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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2018/814

of 1 June 2018

implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No 329/2007 ⁽¹⁾, and in particular Article 47(5) thereof,

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

Whereas:

- (1) On 30 August 2017, the Council adopted Regulation (EU) 2017/1509.
- (2) On 23 May 2018, the United Nations Security Council ("UNSC") Committee established pursuant to UNSC Resolution 1718 (2006) amended the listing of an entity subject to restrictive measures.
- (3) Annex XIII to Regulation (EU) 2017/1509 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XIII to Regulation (EU) 2017/1509 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the date 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, 1 June 2018.

*For the Council**The President*

E. ZAHARIEVA

⁽¹⁾ OJ L 224, 31.8.2017, p. 1.

ANNEX

In Annex XIII to Regulation (EU) 2017/1509, entry 74 under the heading '(b) Legal persons, entities and bodies' is replaced by the following:

'74.	WEIHAI WORLD-SHIPPING FREIGHT		419-201, Tongyi Lu, Huancui Qu, Weihai, Shandong 264200, China	30.3.2018	Ship and commercial manager of the XIN GUANG HAI, a vessel that on loaded coal at Taean, DPRK on October 27, 2017 and had an ETA of November 14, 2017 to Cam Pha, Vietnam, but it did not arrive.'
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COMMISSION IMPLEMENTING REGULATION (EU) 2018/815**of 1 June 2018****on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 497(3) thereof,

Whereas:

- (1) In order to avoid disruption to international financial markets and to prevent penalising institutions by subjecting them to higher own funds requirements during the processes of recognition of existing third-country central counterparties (CCPs), Article 497(2) of Regulation (EU) No 575/2013 established a transitional period during which third-country CCPs with which institutions established in the Union clear transactions may be considered qualifying CCPs by those institutions.
- (2) Regulation (EU) No 575/2013 amended Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾ in respect of certain inputs to the calculation of institutions' own funds requirements for exposures to third-country CCPs. Accordingly, Article 89(5a) of Regulation (EU) No 648/2012 requires certain third-country CCPs to report, for a limited period of time, the total amount of initial margin they have received from their clearing members. That transitional period mirrors the one laid down in Article 497(2) of Regulation (EU) No 575/2013.
- (3) Both transitional periods were set to expire on 15 June 2014.
- (4) Article 497(3) of Regulation (EU) No 575/2013 empowers the Commission to adopt an implementing act to extend the transitional period for own funds requirements by six months in exceptional circumstances. That extension should also apply in respect of the time limits laid down in Article 89(5a) of Regulation (EU) No 648/2012. Those transitional periods have most recently been extended until 15 June 2018 by Commission Implementing Regulation (EU) 2017/2241 ⁽³⁾.
- (5) Of the CCPs established in third countries that have applied for recognition in accordance with Article 25 of Regulation (EU) No 648/2012, 32 CCPs have been recognised by the European Securities and Markets Authority. The remaining third-country CCPs are still awaiting recognition and their recognition process will not be completed by 15 June 2018. If the transitional period is not extended, institutions established in the Union (or their subsidiaries established outside the Union) having exposures to those remaining third-country CCPs will be required to increase their own funds for those exposures significantly, potentially leading to the withdrawal of those institutions as direct participants in those CCPs or, at least temporarily, to the cessation of the provision of clearing services to those institutions' clients and thus cause severe disruption in the markets in which those CCPs operate.
- (6) The need to avoid disruption to markets outside of the Union that led to the previous extensions of the transitional period laid down in Article 497(2) of Regulation (EU) No 575/2013 would therefore remain after the expiry of the extension of the transitional period set out in Implementing Regulation (EU) 2017/2241. A further extension of the transitional period should enable institutions established in the Union (or their subsidiaries established outside the Union) to avoid significant increase in the own funds requirements due to the lack of completion of the recognition process for CCPs which provide, in a viable and accessible way, the specific type of

⁽¹⁾ OJ L 176, 27.6.2013, 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).

⁽³⁾ Commission Implementing Regulation (EU) 2017/2241 of 6 December 2017 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (OJ L 322, 7.12.2017, p. 27).

clearing services that institutions established in the Union (or their subsidiaries established outside the Union) require. An additional six-month extension of the transitional periods is therefore appropriate.

- (7) This Regulation should enter into force before 16 June 2018 to ensure that the extension of the existing transitional periods occurs prior to their expiry. A later entry into force could lead to disruption for CCPs, for markets in which they operate and for institutions which have exposures to those CCPs.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the European Banking Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The 15-month periods referred to in Article 497(2) of Regulation (EU) No 575/2013 and in the second subparagraph of Article 89(5a) of Regulation (EU) No 648/2012, as most recently extended in Implementing Regulation (EU) 2017/2241, are extended by an additional six months until 15 December 2018.

Article 2

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

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

Done at Brussels, 1 June 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/816**of 1 June 2018****amending for the 285th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 29 May 2018, the Sanctions Committee of the United Nations Security Council decided to amend one entry in the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 1 June 2018.

For the Commission,

On behalf of the President,

Head of the Service for Foreign Policy Instruments

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Council Regulation (EC) No 881/2002 is amended as follows:

The identifying data for the following entry under the heading 'Natural persons' is amended as follows:

'Djamel Lounici (alias Jamal Lounici). Address: Algeria. Date of birth: 1.2.1962. Place of birth: Algiers, Algeria. Nationality: Algerian. Other information: (a) Father's name is Abdelkader and mother's name is Johra Birouh; (b) Returned from France to Algeria where he resides since September 2008. Date of designation referred to in Article 7d(2)(i): 16.1.2004.' is replaced by the following:

'Djamel Lounici (alias Jamal Lounici). Address: Algeria. Date of birth: 1.2.1962. Place of birth: Algiers, Algeria. Nationality: Algerian. Other information: (a) Father's name is Abdelkader and mother's name is Djohra Birouch; (b) Returned from France to Algeria where he resides since September 2008. Date of designation referred to in Article 7d(2)(i): 16.1.2004.'

