article 73 of Regulation (EU) No 806/2014, and to access to financial arrangements regarding the immediate availability of additional financial means, as established by Article 74 thereof.
2. Without prejudice to Article 3, the Board shall conduct all transactions related to the investment of the Fund in a manner that limits any effects on market prices, even in situations of market stress.
3. As an immediate investment or divestment of the amounts referred to in Article 1(1) might lead to market impacts, the Board may tolerate some temporary divergence with the general principles and criteria for the investment strategy of the Fund.

Article 13

Review of the strategy

The Board shall review the investment strategy every year.

Article 14

Administration

1. The Board shall adopt a governance framework, including an allocation of tasks and responsibilities and necessary delegations, to ensure an efficient implementation of the investment strategy.
2. The Board shall adopt internal control standards to verify compliance between the implementation of the investment strategy, the investment strategy and the rules set out in this Regulation.
3. The executive session of the Board shall keep the plenary session informed of the results of the implementation of the investment strategy.

4. The Board shall adopt any internal rules and procedures necessary to apply this Regulation.
5. The Board may establish a committee of the plenary session with the mandate to assist the Board in the application of this Regulation.

Article 15

Risk management

1. The Board shall comply with the principles of sound financial and risk management.
2. The Board shall quantify all risks using appropriate measures for the management and control of the respective types of risk.
3. The Board shall apply multiple risk measures for each type of risk, capture both current and forward-looking aspects, and use both quantitative and qualitative information in order to avoid overreliance on a single risk measure.
4. The Board shall supplement regular risk measurement by stress tests and scenario analysis in order to identify high-risk areas and to evaluate the combined effects of financial shocks.

Article 16

Outsourcing

1. The executive session of the Board may decide on the full or partial outsourcing of specific activities conferred upon the Board by Article 75(3) of Regulation (EU) No 806/2014.
2. The Board may outsource the activities referred to in paragraph 1 only to one or more bodies governed by public law, ESCB central banks, international institutions established under public international law or Union law institutions, provided that they have an established practice of managing similar investments and without prejudice to the ability of the service provider to contract services from third parties.
3. The investment mandate from the Board to the service provider shall clearly define at least the duration, maturity, eligible universe and benchmarking requirements, as well as establish a framework for regular reporting from the service provider to the Board.
4. Any contract between the Board and a service provider for the activities referred to in paragraph 1 shall include clauses governing the Board's cancellation rights, outsourcing chains and non-performance by the service provider.
5. The executive session of the Board shall inform the plenary session of upcoming decisions on outsourcing.
6. If the Board fully or partially outsources the activities referred to in paragraph 1, it shall remain fully responsible for discharging all of its obligations under Regulation (EU) No 806/2014 and this Regulation.
7. Where it decides to outsource any activity referred to in paragraph 1, the Board shall refer to best business practices on outsourcing within the financial sector.
8. If the Board fully or partially outsources the activities referred to in paragraph 1, it shall ensure at all times that:
 - (a) outsourcing does not result in the delegation of the Board's responsibility;
 - (b) outsourcing does not exclude the accountability of the Board under Article 45 and Article 46(1) of Regulation (EU) No 806/2014, nor its independence under Article 47 thereof;
 - (c) outsourcing does not result in depriving the Board from the necessary systems and controls to manage the risks it faces;

- (d) the service provider implements equivalent business continuity arrangements to those of the Board;
- (e) the Board retains the necessary expertise and resources to evaluate the quality of the services provided and the organisational and capital adequacy of the service provider, and to supervise the outsourced functions effectively and manage the risks associated with the outsourcing and supervises those functions and manages those risks on an ongoing basis;
- (f) the Board has direct access to the relevant information of the outsourced activities;
- (g) the service provider protects any confidential information relating to the Board.

Article 17

Transitional provisions

1. Before adopting its first investment strategy, the Board may deposit all the amounts referred to in Article 1(1) with the central banks of one or more Member States.
2. Before carrying out the calculations that are required to determine the shares referred to in Article 7(2) for the first time, the Board may make use of estimates in order to apply Articles 7(2) and 7(3).

Article 18

Report

The Board shall submit to the Commission a report on the application of this Regulation by 31 December 2016.

Article 19

Entry into force and application

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

It shall apply from 1 January 2016.

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

Done at Brussels, 16 December 2015.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2016/452**of 29 March 2016****amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for captan, propiconazole and spiroxamine in or on certain products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a) and Article 49(2) thereof,

Whereas:

- (1) For captan, propiconazole and spiroxamine, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.
- (2) For captan, the European Food Safety Authority, hereinafter 'the Authority', submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof ⁽²⁾. It proposed to change the residue definition for plant commodities. It recommended raising or keeping the existing MRLs for certain products. It concluded that concerning the MRLs for apples, pears, quinces, medlar, loquat, apricots, cherries, peaches, plums, strawberries, blackberries, raspberries, blueberries, currants, gooseberries and tomatoes some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for these products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation. The Authority concluded that concerning the MRLs for almonds, table grapes, wine grapes, potatoes, cucumbers, melons, scarole, leek, maize and sorghum no information was available and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination.
- (3) For propiconazole, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof ⁽³⁾. It concluded that concerning the MRLs for grapefruit, lemons, limes, mandarins, apples, apricots, table and wine grapes, bananas, rape seed, barley grain, oats grain, rice grain, rye grain, wheat grain, sugar beet (root), swine muscle and fat, bovine muscle and fat, sheep muscle and fat, goat muscle and fat, poultry muscle and fat, cattle, sheep and goat milk and birds' eggs some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for these products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation. The Authority concluded that concerning the MRLs for almonds, cherries, plums, strawberries, currants (red, black and white), gooseberries, peppers, cucumbers, globe artichokes, peanuts and tea no information was available, and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ EFSA (European Food Safety Authority), 2014. Reasoned opinion on the review of the existing maximum residue levels (MRLs) for captan according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2014;12(4):3663, 55 pp.

⁽³⁾ European Food Safety Authority; Review of the existing maximum residue levels (MRLs) for propiconazole according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2015;13(1):3975.

- (4) For spiroxamine, the Authority, submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof ⁽¹⁾. It proposed to change the residue definition and concluded that concerning the MRLs for table and wine grapes, banana, barley, oats, rye, wheat, poultry muscle, fat and liver and birds' eggs some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for these products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation. As it is appropriate to set the residue definition for animal origin commodities as 'spiroxamine carboxylic acid metabolite M06, expressed as spiroxamine (sum of isomers)', sufficient information is available for setting MRLs for swine muscle, fat, liver and kidney, bovine muscle, fat, liver and kidney, sheep muscle, fat, liver and kidney, goat muscle, fat, liver and kidney, cattle, sheep and goat milk. As the MRLs for barley and oats of 0,4 mg/kg are based on a good agricultural practice that is no longer supported, the MRLs for those commodities should be reduced to 0,05 mg/kg.
- (5) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or Codex maximum residue limits (CXLs) exist, MRLs should be set at the specific limit of determination or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.
- (6) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. As regards several substances, those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.
- (7) Based on the reasoned opinions of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (8) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs. Comments were received from several third countries on the new residue definition and MRL for captan in wine grapes. It is appropriate to temporarily maintain the existing residue definition and MRL in order to allow for the generation of residue data on wine grapes in line with the newly proposed residue definition. That MRL will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.
- (11) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

⁽¹⁾ European Food Safety Authority; Review of the existing maximum residue levels (MRLs) for spiroxamine according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2015;13(1):3992.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced before 19 October 2016.

Article 3

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

It shall apply from 19 October 2016.