DECISIONS

COUNCIL DECISION (EU) 2018/817

of 22 May 2018

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex IX (Financial services) to the EEA Agreement (EMIR Level 2 Acts)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex IX to that Agreement, which contains provisions on financial services.
- (3) The following acts concern financial services and are to be incorporated into the EEA Agreement:
 - Commission Delegated Regulation (EU) No 148/2013 ⁽³⁾,
 - Commission Delegated Regulation (EU) No 149/2013 ⁽⁴⁾,
 - Commission Delegated Regulation (EU) No 150/2013 ⁽⁵⁾,
 - Commission Delegated Regulation (EU) No 151/2013 ⁽⁶⁾,
 - Commission Delegated Regulation (EU) No 152/2013 ⁽⁷⁾,
 - Commission Delegated Regulation (EU) No 153/2013 ⁽⁸⁾,

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 52, 23.2.2013, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (OJ L 52, 23.2.2013, p. 11).

⁽⁵⁾ Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25).

⁽⁶⁾ Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data (OJ L 52, 23.2.2013, p. 33).

⁽⁷⁾ Commission Delegated Regulation (EU) No 152/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties (OJ L 52, 23.2.2013, p. 37).

⁽⁸⁾ Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties (OJ L 52, 23.2.2013, p. 41).

- Commission Delegated Regulation (EU) No 876/2013 ⁽¹⁾,
- Commission Delegated Regulation (EU) No 1002/2013 ⁽²⁾,
- Commission Delegated Regulation (EU) No 1003/2013 ⁽³⁾,
- Commission Delegated Regulation (EU) No 285/2014 ⁽⁴⁾,
- Commission Delegated Regulation (EU) No 667/2014 ⁽⁵⁾,
- Commission Implementing Regulation (EU) No 1247/2012 ⁽⁶⁾,
- Commission Implementing Regulation (EU) No 1248/2012 ⁽⁷⁾,
- Commission Implementing Regulation (EU) No 1249/2012 ⁽⁸⁾,
- Commission Implementing Regulation (EU) No 484/2014 ⁽⁹⁾,
- Commission Delegated Regulation (EU) 2015/1515 ⁽¹⁰⁾,
- Commission Delegated Regulation (EU) 2015/2205 ⁽¹¹⁾,
- Commission Delegated Regulation (EU) 2016/592 ⁽¹²⁾,
- Commission Delegated Regulation (EU) 2016/1178 ⁽¹³⁾,

⁽¹⁾ Commission Delegated Regulation (EU) No 876/2013 of 28 May 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on colleges for central counterparties (OJ L 244, 13.9.2013, p. 19).

⁽²⁾ Commission Delegated Regulation (EU) No 1002/2013 of 12 July 2013 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities (OJ L 279, 19.10.2013, p. 2).

⁽³⁾ Commission Delegated Regulation (EU) No 1003/2013 of 12 July 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to trade repositories (OJ L 279, 19.10.2013, p. 4).

⁽⁴⁾ Commission Delegated Regulation (EU) No 285/2014 of 13 February 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on direct, substantial and foreseeable effect of contracts within the Union and to prevent the evasion of rules and obligations (OJ L 85, 21.3.2014, p. 1).

⁽⁵⁾ Commission Delegated Regulation (EU) No 667/2014 of 13 March 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to rules of procedure for penalties imposed on trade repositories by the European Securities and Markets Authority including rules on the right of defence and temporal provisions (OJ L 179, 19.6.2014, p. 31).

⁽⁶⁾ Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20).

⁽⁷⁾ Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for the registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 30).

⁽⁸⁾ Commission Implementing Regulation (EU) No 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 32).

⁽⁹⁾ Commission Implementing Regulation (EU) No 484/2014 of 12 May 2014 laying down implementing technical standards with regard to the hypothetical capital of a central counterparty according to Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 138, 13.5.2014, p. 57).

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2015/1515 of 5 June 2015 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the extension of the transitional periods related to pension scheme arrangements (OJ L 239, 15.9.2015, p. 63).

⁽¹¹⁾ Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 314, 1.12.2015, p. 13).

⁽¹²⁾ Commission Delegated Regulation (EU) 2016/592 of 1 March 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 103, 19.4.2016, p. 5).

⁽¹³⁾ Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 195, 20.7.2016, p. 3).

- Commission Delegated Regulation (EU) 2017/104 ⁽¹⁾,
 - Commission Delegated Regulation (EU) 2017/751 ⁽²⁾, and
 - Commission Implementing Regulation (EU) 2017/105 ⁽³⁾.
- (4) Annex IX to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment of Annex IX (Financial services) to the EEA Agreement shall be based on the draft decisions of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, 22 May 2018.

For the Council
The President
E. KARANIKOLOV

⁽¹⁾ Commission Delegated Regulation (EU) 2017/104 of 19 October 2016 amending Delegated Regulation (EU) No 148/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 17, 21.1.2017, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2017/751 of 16 March 2017 amending Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the deadline for compliance with clearing obligations for certain counterparties dealing with OTC derivatives (OJ L 113, 29.4.2017, p. 15).

⁽³⁾ Commission Implementing Regulation (EU) 2017/105 of 26 October 2016 amending Implementing Regulation (EU) No 1247/2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 17, 21.1.2017, p. 17 as corrected in OJ L 19, 25.1.2017, p. 97).