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

Done at Brussels, 29 March 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

(1) in Annex II, the columns for captan, propiconazole and spiroxamine are replaced by the following:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Sum of captan and THPI, expressed as captan (R) (A)	Propiconazole (sum of isomers) (F)	Spiroxamine (sum of isomers) (A) (R)
(1)	(2)	(3)	(4)	(5)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS			
0110000	Citrus fruits	0,03 (*)		0,01 (*)
0110010	Grapefruits		5 (+)	
0110020	Oranges		9	
0110030	Lemons		5 (+)	
0110040	Limes		5 (+)	
0110050	Mandarins		5 (+)	
0110990	Others		0,01 (*)	
0120000	Tree nuts	0,07 (*)		0,05 (*)
0120010	Almonds		0,01 (*)	
0120020	Brazil nuts		0,01 (*)	
0120030	Cashew nuts		0,01 (*)	
0120040	Chestnuts		0,01 (*)	
0120050	Coconuts		0,01 (*)	
0120060	Hazelnuts/cobnuts		0,01 (*)	
0120070	Macadamias		0,01 (*)	
0120080	Pecans		0,02 (*)	
0120090	Pine nut kernels		0,01 (*)	
0120100	Pistachios		0,01 (*)	
0120110	Walnuts		0,01 (*)	
0120990	Others		0,01 (*)	
0130000	Pome fruits	10 (+)		0,01 (*)
0130010	Apples		0,15 (+)	
0130020	Pears		0,01 (*)	
0130030	Quinces		0,01 (*)	
0130040	Medlars		0,01 (*)	

(1)	(2)	(3)	(4)	(5)
0130050	Loquats/Japanese medlars		0,01 (*)	
0130990	Others		0,01 (*)	
0140000	Stone fruits			0,01 (*)
0140010	Apricots	6 (+)	0,15 (+)	
0140020	Cherries (sweet)	6 (+)	0,01 (*)	
0140030	Peaches	6 (+)	5	
0140040	Plums	10 (+)	0,01 (*)	
0140990	Others	0,03 (*)	0,01 (*)	
0150000	Berries and small fruits			
0151000	(a) <i>grapes</i>		0,3 (+)	
0151010	Table grapes	0,03 (*)		0,6 (+)
0151020	Wine grapes	0,02 (*) (+)		0,5 (+)
0152000	(b) <i>strawberries</i>	1,5 (+)	0,01 (*)	0,01 (*)
0153000	(c) <i>cane fruits</i>		0,01 (*)	0,01 (*)
0153010	Blackberries	20 (+)		
0153020	Dewberries	0,03 (*)		
0153030	Raspberries (red and yellow)	20 (+)		
0153990	Others	0,03 (*)		
0154000	(d) <i>other small fruits and berries</i>			0,01 (*)
0154010	Blueberries	30 (+)	0,01 (*)	
0154020	Cranberries	0,03 (*)	0,3	
0154030	Currants (black, red and white)	30 (+)	0,01 (*)	
0154040	Gooseberries (green, red and yellow)	30 (+)	0,01 (*)	
0154050	Rose hips	0,03 (*)	0,01 (*)	
0154060	Mulberries (black and white)	0,03 (*)	0,01 (*)	
0154070	Azaroles/Mediterranean medlars	0,03 (*)	0,01 (*)	
0154080	Elderberries	0,03 (*)	0,01 (*)	
0154990	Others	0,03 (*)	0,01 (*)	
0160000	Miscellaneous fruits with	0,03 (*)		
0161000	(a) <i>edible peel</i>		0,01 (*)	0,01 (*)
0161010	Dates			
0161020	Figs			
0161030	Table olives			

(1)	(2)	(3)	(4)	(5)
0161040	Kumquats			
0161050	Carambolas			
0161060	Kaki/Japanese persimmons			
0161070	Jambuls/jambolans			
0161990	Others			
0162000	(b) <i>inedible peel, small</i>		0,01 (*)	0,01 (*)
0162010	Kiwi fruits (green, red, yellow)			
0162020	Litchis/lychees			
0162030	Passionfruits/maracujas			
0162040	Prickly pears/cactus fruits			
0162050	Star apples/cainitos			
0162060	American persimmons/Virginia kaki			
0162990	Others			
0163000	(c) <i>inedible peel, large</i>			
0163010	Avocados		0,01 (*)	0,01 (*)
0163020	Bananas		0,15 (+)	3 (+)
0163030	Mangoes		0,01 (*)	0,01 (*)
0163040	Papayas		0,01 (*)	0,01 (*)
0163050	Granate apples/pomegranates		0,01 (*)	0,01 (*)
0163060	Cherimoyas		0,01 (*)	0,01 (*)
0163070	Guavas		0,01 (*)	0,01 (*)
0163080	Pineapples		0,02 (*)	0,01 (*)
0163090	Breadfruits		0,01 (*)	0,01 (*)
0163100	Durians		0,01 (*)	0,01 (*)
0163110	Soursops/guanabanas		0,01 (*)	0,01 (*)
0163990	Others		0,01 (*)	0,01 (*)
0200000	VEGETABLES, FRESH or FROZEN			
0210000	Root and tuber vegetables	0,03 (*)	0,01 (*)	0,01 (*)
0211000	(a) <i>potatoes</i>			
0212000	(b) <i>tropical root and tuber vegetables</i>			
0212010	Cassava roots/manioc			
0212020	Sweet potatoes			
0212030	Yams			
0212040	Arrowroots			
0212990	Others			

(1)	(2)	(3)	(4)	(5)
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>			
0213010	Beetroots			
0213020	Carrots			
0213030	Celeriacs/turnip rooted celeries			
0213040	Horseradishes			
0213050	Jerusalem artichokes			
0213060	Parsnips			
0213070	Parsley roots/Hamburg roots parsley			
0213080	Radishes			
0213090	Salsifies			
0213100	Swedes/rutabagas			
0213110	Turnips			
0213990	Others			
0220000	Bulb vegetables	0,03 (*)	0,01 (*)	0,01 (*)
0220010	Garlic			
0220020	Onions			
0220030	Shallots			
0220040	Spring onions/green onions and Welsh onions			
0220990	Others			
0230000	Fruiting vegetables			0,01 (*)
0231000	(a) <i>solanacea</i>			
0231010	Tomatoes	1 (+)	3	
0231020	Sweet peppers/bell peppers	0,03 (*)	0,01 (*)	
0231030	Aubergines/eggplants	0,03 (*)	0,01 (*)	
0231040	Okra/lady's fingers	0,03 (*)	0,01 (*)	
0231990	Others	0,03 (*)	0,01 (*)	
0232000	(b) <i>cucurbits with edible peel</i>	0,03 (*)	0,01 (*)	
0232010	Cucumbers			
0232020	Gherkins			
0232030	Courgettes			
0232990	Others			
0233000	(c) <i>cucurbits with inedible peel</i>	0,03 (*)	0,01 (*)	
0233010	Melons			
0233020	Pumpkins			
0233030	Watermelons			
0233990	Others			

(1)	(2)	(3)	(4)	(5)
0234000	(d) <i>sweet corn</i>	0,03 (*)	0,05	
0239000	(e) <i>other fruiting vegetables</i>	0,03 (*)	0,01 (*)	
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	0,03 (*)	0,01 (*)	0,01 (*)
0241000	(a) <i>flowering brassica</i>			
0241010	Broccoli			
0241020	Cauliflowers			
0241990	Others			
0242000	(b) <i>head brassica</i>			
0242010	Brussels sprouts			
0242020	Head cabbages			
0242990	Others			
0243000	(c) <i>leafy brassica</i>			
0243010	Chinese cabbages/pe-tsai			
0243020	Kales			
0243990	Others			
0244000	(d) <i>kohlrabies</i>			
0250000	Leaf vegetables, herbs and edible flowers			
0251000	(a) <i>lettuces and salad plants</i>	0,03 (*)	0,01 (*)	0,01 (*)
0251010	Lamb's lettuces/corn salads			
0251020	Lettuces			
0251030	Escaroles/broad-leaved endives			
0251040	Cresses and other sprouts and shoots			
0251050	Land cresses			
0251060	Roman rocket/rucola			
0251070	Red mustards			
0251080	Baby leaf crops (including brassica species)			
0251990	Others			
0252000	(b) <i>spinaches and similar leaves</i>	0,03 (*)	0,01 (*)	0,01 (*)
0252010	Spinaches			
0252020	Purslanes			
0252030	Chards/beet leaves			
0252990	Others			
0253000	(c) <i>grape leaves and similar species</i>	0,03 (*)	0,01 (*)	0,01 (*)