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No ...
of ...
amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) No 152/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Delegated Regulation (EU) No 876/2013 of 28 May 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on colleges for central counterparties ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Commission Delegated Regulation (EU) No 1002/2013 of 12 July 2013 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities ⁽⁸⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ OJ L 52, 23.2.2013, p. 1.

⁽²⁾ OJ L 52, 23.2.2013, p. 11.

⁽³⁾ OJ L 52, 23.2.2013, p. 25.

⁽⁴⁾ OJ L 52, 23.2.2013, p. 33.

⁽⁵⁾ OJ L 52, 23.2.2013, p. 37.

⁽⁶⁾ OJ L 52, 23.2.2013, p. 41.

⁽⁷⁾ OJ L 244, 13.9.2013, p. 19.

⁽⁸⁾ OJ L 279, 19.10.2013, p. 2.

- (9) Commission Delegated Regulation (EU) No 1003/2013 of 12 July 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to trade repositories ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (10) Commission Delegated Regulation (EU) No 285/2014 of 13 February 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on direct, substantial and foreseeable effect of contracts within the Union and to prevent the evasion of rules and obligations ⁽²⁾ is to be incorporated into the EEA Agreement.
- (11) Commission Delegated Regulation (EU) No 667/2014 of 13 March 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to rules of procedure for penalties imposed on trade repositories by the European Securities and Markets Authority including rules on the right of defence and temporal provisions ⁽³⁾ is to be incorporated into the EEA Agreement.
- (12) Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (13) Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for the registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (14) Commission Implementing Regulation (EU) No 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (15) Commission Implementing Regulation (EU) No 484/2014 of 12 May 2014 laying down implementing technical standards with regard to the hypothetical capital of a central counterparty according to Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (16) Annex IX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the EEA Agreement shall be amended as follows:

1. The following is added in point 31bc (Regulation (EU) No 648/2012 of the European Parliament and of the Council):

‘, as amended by:

— **32013 R 1002:** Commission Delegated Regulation (EU) No 1002/2013 of 12 July 2013 (OJ L 279, 19.10.2013, p. 2).’;

2. The following is inserted after point 31bcai (Commission Delegated Regulation (EU) 2015/2042):

‘31bcb. **32012 R 1247:** Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20).

⁽¹⁾ OJ L 279, 19.10.2013, p. 4.

⁽²⁾ OJ L 85, 21.3.2014, p. 1.

⁽³⁾ OJ L 179, 19.6.2014, p. 31.

⁽⁴⁾ OJ L 352, 21.12.2012, p. 20.

⁽⁵⁾ OJ L 352, 21.12.2012, p. 30.

⁽⁶⁾ OJ L 352, 21.12.2012, p. 32.

⁽⁷⁾ OJ L 138, 13.5.2014, p. 57.

The provisions of the Implementing Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 5, as regards the EFTA States:

(i) paragraphs 1 and 2 shall read as follows:

“1. Derivative contracts shall be reported:

(a) Within six months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision], where a trade repository for that particular derivative class has been registered under Article 55 of Regulation (EU) No 648/2012 before the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision];

(b) 90 days after the registration of a trade repository for a particular derivative class under Article 55 of Regulation (EU) No 648/2012, where there is no trade repository registered for that particular derivative class before or on the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision], but in any event no earlier than six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision];

(c) Within six months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision], where there is no trade repository registered for that particular derivative class under Article 55 of Regulation (EU) No 648/2012 six months after the date of entry into force of Decision of the EEA Joint Committee No.../...of ... [this decision]. The reporting obligation shall commence on this date and contracts shall be reported to ESMA in accordance with Article 9(3) of that Regulation until a trade repository is registered for that particular derivative class.”;

(ii) in paragraphs 3 and 4, the words “16 August 2012” shall read “the date of entry into force of Decision of the EEA Joint Committee No 206/2016 of 30 September 2016.”.

31bcc. **32012 R 1248:** Commission Implementing Regulation (EU) No 1248/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of applications for the registration of trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 30).

31bcd. **32012 R 1249:** Commission Implementing Regulation (EU) No 1249/2012 of 19 December 2012 laying down implementing technical standards with regard to the format of the records to be maintained by central counterparties according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 32).

31bce. **32013 R 0148:** Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 52, 23.2.2013, p. 1).

31bcf. **32013 R 0149:** Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (OJ L 52, 23.2.2013, p. 11).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 12, as regards the EFTA States:

(i) the words “and including 28 February 2014” shall read “six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;

(ii) the words “after 28 February 2014” shall read “after six months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;

(iii) the words “and including 31 August 2013” shall read “five months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;

- (iv) the words “after 31 August 2013” shall read “after five months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;
- (v) the words “and including 31 August 2014” shall read “six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;
- (vi) the words “after 31 August 2014” shall read “after six months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”.

31bcg. **32013 R 0150:** Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52, 23.2.2013, p. 25).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

The words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.

31bch. **32013 R 0151:** Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data (OJ L 52, 23.2.2013, p. 33).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Article 2(3) shall apply as regards the EFTA States subject to the content and entry into force of a decision of the EEA Joint Committee incorporating Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of the Energy Regulators.

(b) In Article 3, as regards the EFTA States:

(i) in paragraph 1, the words “the Union as referred to in Article 75” shall read “its EFTA State of establishment as referred to in Article 81(3)(h)”;

(ii) in paragraph 2, the words “ESMA as referred to in Article 76” shall read “its EFTA State of establishment as referred to in Article 81(3)(k)”.

31bci. **32013 R 0152:** Commission Delegated Regulation (EU) No 152/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on capital requirements for central counterparties (OJ L 52, 23.2.2013, p. 37).

31bcj. **32013 R 0153:** Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties (OJ L 52, 23.2.2013, p. 41).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 2(i), the words “Union currency” shall be replaced by the words “official currency of a Contracting Party to the EEA Agreement”.