(1)	(2)	(3)	(4)	(5)
0254000	(d) <i>watercresses</i>	0,03 (*)	0,01 (*)	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,03 (*)	0,01 (*)	0,01 (*)
0256000	(f) <i>herbs and edible flowers</i>	0,06 (*)	0,02 (*)	0,02 (*)
0256010	Chervil			
0256020	Chives			
0256030	Celery leaves			
0256040	Parsley			
0256050	Sage			
0256060	Rosemary			
0256070	Thyme			
0256080	Basil and edible flowers			
0256090	Laurel/bay leave			
0256100	Tarragon			
0256990	Others			
0260000	Legume vegetables	0,03 (*)	0,01 (*)	0,01 (*)
0260010	Beans (with pods)			
0260020	Beans (without pods)			
0260030	Peas (with pods)			
0260040	Peas (without pods)			
0260050	Lentils			
0260990	Others			
0270000	Stem vegetables	0,03 (*)	0,01 (*)	0,01 (*)
0270010	Asparagus			
0270020	Cardoons			
0270030	Celeries			
0270040	Florence fennels			
0270050	Globe artichokes			
0270060	Leeks			
0270070	Rhubarbs			
0270080	Bamboo shoots			
0270090	Palm hearts			
0270990	Others			
0280000	Fungi, mosses and lichens	0,03 (*)	0,01 (*)	0,01 (*)
0280010	Cultivated fungi			
0280020	Wild fungi			
0280990	Mosses and lichens			
0290000	Algae and prokaryotes organisms	0,03 (*)	0,01 (*)	0,01 (*)

(1)	(2)	(3)	(4)	(5)
0300000	PULSES	0,07 (*)	0,01 (*)	0,01 (*)
0300010	Beans			
0300020	Lentils			
0300030	Peas			
0300040	Lupins/lupini beans			
0300990	Others			
0400000	OILSEEDS AND OIL FRUITS	0,07 (*)		0,05 (*)
0401000	Oilseeds			
0401010	Linseeds		0,01 (*)	
0401020	Peanuts/groundnuts		0,01 (*)	
0401030	Poppy seeds		0,01 (*)	
0401040	Sesame seeds		0,01 (*)	
0401050	Sunflower seeds		0,01 (*)	
0401060	Rapeseeds/canola seeds		0,05 (+)	
0401070	Soyabeans		0,07	
0401080	Mustard seeds		0,01 (*)	
0401090	Cotton seeds		0,01 (*)	
0401100	Pumpkin seeds		0,01 (*)	
0401110	Safflower seeds		0,01 (*)	
0401120	Borage seeds		0,01 (*)	
0401130	Gold of pleasure seeds		0,01 (*)	
0401140	Hemp seeds		0,01 (*)	
0401150	Castor beans		0,01 (*)	
0401990	Others		0,01 (*)	
0402000	Oil fruits		0,01 (*)	
0402010	Olives for oil production			
0402020	Oil palms kernels			
0402030	Oil palms fruits			
0402040	Kapok			
0402990	Others			
0500000	CEREALS	0,07 (*)		
0500010	Barley		0,3 (+)	0,05 (+)
0500020	Buckwheat and other pseudo-cereals		0,01 (*)	0,01 (*)
0500030	Maize/corn		0,05	0,01 (*)
0500040	Common millet/proso millet		0,01 (*)	0,01 (*)
0500050	Oat		0,3 (+)	0,05 (+)
0500060	Rice		1,5 (+)	0,01 (*)

(1)	(2)	(3)	(4)	(5)
0500070	Rye		0,04 (+)	0,05 (+)
0500080	Sorghum		0,01 (*)	0,01 (*)
0500090	Wheat		0,04 (+)	0,05 (+)
0500990	Others		0,01 (*)	0,01 (*)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	0,1 (*)		0,05 (*)
0610000	Teas		0,05 (*)	
0620000	Coffee beans		0,02	
0630000	Herbal infusions from		0,05 (*)	
0631000	(a) <i>flowers</i>			
0631010	Chamomile			
0631020	Hibiscus/roselle			
0631030	Rose			
0631040	Jasmine			
0631050	Lime/linden			
0631990	Others			
0632000	(b) <i>leaves and herbs</i>			
0632010	Strawberry			
0632020	Rooibos			
0632030	Mate/maté			
0632990	Others			
0633000	(c) <i>roots</i>			
0633010	Valerian			
0633020	Ginseng			
0633990	Others			
0639000	(d) <i>any other parts of the plant</i>			
0640000	Cocoa beans		0,05 (*)	
0650000	Carobs/Saint John's breads		0,05 (*)	
0700000	HOPS	0,1 (*)	0,05 (*)	0,05 (*)
0800000	SPICES			
0810000	Seed spices	0,1 (*)	0,05 (*)	0,05 (*)
0810010	Anise/aniseed			
0810020	Black caraway/black cumin			
0810030	Celery			
0810040	Coriander			
0810050	Cumin			

(1)	(2)	(3)	(4)	(5)
0810060	Dill			
0810070	Fennel			
0810080	Fenugreek			
0810090	Nutmeg			
0810990	Others			
0820000	Fruit spices	0,1 (*)	0,05 (*)	0,05 (*)
0820010	Allspice/pimento			
0820020	Sichuan pepper			
0820030	Caraway			
0820040	Cardamom			
0820050	Juniper berry			
0820060	Peppercorn (black, green and white)			
0820070	Vanilla			
0820080	Tamarind			
0820990	Others			
0830000	Bark spices	0,1 (*)	0,05 (*)	0,05 (*)
0830010	Cinnamon			
0830990	Others			
0840000	Root and rhizome spices			
0840010	Liquorice	0,1 (*)	0,05 (*)	0,05 (*)
0840020	Ginger	0,1 (*)	0,05 (*)	0,05 (*)
0840030	Turmeric/curcuma	0,1 (*)	0,05 (*)	0,05 (*)
0840040	Horseradish	(+)	(+)	(+)
0840990	Others	0,1 (*)	0,05 (*)	0,05 (*)
0850000	Bud spices	0,1 (*)	0,05 (*)	0,05 (*)
0850010	Cloves			
0850020	Capers			
0850990	Others			
0860000	Flower pistil spices	0,1 (*)	0,05 (*)	0,05 (*)
0860010	Saffron			
0860990	Others			
0870000	Aril spices	0,1 (*)	0,05 (*)	0,05 (*)
0870010	Mace			
0870990	Others			

(1)	(2)	(3)	(4)	(5)
0900000	SUGAR PLANTS	0,03 (*)		0,01 (*)
0900010	Sugar beet roots		0,15 (+)	
0900020	Sugar canes		0,02 (*)	
0900030	Chicory roots		0,01 (*)	
0900990	Others		0,01 (*)	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS			
1010000	Tissues from			
1011000	(a) <i>swine</i>	0,03 (*)		0,02 (*)
1011010	Muscle		0,05 (+)	
1011020	Fat tissue		0,05 (+)	
1011030	Liver		0,5	
1011040	Kidney		0,5	
1011050	Edible offals (other than liver and kidney)		0,5	
1011990	Others		0,01 (*)	
1012000	(b) <i>bovine</i>			
1012010	Muscle	0,09	0,05 (+)	0,03
1012020	Fat tissue	0,06	0,07 (+)	0,05
1012030	Liver	0,09	0,5	0,3
1012040	Kidney	0,09	0,5	0,15
1012050	Edible offals (other than liver and kidney)	0,09	0,5	0,3
1012990	Others	0,03 (*)	0,01 (*)	0,02 (*)
1013000	(c) <i>sheep</i>			
1013010	Muscle	0,09	0,05 (+)	0,03
1013020	Fat tissue	0,06	0,07 (+)	0,05
1013030	Liver	0,09	0,5	0,3
1013040	Kidney	0,09	0,5	0,15
1013050	Edible offals (other than liver and kidney)	0,09	0,5	0,3
1013990	Others	0,03 (*)	0,01 (*)	0,02 (*)
1014000	(d) <i>goat</i>			
1014010	Muscle	0,09	0,05 (+)	0,03
1014020	Fat tissue	0,06	0,07 (+)	0,05
1014030	Liver	0,09	0,5	0,3
1014040	Kidney	0,09	0,5	0,15
1014050	Edible offals (other than liver and kidney)	0,09	0,5	0,3
1014990	Others	0,03 (*)	0,01 (*)	0,02 (*)