31bck. **32013 R 0876:** Commission Delegated Regulation (EU) No 876/2013 of 28 May 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on colleges for central counterparties (OJ L 244, 13.9.2013, p. 19).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

The words “Union currencies” shall be replaced by the words “official currencies of Contracting Parties to the EEA Agreement”.

31bcl. **32013 R 1003:** Commission Delegated Regulation (EU) No 1003/2013 of 12 July 2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to fees charged by the European Securities and Markets Authority to trade repositories (OJ L 279, 19.10.2013, p. 4).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 1, as regards the EFTA States, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the words “the European Securities and Markets Authority (ESMA)”.
- (b) In Articles 2 and 4, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.
- (c) In Article 10(2):
 - (i) as regards the EFTA States, the word “ESMA” shall read “the EFTA Surveillance Authority”;
 - (ii) the following subparagraph shall be added:

“When, as regards trade repositories established in the EFTA States, the EFTA Surveillance Authority is to reimburse the registration fee paid, ESMA shall without delay make available the amounts to be reimbursed to a trade repository to the EFTA Surveillance Authority for that purpose.”.
- (d) In Article 11:
 - (i) the following subparagraph shall be added in paragraph 1:

“When, as regards trade repositories established in the EFTA States, the EFTA Surveillance Authority is to send the invoices for the instalments, ESMA shall inform the EFTA Surveillance Authority of the calculations necessary as regards each trade repository sufficiently in advance of the respective payment date.”;
 - (ii) in paragraph 2, as regards the EFTA States, the word “ESMA” shall read “the EFTA Surveillance Authority”.
- (e) In Article 13:
 - (i) in paragraph 1, the words “Only ESMA” shall be replaced by the words “Only ESMA or, as regards trade repositories established in the EFTA States, the EFTA Surveillance Authority”;
 - (ii) in paragraph 2, the words “or the EFTA Surveillance Authority, as the case may be,” shall be inserted after the word “ESMA”.

31bcm. **32014 R 0285:** Commission Delegated Regulation (EU) No 285/2014 of 13 February 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on direct, substantial and foreseeable effect of contracts within the Union and to prevent the evasion of rules and obligations (OJ L 85, 21.3.2014, p. 1).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 4, as regards the EFTA States, the words “10 October 2014” shall read “six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]”.

31bcn. **32014 R 0484:** Commission Implementing Regulation (EU) No 484/2014 of 12 May 2014 laying down implementing technical standards with regard to the hypothetical capital of a central counterparty according to Regulation (EU) No 648/2012 of the European Parliament and of the Council (OJ L 138, 13.5.2014, p. 57).

31bco. **32014 R 0667:** Commission Delegated Regulation (EU) No 667/2014 of 13 March 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to rules of procedure for penalties imposed on trade repositories by the European Securities and Markets Authority including rules on the right of defence and temporal provisions (OJ L 179, 19.6.2014, p. 31).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 1, as regards the EFTA States, the words “the European Securities and Markets Authority (ESMA)” and “ESMA” shall read “the EFTA Surveillance Authority”.
- (b) In Article 2, as regards the EFTA States, the words “and the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.

- (c) In Article 3, as regards the EFTA States:
- (i) in paragraph 1, the words “and the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (ii) the words “inform the EFTA Surveillance Authority thereof. The EFTA Surveillance Authority shall, without undue delay,” shall be inserted after the words “it shall” in paragraphs 2, 4 and 5 and before the words “decide to close the case” in paragraph 3;
 - (iii) in the second subparagraph of paragraph 4 and in the third sentence of the first subparagraph of paragraph 5, the words “, before preparing a draft for the EFTA Surveillance Authority, or the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (iv) in the third subparagraph of paragraph 4 and in the second subparagraph of paragraph 5, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (v) in paragraph 6, the word “ESMA” shall read “the EFTA Surveillance Authority”.
- (d) In Article 4, as regards the EFTA States:
- (i) in the first subparagraph, the word “ESMA” shall read “the EFTA Surveillance Authority”;
 - (ii) in the fourth subparagraph, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
- (e) In Article 5, as regards the EFTA States:
- (i) the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the words “If so requested, ESMA”;
 - (ii) the words “ESMA has sent a statement of findings” shall read “the EFTA Surveillance Authority has sent a statement of findings”.
- (f) In Article 6, as regards the EFTA States:
- (i) in paragraphs 1 and 4, the word “ESMA” shall read “the EFTA Surveillance Authority”;
 - (ii) in paragraph 3, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (iii) in paragraph 5, the following subparagraph shall be added:

“The limitation period for imposing fines and periodic penalty payments shall be suspended for as long as the decision of the EFTA Surveillance Authority is the subject of proceedings pending before the EFTA Court in accordance with Article 35 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.”.
- (g) In Article 7, as regards the EFTA States:
- (i) the word “ESMA” shall read “the EFTA Surveillance Authority”;
 - (ii) in paragraph 5(b), the words “ESMA Board of Appeal, in accordance with Article 58 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council, and the Court of Justice of the European Union, in accordance with Article 69 of Regulation (EU) No 648/2012” shall read “the EFTA Court in accordance with Article 35 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice”.

Article 2

The texts of Delegated Regulations (EU) No 148/2013, (EU) No 149/2013, (EU) No 150/2013, (EU) No 151/2013, (EU) No 152/2013, (EU) No 153/2013, (EU) No 876/2013, (EU) No 1002/2013, (EU) No 1003/2013, (EU) No 285/2014 and (EU) No 667/2014 and Implementing Regulations (EU) No 1247/2012, (EU) No 1248/2012, (EU) No 1249/2012 and (EU) No 484/2014 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No ...
of ...
amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2015/1515 of 5 June 2015 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the extension of the transitional periods related to pension scheme arrangements ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Delegated Regulation (EU) 2016/592 of 1 March 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation ⁽⁴⁾, as corrected by OJ L 196, 21.7.2016, p. 56, is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) 2017/104 of 19 October 2016 amending Delegated Regulation (EU) No 148/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Delegated Regulation (EU) 2017/751 of 16 March 2017 amending Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the deadline for compliance with clearing obligations for certain counterparties dealing with OTC derivatives ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Implementing Regulation (EU) 2017/105 of 26 October 2016 amending Implementing Regulation (EU) No 1247/2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories ⁽⁷⁾, as corrected by OJ L 19, 25.1.2017, p. 97, is to be incorporated into the EEA Agreement.
- (8) Annex IX to the EEA Agreement should therefore be amended accordingly,

⁽¹⁾ OJ L 239, 15.9.2015, p. 63.

⁽²⁾ OJ L 314, 1.12.2015, p. 13.

⁽³⁾ OJ L 103, 19.4.2016, p. 5.

⁽⁴⁾ OJ L 195, 20.7.2016, p. 3.

⁽⁵⁾ OJ L 17, 21.1.2017, p. 1.

⁽⁶⁾ OJ L 113, 29.4.2017, p. 15.

⁽⁷⁾ OJ L 17, 21.1.2017, p. 17.

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the EEA Agreement shall be amended as follows:

1. The following indent is inserted in point 31bc (Regulation (EU) No 648/2012 of the European Parliament and of the Council):

‘— 32015 R 1515: Commission Delegated Regulation (EU) 2015/1515 of 5 June 2015 (OJ L 239, 15.9.2015, p. 63).’;

2. The text of point 31bcb (Commission Implementing Regulation (EU) No 1247/2012) is replaced by the following:

‘**32012 R 1247:** Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20), as amended by:

— **32017 R 0105:** Commission Implementing Regulation (EU) 2017/105 of 26 October 2016 (OJ L 17, 21.1.2017, p. 17), as corrected by OJ L 19, 25.1.2017, p. 17.

The provisions of the Implementing Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 4(5) and Article 4b, as regards the EFTA States, the words “in the EEA” shall be inserted after the words “date of application”.

- (b) In Article 5, as regards the EFTA States:

- (i) paragraphs 1 and 2 shall read as follows:

“1. Derivative contracts shall be reported:

- (a) Within six months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [JCD 32013R0148.A09], where a trade repository for that particular derivative class has been registered under Article 55 of Regulation (EU) No 648/2012 before the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [JCD 32013R0148.A09];

- (b) 90 days after the registration of a trade repository for a particular derivative class under Article 55 of Regulation (EU) No 648/2012, where there is no trade repository registered for that particular derivative class before or on the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [JCD 32013R0148.A09], but in any event no earlier than six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [JCD 32013R0148.A09];

- (c) Within six months of the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [JCD 32013R0148.A09], where there is no trade repository registered for that particular derivative class under Article 55 of Regulation (EU) No 648/2012 six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [JCD 32013R0148.A09]. The reporting obligation shall commence on this date and contracts shall be reported to ESMA in accordance with Article 9(3) of that Regulation until a trade repository is registered for that particular derivative class.”;

- (ii) in paragraphs 3 and 4, the words “16 August 2012” shall read “1 July 2017”;

3. The following shall be inserted in point 31bce (Commission Delegated Regulation (EU) No 148/2013), with effect from ... [insert: nine months after the date of entry into force of this Decision]:

‘, as amended by:

— **32017 R 0104:** Commission Delegated Regulation (EU) 2017/104 of 19 October 2016 (OJ L 17, 21.1.2017, p. 1).’;

4. The following is added after point 31bco (Commission Delegated Regulation (EU) No 667/2014):

‘31bcp. **32015 R 2205:** Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 314, 1.12.2015, p. 13), as amended by:

— **32017 R 0751:** Commission Delegated Regulation (EU) 2017/751 of 16 March 2017 (OJ L 113, 29.4.2017, p. 15).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In point (b) of Article 2(1), as regards the EFTA States, the words “January, February and March 2016” shall read “January, February and March ...[insert: year of entry into force of this Decision]”.

(b) In Article 3:

(i) as regards the EFTA States, the first subparagraph of paragraph 1 shall read as follows:

“In respect of contracts pertaining to a class of OTC derivatives set out in the Annex, the clearing obligation shall take effect:

(a) six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 1;

(b) one year after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 2;

(c) 21 June 2019 for counterparties in Category 3;

(d) two years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 4.”;

(ii) in the second subparagraph of paragraph 1, the words “, or between one counterparty established in an EFTA State and one counterparty established in an EU Member State” shall be inserted after the words “between two counterparties included in different categories of counterparties”;

(iii) as regards the EFTA States, the first subparagraph of paragraph 2 shall read as follows:

“By way of derogation from points (a), (b) and (c) of paragraph 1, in respect of contracts pertaining to a class of OTC derivatives set out in the Annex and concluded between counterparties other than counterparties in Category 4 which are part of the same group and where one counterparty is established in a third country and the other counterparty is established in the EEA, the clearing obligation shall take effect:

(a) two years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] in case no equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts referred to in the Annex to this Regulation in respect of the relevant third country applies in the EEA; or

(b) the later of the following dates in case an equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts referred to in the Annex to this Regulation in respect of the relevant third country applies in the EEA:

(i) 60 days after the date of entry into force of the decision of the EEA Joint Committee containing the decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts referred to in the Annex to this Regulation in respect of the relevant third country;

(ii) the date when the clearing obligation takes effect pursuant to paragraph 1.”.