(1)	(2)	(3)	(4)	(5)
1015000	(e) <i>equine</i>			
1015010	Muscle	0,09	0,05	0,03
1015020	Fat tissue	0,06	0,07	0,05
1015030	Liver	0,09	0,5	0,3
1015040	Kidney	0,09	0,5	0,15
1015050	Edible offals (other than liver and kidney)	0,09	0,5	0,3
1015990	Others	0,03 (*)	0,01 (*)	0,02 (*)
1016000	(f) <i>poultry</i>	0,03 (*)	0,01 (*)	
1016010	Muscle		(+)	0,05 (+)
1016020	Fat tissue		(+)	0,05 (+)
1016030	Liver			0,2 (+)
1016040	Kidney			0,02 (*)
1016050	Edible offals (other than liver and kidney)			0,2
1016990	Others			0,02 (*)
1017000	(g) <i>other farmed terrestrial animals</i>			
1017010	Muscle	0,09	0,05	0,03
1017020	Fat tissue	0,06	0,07 (*)	0,05
1017030	Liver	0,09	0,5	0,3
1017040	Kidney	0,09	0,5	0,15
1017050	Edible offals (other than liver and kidney)	0,09	0,5	0,3
1017990	Others	0,03 (*)	0,01 (*)	0,02 (*)
1020000	Milk	0,03 (*)	0,01 (*)	0,015
1020010	Cattle		(+)	
1020020	Sheep		(+)	
1020030	Goat		(+)	
1020040	Horse			
1020990	Others			
1030000	Birds eggs	0,03 (*)	0,01 (*) (+)	0,05 (+)
1030010	Chicken			
1030020	Duck			
1030030	Geese			
1030040	Quail			
1030990	Others			

(1)	(2)	(3)	(4)	(5)
1040000	Honey and other apiculture products	0,05 (*)	0,05 (*)	0,05 (*)
1050000	Amphibians and Reptiles	0,03 (*)	0,01 (*)	0,02 (*)
1060000	Terrestrial invertebrate animals	0,03 (*)	0,01 (*)	0,02 (*)
1070000	Wild terrestrial vertebrate animals	0,03 (*)	0,01 (*)	0,02 (*)

(*) Indicates lower limit of analytical determination

(**) Pesticide-code combination for which the MRL as set in Annex III Part B applies.

(^a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(F) = Fat soluble

Sum of captan and THPI, expressed as captan (R) (A)

(A) = Footnote for residue definition: The EU reference labs identified the reference standard for 3-OH THPI and 5-OH THPI as commercially not available. When re-viewing the MRL, the Commission will take into account the commercial availability of the reference standard referred to in the first sentence by 30 March 2017, or, if that reference standard is not commercially available by that date, the unavailability of it.

(R) = The residue definition differs for the following combinations pesticide-code number:

code 1000000 except 1040000: Sum of THPI, 3-OH THPI and 5-OH THPI, expressed as captan; code 0151020: captan

(+) The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0130000 Pome fruits

0130010 Apples

0130020 Pears

0130030 Quinces

0130040 Medlars

0130050 Loquats/Japanese medlars

0140010 Apricots

0140020 Cherries (sweet)

0140030 Peaches

0140040 Plums

(+) Residue trials are unavailable for the residue definition: sum of captan and THPI, expressed as captan. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0151020 Wine grapes

(+) The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0152000 (b) strawberries

0153010 Blackberries

0153030 Raspberries (red and yellow)

0154010 Blueberries

0154030 Currants (black, red and white)

0154040 Gooseberries (green, red and yellow)

0231010 Tomatoes

- (+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

Propiconazole (sum of isomers) (F)

- (+) The European Food Safety Authority identified some information on residue trials that include analysis of parent and metabolites convertible to 2,4-dichlorobenzoic acid and toxicological data on the metabolites convertible to 2,4-dichlorobenzoic acid as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0110010 Grapefruits

0110030 Lemons

0110040 Limes

0110050 Mandarins

0130010 Apples

0140010 Apricots

0151000 (a) grapes

0151010 Table grapes

0151020 Wine grapes

0163020 Bananas

0401060 Rapeseeds/canola seeds

0500010 Barley

0500050 Oat

0500060 Rice

0500070 Rye

0500090 Wheat

- (+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

- (+) The European Food Safety Authority identified some information on residue trials that include analysis of parent and metabolites convertible to 2,4-dichlorobenzoic acid and toxicological data on the metabolites convertible to 2,4-dichlorobenzoic acid as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0900010 Sugar beet roots

- (+) The European Food Safety Authority identified some information on toxicological data on the metabolites convertible to 2,4-dichlorobenzoic acid as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

1011010 Muscle

1011020 Fat tissue

1012010 Muscle

1012020 Fat tissue

1013010	Muscle
1013020	Fat tissue
1014010	Muscle
1014020	Fat tissue
1016010	Muscle
1016020	Fat tissue
1020010	Cattle
1020020	Sheep
1020030	Goat
1030000	Birds eggs
1030010	Chicken
1030020	Duck
1030030	Geese
1030040	Quail
1030990	Others

Spiroxamine (sum of isomers) (A) (R)

(A) = The EU reference labs identified the reference standard for spiroxamine carboxylic acid metabolite M06 as commercially not available. When re-viewing the MRL, the Commission will take into account the commercial availability of the reference standard referred to in the first sentence by 30 March 2017, or, if that reference standard is not commercially available by that date, the unavailability of it.

(R) = The residue definition differs for the following combinations pesticide-code number:

Spiroxamine — code 1000000 except 1040000: Spiroxamine carboxylic acid metabolite M06, expressed as spiroxamine (sum of isomers)

(+) The European Food Safety Authority identified some information on storage stability and toxicological data of plant metabolites as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0151010 Table grapes

0151020 Wine grapes

(+) The European Food Safety Authority identified some information on toxicological data of plant metabolites as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0163020 Bananas

(+) The European Food Safety Authority identified some information on storage stability as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

0500010 Barley

0500050 Oat

0500070 Rye

0500090 Wheat

(+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

- (+) The European Food Safety Authority identified some information on feeding studies in accordance with the proposed residue definition as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 March 2018, or, if that information is not submitted by that date, the lack of it.

1016010	Muscle
1016020	Fat tissue
1016030	Liver
1030000	Birds eggs
1030010	Chicken
1030020	Duck
1030030	Geese
1030040	Quail
1030990	Others'

- (2) in Annex III, Part B, the columns for captan, propiconazole and spiroxamine are deleted.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2016/453**of 29 March 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, 29 March 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	109,3
	IL	136,2
	MA	67,4
	SN	144,4
	TR	94,3
	ZZ	110,3
0707 00 05	MA	77,1
	TR	137,0
	ZZ	107,1
0709 93 10	EG	44,3
	MA	41,8
	TR	159,5
	ZZ	81,9
0805 10 20	EG	51,3
	IL	69,5
	MA	55,6
	TN	69,7
	TR	72,3
	ZZ	63,7
0805 50 10	MA	85,8
	TR	88,5
	ZZ	87,2
0808 10 80	BR	91,0
	CL	130,3
	US	134,5
	ZA	99,3
	ZZ	113,8
0808 30 90	AR	78,4
	CL	163,1
	CN	88,3
	TR	159,2
	ZA	121,7
	ZZ	122,1

⁽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, Euratom) 2016/454

of 22 March 2016

appointing three Judges to the European Union Civil Service Tribunal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fourth paragraph of Article 257 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular paragraph 1 of Article 106a thereof,

Whereas:

- (1) The mandate of two Judges of the European Union Civil Service Tribunal ('the Civil Service Tribunal') has ended with effect from 30 September 2014, and the mandate of a further Judge has ended with effect from 31 August 2015. It is therefore necessary under Article 2 and Article 3(1) of Annex I to the Protocol No 3 on the Statute of the Court of Justice of the European Union, annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, to appoint three Judges to fill those vacancies.
- (2) Following a public call for applications published in 2013 ⁽¹⁾ with a view to the appointment of two Judges to the Civil Service Tribunal, the Committee set up by Article 3(3) of Annex I to the Protocol No 3 ('the selection committee') delivered an opinion on the candidates' suitability to perform the duties of a Judge of the Civil Service Tribunal. The selection committee appended to its opinion a list of six candidates having the most suitable high-level experience.
- (3) Following the political agreement on the reform of the judicial architecture of the European Union that led to the adoption of Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council ⁽²⁾, the Court of Justice presented on 17 November 2015 a proposal for a Regulation of the European Parliament and of the Council on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants with effect from 1 September 2016.
- (4) In these circumstances, for reasons of timing, it is appropriate not to publish a new public call for applications, but rather to draw on the list of the six candidates having the most suitable high-level experience established by the selection committee following the public call for applications published in 2013.
- (5) It is therefore appropriate to appoint three of the persons included on that list as Judges of the Civil Service Tribunal, ensuring a balanced composition of the Civil Service Tribunal on as broad a geographical basis as possible from among nationals of the Member States and with respect to the national legal systems represented. The three persons on that list having the most suitable high-level experience are Mr Sean VAN RAEPENBUSCH, Mr João SANT'ANNA and Mr Alexander KORNEZOV. Mr João SANT'ANNA and Mr Alexander KORNEZOV should be appointed with effect from the date of entry into force of this Decision. Given that Mr Sean VAN RAEPENBUSCH was already a Judge at the Civil Service Tribunal until 30 September 2014 and continued to hold office pending the Decision of the Council in accordance with Article 5 of Protocol No 3, it is appropriate to appoint him for a new mandate with effect from the day after the end of his previous mandate.
- (6) It follows from Article 2 of Annex I to the Protocol No 3 that any vacancy is to be filled by the appointment of a new Judge for a period of six years. However, upon the application of the proposed Regulation on the transfer to the General Court of the European Union of jurisdiction at first instance in disputes between the Union and its servants, the Civil Service Tribunal will no longer exist, and the mandate of the three Judges appointed by this Decision will thus end *ipso facto* on the date preceding that on which that Regulation applies,

⁽¹⁾ OJ C 353, 3.12.2013, p. 11.

⁽²⁾ Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (OJ L 341, 24.12.2015, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed as Judges to the European Union Civil Service Tribunal:

- Mr Sean VAN RAEPENBUSCH, with effect from 1 October 2014,
- Mr João SANT'ANNA, with effect from 1 April 2016,
- Mr Alexander KORNEZOV, with effect from 1 April 2016.

Article 2

This Decision shall enter into force on 1 April 2016.

Done at Brussels, 22 March 2016.

For the Council
The President
A.G. KOENDERS

COUNCIL DECISION (EU) 2016/455**of 22 March 2016**

authorising the opening of negotiations on behalf of the European Union on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) together with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The Union formally concluded the United Nations Convention on the Law of the Sea (UNCLOS) by Council Decision 98/392/EC ⁽¹⁾, in respect of those matters governed by the UNCLOS for which competence has been transferred to the Union by its Member States; the Union being thus far the only international organisation which is a party to that Convention within the meaning of Article 305(1)(f) of the UNCLOS and Article 1 of Annex IX thereto.
- (2) As a party to the UNCLOS, the Union, alongside its Member States, has participated in the UN Ad Hoc Open-ended Informal Working Group (the 'Working Group') to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. At the last meeting of the Working Group, it was recommended that an international legally binding instrument under the UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (the 'Instrument') should be developed.
- (3) Following the recommendations adopted by the Working Group on 23 January 2015, the UN General Assembly adopted, on 19 June 2015, Resolution 69/292 which establishes, prior to holding an intergovernmental conference, a Preparatory Committee, open to all States Members of the UN, members of specialised agencies and parties to the UNCLOS, to make substantive recommendations to the UN General Assembly on the elements of a draft Instrument. The Preparatory Committee will start its work in 2016 and, by the end of 2017, report on its progress to the Assembly which will decide on the convening and on the starting date of an intergovernmental conference to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the UNCLOS.
- (4) The Union and its Member States are parties to the UNCLOS. Alongside its Member States, the Union should participate in the negotiations on the elements of a draft Instrument to be developed by the Preparatory Committee. The participation rights of the Union with regard to the meeting of this Committee are covered by paragraph 1(j) of Resolution 69/292.
- (5) This decision to open the negotiations and its Negotiating Directives may be followed at a later stage by a further decision with Negotiating Directives for the participation in any intergovernmental conference.
- (6) The matters covered by the negotiations may fall within the areas of Union competence as well as within the areas of Member States competence,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, as regards matters falling within the Union's competence and in respect of which the Union has adopted rules, on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction at meetings of the UN Preparatory Committee established under UN General Assembly Resolution 69/292.

⁽¹⁾ Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

Article 2

The Commission shall conduct the negotiations on behalf of the Union, as regards matters falling within the Union's competence and in respect of which the Union has adopted rules, in line with the Negotiating Directives set out in the Addendum to this Decision. The Negotiating Directives cannot be read as affecting in any way the respective competences of the Union and the Member States.

Article 3

The Commission shall conduct these negotiations in consultation with a special committee that is hereby established. The special committee is the Law of the Sea Working Party (COMAR).

Article 4

To the extent that the subject matter of the negotiations falls within the competences of both the Union and its Member States, the Commission and the Member States should cooperate closely during the negotiating process, with a view to ensuring unity in the international representation of the Union and its Member States.

Article 5

This Decision is addressed to the Commission.

Done at Brussels, 22 March 2016.

For the Council
The President
A.G. KOENDERS

DECISION (EU) 2016/456 OF THE EUROPEAN CENTRAL BANK**of 4 March 2016****concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption and any other illegal activities affecting the financial interests of the Union (ECB/2016/3)****(recast)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.3 thereof,

Having regard to Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and the Council and Council Regulation (Euratom) No 1074/1999 ⁽¹⁾, and in particular Article 4(1) and (7) thereof,

Whereas:

- (1) Regulation (EU, Euratom) No 883/2013 provides that the European Anti-Fraud Office (hereinafter the 'Office') is to initiate and conduct administrative fraud investigations (hereinafter 'internal investigations') within the institutions, bodies, offices and agencies established by, or on the basis of, the Treaties for the purpose of fighting fraud, corruption and any other illegal activities affecting the financial interests of the Union. To that end, it investigates serious matters relating to the discharge of professional duties constituting a dereliction of the obligations of officials and other servants of the Union liable to result in disciplinary or, as the case may be, criminal proceedings, or an equivalent failure to discharge obligations on the part of members of institutions and bodies, heads of offices and agencies or staff members of institutions, bodies, offices or agencies not subject to the Staff Regulations of Officials and the Conditions of Employment of other servants of the Union (hereinafter the 'Staff Regulations').
- (2) For the European Central Bank (ECB) such professional duties and obligations, in particular the obligations relating to professional conduct and professional secrecy, are laid down in (a) the Conditions of Employment for Staff of the European Central Bank, (b) the European Central Bank Staff Rules, (c) Annex IIb to the Conditions of Employment concerning the Conditions of Short-Term Employment, and (d) the European Central Bank Rules for Short-Term Employment, and further guidance is given in (e) the Code of Conduct for the members of the Governing Council ⁽²⁾, (f) the Supplementary Code of Ethics Criteria for the members of the Executive Board of the European Central Bank ⁽³⁾, and (g) the Code of Conduct for the members of the Supervisory Board of the European Central Bank ⁽⁴⁾ (together referred to hereinafter as the 'ECB conditions of employment').
- (3) Article 4(1) of Regulation (EU, Euratom) No 883/2013 provides that in relation to protecting the Union's financial interests and fighting fraud and any other illegal activities affecting the financial interests of the Union, the Office 'shall carry out administrative investigations within the institutions, bodies, offices and agencies' in accordance with the conditions set out in Regulation (EU, Euratom) No 883/2013 and in the decisions adopted by each institution, body, office or agency. Article 4(7) of Regulation (EU, Euratom) No 883/2013 provides that each institution, body, office and agency is to adopt a decision which 'shall include, in particular, a rule concerning a duty on the part of officials, other servants, members of institutions or bodies, heads of offices or

⁽¹⁾ OJ L 248, 18.9.2013, p. 1.