(c) In Article 4:

(i) in paragraph 1, as regards the EFTA States, the words “21 February 2016” shall read “two months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]”;

(ii) in paragraph 2, as regards the EFTA States, the words “21 May 2016” shall read “five months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]”;

(iii) in paragraph 4, the words “, between one financial counterparty established in an EFTA State and one financial counterparty established in an EU Member State” shall be inserted after the words “between two financial counterparties belonging to different categories”.

31bcq. **32016 R 0592:** Commission Delegated Regulation (EU) 2016/592 of 1 March 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 103, 19.4.2016, p. 5), as amended by:

— **32017 R 0751:** Commission Delegated Regulation (EU) 2017/751 of 16 March 2017 (OJ L 113, 29.4.2017, p. 15).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In point (b) of Article 2(1), as regards the EFTA States, the words “January, February and March 2016” shall read “January, February and March ...[insert: year of entry into force of this Decision]”.

(b) In Article 3:

(i) as regards the EFTA States, the first subparagraph of paragraph 1 shall read as follows:

“In respect of contracts pertaining to a class of OTC derivatives set out in the Annex, the clearing obligation shall take effect:

(a) one year after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 1;

(b) eighteen months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 2;

(c) 21 June 2019 for counterparties in Category 3;

(d) thirty-nine months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 4.”;

(ii) in the second subparagraph of paragraph 1, the words “, or between one counterparty established in an EFTA State and one counterparty established in an EU Member State” shall be inserted after the words “between two counterparties included in different categories of counterparties”;

(iii) as regards the EFTA States, the first subparagraph of paragraph 2 shall read as follows:

“By way of derogation from points (a), (b) and (c) of paragraph 1, in respect of contracts pertaining to a class of OTC derivatives set out in the Annex and concluded between counterparties other than counterparties in Category 4 which are part of the same group and where one counterparty is established in a third country and the other counterparty is established in the EEA, the clearing obligation shall take effect:

(a) thirty-nine months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] in case no equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts set out in the Annex to this Regulation in respect of the relevant third country applies in the EEA; or

(b) the later of the following dates in case an equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts set out in the Annex to this Regulation in respect of the relevant third country applies in the EEA:

(i) 60 days after the date of entry into force of the decision of the EEA Joint Committee containing the decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts set out in the Annex to this Regulation in respect of the relevant third country;

(ii) the date when the clearing obligation takes effect pursuant to paragraph 1.”.

(c) In Article 4:

(i) in paragraphs 1 and 2, as regards the EFTA States, the words “9 October 2016” shall read “five months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]”;

(ii) in paragraph 4, the words “, between one financial counterparty established in an EFTA State and one financial counterparty established in an EU Member State” shall be inserted after the words “between two financial counterparties belonging to different categories”.

31bcr. **32016 R 1178:** Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 195, 20.7.2016, p. 3), as corrected by OJ L 196, 21.7.2016, p. 56, as amended by:

— **32017 R 0751:** Commission Delegated Regulation (EU) 2017/751 of 16 March 2017 (OJ L 113, 29.4.2017, p. 15).

The provisions of the Delegated Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) In point (b) of Article 2(1), as regards the EFTA States, the words “January, February and March 2016” shall read “January, February and March ...[insert: year of entry into force of this Decision]”.

(b) In Article 3:

(i) as regards the EFTA States, the first subparagraph of paragraph 1 shall read as follows:

“In respect of contracts pertaining to a class of OTC derivatives set out in Annex I, the clearing obligation shall take effect:

(a) six months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 1;

(b) one year after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 2;

(c) 21 June 2019 for counterparties in Category 3;

(d) two years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] for counterparties in Category 4.”;

(ii) in the second subparagraph of paragraph 1, the words “, or between one counterparty established in an EFTA State and one counterparty established in an EU Member State” shall be inserted after the words “between two counterparties included in different categories of counterparties”;

(iii) as regards the EFTA States, the first subparagraph of paragraph 2 shall read as follows:

“By way of derogation from points (a), (b) and (c) of paragraph 1, in respect of contracts pertaining to a class of OTC derivatives set out in Annex I and concluded between counterparties other than counterparties in Category 4 which are part of the same group and where one counterparty is established in a third country and the other counterparty is established in the EEA, the clearing obligation shall take effect:

(a) two years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision] in case no equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts set out in Annex I of this Regulation in respect of the relevant third country applies in the EEA; or

(b) the later of the following dates in case an equivalence decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts set out in Annex I of this Regulation in respect of the relevant third country applies in the EEA:

(i) 60 days after the date of entry into force of the decision of the EEA Joint Committee containing the decision adopted pursuant to Article 13(2) of Regulation (EU) No 648/2012 for the purposes of Article 4 of that Regulation covering the OTC derivative contracts set out in Annex I of this Regulation in respect of the relevant third country;

(ii) the date when the clearing obligation takes effect pursuant to paragraph 1.”.

(c) In Article 4:

(i) in paragraphs 1 and 2, as regards the EFTA States, the words “9 October 2016” shall read “two months after the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this decision]”;

(ii) in paragraph 4, the words “, between one financial counterparty established in an EFTA State and one financial counterparty established in an EU Member State” shall be inserted after the words “between two financial counterparties belonging to different categories”.

Article 2

The texts of Delegated Regulations (EU) 2015/1515, (EU) 2015/2205, (EU) 2016/592, (EU) 2016/1178, as corrected by OJ L 196, 21.7.2016, p. 56, (EU) 2017/104, and (EU) 2017/751 and Implementing Regulation (EU) 2017/105, as corrected by OJ L 19, 25.1.2017, p. 97, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COUNCIL IMPLEMENTING DECISION (EU) 2018/818**of 28 May 2018****imposing a fine on Austria for the manipulation of debt data in Land Salzburg**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ⁽¹⁾, and in particular Article 8(1) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Article 126(1) of the Treaty on the Functioning of the European Union (TFEU) requires Member States to avoid excessive government deficits.
- (2) Data on Government deficits and debt that are relevant to the application of Articles 121 and 126 TFEU and to the application of Protocol No 12 on the excessive deficit procedure annexed to the Treaty on European Union and to the TFEU, are essential inputs to economic policy coordination in the Union.
- (3) In order to enhance the enforcement of budgetary surveillance in the euro area and to deter against the misrepresentation, whether intentional or due to serious negligence, of government deficit and debt data, the Council, acting upon a recommendation by the Commission, may decide to impose a fine on the Member State responsible.
- (4) On 3 May 2016, the Commission launched an investigation related to the manipulation of statistics in Austria as referred to in Regulation (EU) No 1173/2011. The preliminary findings of the investigation were sent to Austria for its observations on 20 December 2016, as required by Commission Delegated Decision 2012/678/EU ⁽²⁾. Austria provided its written observations on the preliminary findings on 25 January 2017.
- (5) On 22 February 2017, the Commission adopted a report on the investigation related to the manipulation of statistics in Austria as referred to in Regulation (EU) No 1173/2011 of the European Parliament and of the Council on the effective enforcement of budgetary surveillance in the euro area, taking into account the observations provided by Austria.
- (6) In its report, the Commission concluded that the State Court of Audit (*Landesrechnungshof* - LRH) and State Office of Land Salzburg (*Amt der Salzburger Landesregierung*) and State Government of Land Salzburg (*Salzburger Landesregierung*), which are entities within the general government sector of Austria, were seriously negligent in not ensuring appropriate compilation controls and reporting procedures. Because of this, those entities facilitated the fact that the Budget Unit of the State Office of Land Salzburg could misrepresent and conceal financial transactions. This in turn resulted in Austria's debt data for the years 2008-2012 being misrepresented to Eurostat in 2012 and 2013, i.e. after the entry into force of Regulation (EU) No 1173/2011. Moreover, the Commission concluded that Statistics Austria (*Statistik Austria* - STAT) was aware of the possibility that Land Salzburg misrepresented its accounts since at least 6 December 2012, but that it only informed the Commission (Eurostat) of this fact on 10 October 2013.
- (7) The amount of the fine shall not exceed 0,2 % of the gross domestic product of Austria in 2015.
- (8) The reference amount of the fine to be imposed shall be equal to 5 % of the larger impact of misrepresentation of the general government debt of Austria for the relevant years covered by the notification in the context of the excessive deficit procedure (EDP). The revision to the debt reported by Austria for the April 2014 EDP notification amounted to EUR 1 192 million. The reference amount for the fine should thus be set at EUR 59,6 million.
- (9) Taking into account the criteria set out in point (d) of Article 14(3) of Delegated Decision 2012/678/EU, the Commission concluded in its report that the relevant actions of the Member State on which a fine may be based are those which took place in the period from 13 December 2011, when Regulation (EU) No 1173/2011 entered

⁽¹⁾ OJ L 306, 23.11.2011, p. 1.

⁽²⁾ Commission Delegated Decision 2012/678/EU of 29 June 2012 on investigations and fines related to the manipulation of statistics as referred to in Regulation (EU) No 1173/2011 of the European Parliament and of the Council on the effective enforcement of budgetary surveillance in the euro area (OJ L 306, 6.11.2012, p. 21).

into force, until the launch of the investigation. It also concluded that the last notification in which the relevant misrepresentation occurred was the October 2013 EDP notification that covered the years 2009-2012. The misrepresentations for years 2011 and 2012, contained in the 2012 and the 2013 EDP notifications, respectively, are of relevance in the context of that Regulation because they justify increasing the amount of the fine.

- (10) Taking into account the criteria set out in point (a) of Article 14(3) of Delegated Decision 2012/678/EU, the Commission concluded in its report that the misrepresentation of data did not significantly impact the functioning of the strengthened economic governance of the Union, because of its limited impact on the debt of Austria as a whole. These elements justify a reduction of the amount of the fine.
- (11) Taking into account the criteria set out in point (b) of Article 14(3) of Delegated Decision 2012/678/EU, the Commission concluded in its report that the misrepresentation was the result of serious negligence. The Commission did not conclude in its report that the misrepresentation was intentional in an EDP context. No modulation should be applied to the amount of the fine in this respect.
- (12) Taking into account the criteria set out in point (c) of Article 14(3) of Delegated Decision 2012/678/EU, the Commission concluded in its report that the misrepresentation of data was facilitated by the fact that three entities of the general government sector of Austria were seriously negligent by not ensuring appropriate compilation controls and reporting procedures. Nevertheless, the Commission does not consider this to be a concerted action by those entities. These elements justify a reduction of the amount of the fine.
- (13) Taking into account the criteria set out in Article 14(3)(e) of Delegated Decision 2012/678/EU, the Commission in its report concluded that STAT and all entities concerned have shown a high degree of cooperation in the course of the investigation. This element would normally justify a reduction of the amount of the fine. Nevertheless, it has been ascertained that, under the principle of due diligence, STAT could and should have had a more prompt and pro-active role in informing the Commission (Eurostat) that misreporting had occurred in the accounts of Land Salzburg. This element would normally justify an increase in the amount of the fine. However, this conclusion should be qualified by the high complexity of the factual situation which led to the misreporting, involving losses from financial derivatives and the associated technical difficulties associated to their understanding and elaboration and which should be taken into account when assessing the degree of diligence shown by the authorities of the Member State concerned. Considering the combined effect of the elements justifying a reduction – the high degree of cooperation shown in the course of the investigation as well as the difficulties ensuing from the high complexity of the facts – against the elements justifying an increase, a reduction should still be applied to the amount of the fine.
- (14) The Commission recommends that the fine to be imposed on Austria should be set at EUR 29,8 million. In view of these circumstances, the fine should be set at EUR 26,82 million,

HAS ADOPTED THIS DECISION:

Article 1

A fine of EUR 26,82 million is imposed on Austria for the misrepresentation of government debt data due to the serious negligence of three government entities as set out in the report of the European Commission on the investigation related to the manipulation of statistics in Austria as referred to in Regulation (EU) No 1173/2011.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 28 May 2018.