⁽²⁾ Code of Conduct for the members of the Governing Council (OJ C 123, 24.5.2002, p. 9).

⁽³⁾ Supplementary Code of Ethics Criteria for the members of the Executive Board of the European Central Bank (in accordance with Article 11.3 of the Rules of Procedure of the European Central Bank) (OJ C 104, 23.4.2010, p. 8).

⁽⁴⁾ Code of Conduct for the Members of the Supervisory Board of the European Central Bank (OJ C 93, 20.3.2015, p. 2).

agencies, or staff members to cooperate with and supply information to the Office, while ensuring the confidentiality of the internal investigation'. In accordance with Union case-law, the Office may open an investigation only on the basis of sufficiently serious suspicions ⁽¹⁾.

- (4) Pursuant to Recital 12 of Regulation (EU, Euratom) No 883/2013, investigations should be conducted in accordance with the Treaties, in particular Protocol No 7 on the privileges and immunities of the European Union, and should also respect the Staff Regulations, human rights and fundamental freedoms, in particular the principle of fairness, the right of persons involved to express their views on the facts concerning them and the principle that the conclusions of an investigation may be based solely on elements which have evidential value, as well as general principles common to the Member States and recognised by the Court of Justice of the European Union, such as, for instance, the confidentiality of legal advice (legal privilege). To that end, the institutions, bodies, offices and agencies should lay down the terms and conditions under which internal investigations are to be conducted.
- (5) Decision ECB/2004/11 ⁽²⁾ was adopted to lay down the terms and conditions under which internal investigations under Regulation (EC) No 1073/1999 of the European Parliament and of the Council ⁽³⁾ were to be conducted in the ECB. In order to take into account that Regulation (EC) No 1073/1999 has been repealed and replaced by Regulation (EU, Euratom) No 883/2013 and that new ECB bodies have been established since the adoption of Decision ECB/2004/11, there is a need to revise the current legal framework.
- (6) Council Regulation (EU) No 1024/2013 ⁽⁴⁾ established the Supervisory Board as an ECB internal body to plan and execute the specific tasks concerning policies relating to the prudential supervision of credit institutions conferred upon the ECB. On the basis of Article 24(1) and Article 25(5) of Regulation (EU) No 1024/2013, the ECB established an Administrative Board of Review ⁽⁵⁾ and a Mediation Panel ⁽⁶⁾. Furthermore, on the basis of Articles 3(1) and 143(1) of Regulation (EU) No 468/2014 of the European Central Bank (ECB/2014/17) ⁽⁷⁾, the ECB established joint supervisory teams for the supervision of each significant supervised entity or significant supervised group and on-site inspection teams. Subsequently, on the basis of Articles 9a and 9b of the Rules of Procedure of the European Central Bank ⁽⁸⁾ respectively, the ECB established an Ethics Committee ⁽⁹⁾ and an Audit Committee.
- (7) This Decision should apply to the members of joint supervisory teams and on-site inspection teams who are not subject to the ECB conditions of employment. Members of staff of national competent authorities who are members of joint supervisory teams and on-site inspection teams fall within the ECB's sphere of control in matters related to their work on tasks conferred upon the ECB under Regulation (EU) No 1024/2013. Article 6(1) of Regulation (EU) No 1024/2013 provides that the ECB is responsible for the effective and consistent functioning of the Single Supervisory Mechanism (SSM). Articles 6(1) and 146(1) of Regulation (EU) No 468/2014 (ECB/2014/17) provide that the members of joint supervisory teams and on-site inspection teams are subject to the instructions of the respective team coordinator. These provisions are based on Article 6(7) of Regulation (EU) No 1024/2013, which requires the ECB to adopt a framework to organise the practical arrangements for the implementation of the cooperation within the SSM.
- (8) In adopting this Decision, it is incumbent on the ECB to justify any restrictions on internal investigations affecting the specific tasks and duties entrusted to the ECB by Articles 127 and 128 of the Treaty and by Regulation (EU) No 1024/2013. Such restrictions should ensure the confidentiality necessary for certain ECB information and give effect to the legislator's intention of reinforcing the fight against fraud. Other than for these

⁽¹⁾ *Commission of the European Communities v European Central Bank*, C-11/00, ECLI:EU:C:2003:395.

⁽²⁾ Decision ECB/2004/11 of 3 June 2004 concerning the terms and conditions for European Anti-Fraud Office investigations of the European Central Bank, in relation to the prevention of fraud, corruption and any other illegal activities detrimental to the European Communities' financial interests and amending the Conditions of Employment for Staff of the European Central Bank (OJ L 230, 30.6.2004, p. 56).

⁽³⁾ Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (OJ L 136, 31.5.1999, p. 1).

⁽⁴⁾ 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 (OJ L 287, 29.10.2013, p. 63).

⁽⁵⁾ Decision ECB/2014/16 of 14 April 2014 concerning the establishment of an Administrative Board of Review and its Operating Rules (OJ L 175, 14.6.2014, p. 47).

⁽⁶⁾ Regulation (EU) No 673/2014 of the European Central Bank of 2 June 2014 concerning the establishment of a Mediation Panel and its Rules of Procedure (ECB/2014/26) (OJ L 179, 19.6.2014, p. 72).

⁽⁷⁾ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ L 141, 14.5.2014, p. 1).

⁽⁸⁾ Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

⁽⁹⁾ Decision (EU) 2015/433 of the European Central Bank of 17 December 2014 concerning the establishment of an Ethics Committee and its Rules of Procedure (ECB/2014/59) (OJ L 70, 14.3.2015, p. 58).

specific tasks and duties, the ECB should be treated, also for the purposes of this Decision, as a public entity similar to other Union institutions and bodies.

- (9) In exceptional cases, the circulation outside the ECB of some of the confidential information it holds in order to perform its tasks could seriously undermine the ECB's functioning. In such cases, the decision on granting the Office access to information or transmitting information to it should be taken by the Executive Board. Access should be granted to information that is more than one year old in areas such as monetary policy decisions, or operations related to the management of foreign reserves and interventions on foreign exchange markets. Restrictions in other areas, such as in relation to information concerning the tasks conferred upon the ECB by Regulation (EU) No 1024/2013, data received by the ECB from national competent authorities regarding the stability of the financial system or individual credit institutions, and information regarding the security features and technical specifications of current and future euro banknotes, should not be limited to specific periods of time. Although this Decision should limit to certain specific areas of activity the scope of information whose circulation outside the ECB could seriously undermine the ECB's functioning, it is necessary to provide for the possibility of adapting the Decision to cover unforeseen developments to ensure that the ECB continues to fulfil the tasks assigned to it by the Treaty.
- (10) This Decision should take into account that the members of the ECB's Governing Council and General Council who are not also members of the ECB's Executive Board exercise national functions in addition to their functions within the European System of Central Banks, and that the members of the ECB's Supervisory Board, Mediation Panel, joint supervisory teams and on-site inspection teams who are representatives of the national competent authorities of the participating Member States also exercise national functions in addition to their tasks under Regulation (EU) No 1024/2013. Exercising such national functions is a matter for national law, which falls outside the scope of the internal investigations of the Office. This Decision should therefore only apply to the professional activities of such persons undertaken in their capacity as members of the ECB's Governing Council, General Council, Supervisory Board, Mediation Panel, joint supervisory teams and on-site inspection teams.
- (11) This Decision should also take into account that the external members of the ECB's Administrative Board of Review, Audit Committee and Ethics Committee may exercise other functions in addition to their mandates. Exercising such functions falls outside the scope of the internal investigations of the Office. This Decision should therefore only apply to the professional activities of such persons undertaken in their capacity as members of the ECB's Administrative Board of Review, Audit Committee and Ethics Committee.
- (12) Article 37.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') provides that members of the governing bodies and the staff of the ECB are required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy. Article 27(1) of Regulation (EU) No 1024/2013 provides that members of the Supervisory Board, staff of the ECB and staff seconded by participating Member States carrying out supervisory duties, even after their duties have ceased, are subject to the same professional secrecy requirements. Article 22(1) of Decision ECB/2014/16 and Article 2(4) of Decision (EU) 2015/433 (ECB/2014/59) respectively provide the same for members of the ECB's Administrative Board of Review and their alternates and for members of the ECB's Ethics Committee. Paragraph 6 of the Audit Committee mandate ⁽¹⁾ provides that the members of the Audit Committee shall not divulge any information of a confidential nature coming to their knowledge during the performance of their duties to persons or bodies outside the ECB/Eurosystem. Under Article 10 of Regulation (EU, Euratom) No 883/2013, the Office and its employees are subject to the same conditions of confidentiality and professional secrecy as those applying to ECB staff under the Statute of the ESCB and the ECB conditions of employment.
- (13) Under Article 7(3) of Regulation (EU, Euratom) No 883/2013, the national competent authorities, in conformity with national rules, give the necessary assistance to enable the staff of the Office to fulfil their tasks effectively. The Government of the Federal Republic of Germany and the ECB are signatories to a Headquarters Agreement dated 18 September 1998 ⁽²⁾, which implements Protocol No 7 on the privileges and immunities of the European Union in respect of the ECB and contains provisions regarding the inviolability of the ECB's premises, archives, and communications, and on the diplomatic privileges and immunities of the members of the ECB's Executive Board.
- (14) Given the replacement of Regulation (EC) No 1073/1999 by Regulation (EU, Euratom) No 883/2013 and the substantial number of amendments necessary, Decision ECB/2004/11 should be repealed and replaced by this Decision,

⁽¹⁾ Available on the ECB's website at www.ecb.europa.eu

⁽²⁾ Federal Official Journal (Bundesgesetzblatt) No 45, 1998 of 27.10.1998 and No 12, 1999 of 6.5.1999.

HAS ADOPTED THIS DECISION:

Article 1

Scope of application

This Decision applies to:

- members of the ECB's Governing and General Councils, in matters related to their function as members of these ECB decision-making bodies,
- members of the ECB's Executive Board,
- members of the ECB's Supervisory Board, in matters related to their function as members of that body,
- members of the ECB's Administrative Board of Review, in matters related to their function as members of that body,
- members of the ECB's Mediation Panel, in matters related to their function as members of that body,
- members of the ECB's Audit Committee, in matters related to their function as members of that body,
- members of the ECB's Ethics Committee, in matters related to their function as members of that body,
- members of the governing bodies or any member of staff of the national central banks or national competent authorities, who participate in the meetings of the ECB's Governing and General Councils and Supervisory Board as alternates and/or accompanying persons in matters related to that function

(hereinafter jointly referred to as 'participants in the decision-making and other bodies'), and

- permanent or temporary ECB members of staff, who are subject to the ECB conditions of employment,
- persons working for the ECB other than on the basis of an employment contract, including members of staff of national competent authorities who are members of joint supervisory teams and on-site inspection teams, in matters related to their work for the ECB

(hereinafter jointly referred to as 'relevant persons').

Article 2

Duty to cooperate with the Office

Without prejudice to the relevant provisions of the Treaties, Protocol No 7 on the privileges and immunities of the European Union, the Statute of the ESCB and the Staff Regulations, with full respect for human rights, fundamental freedoms and the general principles common to the Member States and subject to the procedures laid down in Regulation (EU, Euratom) No 883/2013 and to the rules laid down in this Decision, participants in the decision-making and other bodies and relevant persons shall cooperate with and supply information to the Office, while ensuring the confidentiality of an internal investigation.

Article 3

Duty to report any information about illegal activity

1. Relevant persons who become aware of information which gives rise to a suspicion of the existence of possible cases of fraud, corruption or any other illegal activity affecting the Union's financial interests shall without delay provide either the Director Internal Audit, the senior manager in charge of their business area, or the member of the Executive Board who is primarily responsible for their business area with such information. The latter persons shall without delay transmit the information to the Director-General Secretariat. Relevant persons must in no way suffer inequitable or discriminatory treatment as a result of having communicated the information referred to in this Article.
2. Participants in the decision-making and other bodies who become aware of information as referred to in paragraph 1 shall inform the Director-General Secretariat or the President.

3. When the Director-General Secretariat or, where appropriate, the President receives information in accordance with paragraphs 1 or 2, they shall, subject to Article 4 of this Decision, transmit it without delay to the Office and inform the Directorate Internal Audit and, where appropriate, the President.

4. In cases in which a participant in the decision-making and other bodies or a relevant person has concrete information supporting the possible existence of a case of fraud or corruption or any other illegal activity within the meaning of paragraph 1, and, at the same time, has justified reasons to consider that the procedure provided for in the above paragraphs would prevent in that specific case the proper reporting of such information to the Office, they may report directly to the Office without being subject to Article 4.

Article 4

Cooperation with the Office with regard to sensitive information

1. In exceptional cases, in which the circulation of certain information outside the ECB could seriously undermine the ECB's functioning, the decision on whether to grant the Office access to such information or to transmit such information to it shall be taken by the Executive Board. This shall apply to: information concerning monetary policy decisions, or operations related to the management of foreign reserves and interventions on foreign exchange markets, provided that such information is less than one year old; information concerning the tasks conferred upon the ECB by Regulation (EU) No 1024/2013; data received by the ECB from the national competent authorities regarding the stability of the financial system or individual credit institutions; and information concerning the euro banknotes' security features and technical specifications.

2. Any such decision of the Executive Board shall take all relevant factors into account, such as the degree of sensitivity of the information required by the Office for the investigation, its importance for the investigation and the seriousness of the suspicion as presented by the Office, by the participant in the decision-making and other bodies or the relevant person to the President, and the degree of risk for the ECB's future functioning. If access is not granted, the decision shall state the reasons for this. With regard to data that the ECB receives on the stability of the financial system or individual credit institutions, the Executive Board may decide not to grant the Office access if it or the relevant national competent authority considers that disclosing the information concerned would place the stability of the financial system or the individual credit institution at risk.

3. In very exceptional cases that concern information related to a particular area of ECB activity, of equivalent sensitivity to the categories of information referred to in paragraph 1, the Executive Board may provisionally decide not to grant the Office access to such information. Paragraph 2 shall apply to such decisions, which shall be valid for a maximum of six months. Thereafter, the Office shall be granted access to the information concerned, unless the Governing Council has in the meantime amended the present Decision by adding the category of information concerned to the categories covered by paragraph 1.

Article 5

Assistance from the ECB in internal investigations

1. When initiating an internal investigation of the ECB, the Office's agents shall be granted access to the ECB's premises by the manager in charge of ECB security upon production of a written authorisation issued by the Director-General of the Office, which indicates the following:

- (a) the agents' identity and job title in the Office;
- (b) the subject matter and purpose of the investigation;
- (c) the legal bases for conducting the investigation and the investigative powers arising from those bases.

The President, the Vice-President and the Director Internal Audit shall be informed immediately.

2. The Directorate Internal Audit shall assist the Office in the practical organisation of investigations.
3. Participants in the decision-making and other bodies and relevant persons shall supply any requested information to the Office's agents who are conducting an investigation, unless the requested information could be sensitive within the meaning of Article 4, in which case the Executive Board shall decide whether or not the information should be provided. The Directorate Internal Audit shall record all information supplied.

Article 6

Informing interested parties

1. Where the possible implication of a participant in the decision-making and other bodies or a relevant person in fraud, corruption and any other illegal activity within the meaning of Article 3(1) emerges, the interested party shall be informed rapidly provided that this will not be harmful to the investigation ⁽¹⁾. In any event, conclusions referring by name to a participant in the decision-making or other bodies or a relevant person may not be drawn without the interested party being given the opportunity to express their views on all the facts relating to them, including any evidence existing against them. Interested parties have the right to remain silent, to refrain from incriminating themselves and to seek personal legal assistance.
2. In cases necessitating the maintenance of absolute secrecy for the purpose of the investigation and/or requiring the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite a participant in the decision-making or other bodies or a relevant person to express their views may be deferred for a limited period in agreement with the President or Vice-President.

Article 7

Information on the closing of an investigation with no further action taken

If, following an internal investigation, no case can be made against a participant in the decision-making and other bodies or a relevant person against whom allegations have been made, the internal investigation shall be closed, with no further action taken, by decision of the Director-General of the Office, who shall inform the participant in the decision-making and other bodies or relevant person thereof in writing.

Article 8

Waiver of immunity

Any request from a national police or judicial authority for waiver of applicable immunity from judicial proceedings of a participant in the decision-making and other bodies or a relevant person in possible cases of fraud, corruption and any other illegal activity affecting the financial interests of the Union shall be transmitted to the Director-General of the Office for his opinion. The Governing Council shall decide on any relevant waiver as far as participants in the decision-making and other bodies are concerned, and the Executive Board shall decide on any relevant waiver as far as relevant persons are concerned.

Article 9

Entry into force and repeal

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

⁽¹⁾ Article 20 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1) applies to any restriction on information to be given to data subjects in the event of data processing.

2. Decision ECB/2004/11 is repealed with effect from the twentieth day following the publication of this Decision in the *Official Journal of the European Union*.
3. References to Decision ECB/2004/11 shall be construed as references to this Decision.

Done at Frankfurt am Main, 4 March 2016.

The President of the ECB
Mario DRAGHI

DECISION (EU) 2016/457 OF THE EUROPEAN CENTRAL BANK**of 16 March 2016****on the eligibility of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus (ECB/2016/5)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Article 12.1, Article 18 and the second indent of Article 34.1 thereof,

Having regard to Guideline (EU) 2015/510 of the European Central Bank of 19 December 2014 on the implementation of the Eurosystem monetary policy framework (General Documentation Guideline) (ECB/2014/60) ⁽¹⁾, and in particular Article 1(4), Titles I, II, IV, V, VI and VIII of Part Four, and Part Six thereof,

Having regard to Guideline ECB/2014/31 of 9 July 2014 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9 ⁽²⁾, and in particular Article 1(3) and Article 8 thereof,

Whereas:

- (1) Pursuant to Article 18.1 of the Statute of the European System of Central Banks and of the European Central Bank, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral. The standard criteria and minimum credit quality requirements determining the eligibility of marketable assets as collateral for the purposes of Eurosystem monetary policy operations are laid down in Guideline (EU) 2015/510 (ECB/2014/60) and in particular in Article 59 and in Part Four, Title II thereof.
- (2) Pursuant to Article 1(4) of Guideline (EU) 2015/510 (ECB/2014/60), the Governing Council may, at any time, change the tools, instruments, requirements, criteria and procedures for the implementation of Eurosystem monetary policy operations. Pursuant to Article 59(6) of Guideline (EU) 2015/510 (ECB/2014/60), the Eurosystem reserves the right to determine whether an issue, issuer, debtor or guarantor fulfils the Eurosystem's credit quality requirements on the basis of any information that the Eurosystem may consider relevant for ensuring adequate risk protection of the Eurosystem.
- (3) By way of derogation from the Eurosystem's credit quality requirements for marketable assets, Article 8 of Guideline ECB/2014/31 provides that the Eurosystem's credit quality thresholds do not apply to marketable debt instruments issued or fully guaranteed by the central governments of euro area Member States under an European Union/International Monetary Fund programme, unless the Governing Council decides that the respective Member State does not comply with the conditionality of the financial support and/or the macroeconomic programme.
- (4) As an exceptional measure, Decision ECB/2013/13 ⁽³⁾ temporarily suspended the Eurosystem's minimum requirements for credit quality thresholds applicable to marketable debt instruments issued or fully guaranteed by the Republic of Cyprus. After the Republic of Cyprus completed a debt management exercise and there was confirmation that it was complying with the conditionality of the economic and financial adjustment programme

⁽¹⁾ OJ L 91, 2.4.2015, p. 3.

⁽²⁾ OJ L 240, 13.8.2014, p. 28.

⁽³⁾ Decision ECB/2013/13 of 2 May 2013 on temporary measures relating to the eligibility of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus (OJ L 133, 17.5.2013, p. 26).

it had entered into, Decision ECB/2013/22 ⁽¹⁾ once again restored the eligibility of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus for Eurosystem monetary policy operations, subject to applying specific haircuts to such instruments, and provided that the Republic of Cyprus should be considered a euro area Member State compliant with a European Union/International Monetary Fund programme.

- (5) Currently, Article 1(3) of Guideline ECB/2014/31 provides that, for the purposes of Article 8 of that Guideline, the Republic of Cyprus should be considered a euro area Member State compliant with a European Union/International Monetary Fund programme. Moreover, Article 8(3) of that Guideline provides that marketable debt instruments issued or fully guaranteed by the Republic of Cyprus are subject to the specific haircuts set out in Annex II to that Guideline.
- (6) Pursuant to a request made by the Republic of Cyprus, its International Monetary Fund programme was cancelled with effect from 7 March 2016 ⁽²⁾. Pursuant to Article 1 of the Financial Assistance Facility Agreement between the European Stability Mechanism (ESM), the Republic of Cyprus and the Central Bank of Cyprus ⁽³⁾, the termination date of the ESM programme is 31 March 2016. Consequently, from 1 April 2016 the Republic of Cyprus can no longer be considered a Member State under a European Union/International Monetary Fund programme. From that date, the conditions for the temporary suspension of the Eurosystem's credit quality thresholds in respect of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus, as set out in Article 8(2) of Guideline ECB/2014/31, will no longer be fulfilled.
- (7) Therefore, the Governing Council has decided that from 1 April 2016 the Eurosystem's standard criteria and credit quality thresholds should apply in respect of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus and that such debt instruments will be subject to the standard haircuts set out in Guideline (EU) 2016/65 of the European Central Bank (ECB/2015/35) ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

Eligibility of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus

1. For the purposes of Article 8 of Guideline ECB/2014/31, the Republic of Cyprus shall no longer be considered a Member State under a European Union/International Monetary Fund programme.
2. The Eurosystem's minimum requirements for credit quality thresholds, as laid down in Guideline (EU) 2015/510 (ECB/2014/60) and in particular in Article 59 and in Part Four, Title II thereof, shall apply to marketable debt instruments issued or fully guaranteed by the Republic of Cyprus.
3. Marketable debt instruments issued or fully guaranteed by the Republic of Cyprus shall no longer be subject to the specific haircuts set out in Annex II to Guideline ECB/2014/31.
4. In the event of any discrepancy between this Decision and any of Guideline (EU) 2015/510 (ECB/2014/60) and Guideline ECB/2014/31, as implemented at national level by the national central banks of Member States whose currency is the euro, this Decision shall prevail.

⁽¹⁾ Decision ECB/2013/22 of 5 July 2013 on temporary measures relating to the eligibility of marketable debt instruments issued or fully guaranteed by the Republic of Cyprus (OJ L 195, 18.7.2013, p. 27).

⁽²⁾ Statement by Christine Lagarde, Managing Director of the International Monetary Fund, on Cyprus, 7 March 2016, Press Release No 16/94.

⁽³⁾ Available on the ESM's website at www.esm.europa.eu

⁽⁴⁾ Guideline (EU) 2016/65 of the European Central Bank of 18 November 2015 on the valuation haircuts applied in the implementation of the Eurosystem monetary policy framework (ECB/2015/35) (OJ L 14, 21.1.2016, p. 30).

*Article 2***Entry into force**

This Decision shall enter into force on 1 April 2016.

Done at Frankfurt am Main, 16 March 2016.

The President of the ECB

Mario DRAGHI