For the Council
The President
E. KARANIKOLOV

COUNCIL IMPLEMENTING DECISION (CFSP) 2018/819
of 1 June 2018
implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic
People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP ⁽¹⁾, and in particular Article 33(1) thereof,

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

Whereas:

- (1) On 27 May 2016, the Council adopted Decision (CFSP) 2016/849.
- (2) On 23 May 2018, the United Nations Security Council ('UNSC') Committee established pursuant to UNSC Resolution 1718 (2006) amended the listing of an entity subject to restrictive measures.
- (3) Annex I to Decision (CFSP) 2016/849 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision (CFSP) 2016/849 is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 1 June 2018.

For the Council
The President
E. ZAHARIEVA

⁽¹⁾ OJ L 141, 28.5.2016, p. 79.

ANNEX

In Annex I to Decision (CFSP) 2016/849, entry 74 under the heading 'B. Entities' is replaced by the following:

'74.	WEIHAI WORLD-SHIPPING FREIGHT		419-201, Tongyi Lu, Huancui Qu, Weihai, Shandong 264200, China	30.3.2018	Ship and commercial manager of the XIN GUANG HAI, a vessel that on loaded coal at Taean, DPRK on October 27, 2017 and had an ETA of November 14, 2017 to Cam Pha, Vietnam, but it did not arrive.'
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COMMISSION IMPLEMENTING DECISION (EU) 2018/820**of 31 May 2018****granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources***(notified under document C(2018) 3222)***(Only the Dutch text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) Directive 91/676/EEC aims to protect waters against pollution caused by nitrates from agricultural sources by, among other measures, limiting the application of livestock manure to land. If a Member State intends to allow an amount of manure per hectare that is different from the amount specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC, that amount is to be fixed so as not to prejudice the achievement of the objectives of the Directive and is to be justified on the basis of objective criteria, such as long growing seasons and crops with high nitrogen uptake. The justification is to be examined by the Commission.
- (2) On 8 December 2005, the Commission adopted Decision 2005/880/EC ⁽²⁾ granting a derogation requested by the Netherlands pursuant to Directive 91/676/EEC for the purpose of allowing the application of grazing livestock manure up to a limit of 250 kg nitrogen per hectare per year on farms with at least 70 % grassland.
- (3) On 5 February 2010, the Commission adopted Decision 2010/65/EU ⁽³⁾, amending Decision 2005/880/EC and extending the derogation until 31 December 2013.
- (4) On 16 May 2014, the Commission adopted Implementing Decision 2014/291/EU ⁽⁴⁾. In that Decision the Netherlands was granted a derogation pursuant to Directive 91/676/EEC to allow the application of grazing livestock manure on farms with at least 80 % grassland up to a limit of 230 kg nitrogen per hectare per year for farms on southern and central sandy soils and on loess soils and up to a limit of 250 kg nitrogen per hectare per year for farms on other soils. The derogation concerned 19 564 farms in 2016, corresponding to 47 % of the total net agricultural area in the Netherlands.
- (5) On 31 January 2018, the Netherlands submitted to the Commission a request, under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC, for a renewal of the derogation for the period 2018 to 2021.
- (6) The Netherlands applies, in conformity with Article 3(5) of Directive 91/676/EEC, an action programme throughout its whole territory.
- (7) The Dutch legislation implementing Directive 91/676/EEC includes application standards both for nitrogen and phosphate.
- (8) According to the data provided by the Dutch authorities, in the period 2012 to 2015, the number of cattle and pigs in the Netherlands increased by 2,3 % and 0,8 % respectively as compared to the period 2008 to 2011.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ Commission Decision 2005/880/EC of 8 December 2005 granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 324, 10.12.2005, p. 89).

⁽³⁾ Commission Decision 2010/65/EU of 5 February 2010 amending Decision 2005/880/EC granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 35, 6.2.2010, p. 18).

⁽⁴⁾ Commission Implementing Decision 2014/291/EU of 16 May 2014 granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 148, 20.5.2014, p. 88).

The number of poultry in the Netherlands increased by 2,4 % for the same period. Since 2006, Dutch legislation ⁽¹⁾ sets limitations on the number of pigs and poultry. Moreover, since January 2015, Dutch legislation ⁽²⁾ requires that an appropriate share of surplus manure from the dairy sector is processed. In addition, a system of phosphate production rights for dairy cattle has just been introduced ⁽³⁾ in the Netherlands. All of those measures aim at preventing pollution of water bodies.

- (9) In the period 2012 to 2015, nitrogen use from livestock manure in the Netherlands was 416 000 tonnes, which was a decrease of 4,4 % as compared to the period 2008 to 2011 ⁽⁴⁾. The use of chemical N fertiliser in the Netherlands increased by approximately 4,3 % in the period 2012 to 2015 compared to the period 2008-2011 ⁽⁵⁾.
- (10) According to the scientific underpinning provided by the Dutch authorities, the climate in the Netherlands, characterised by an annual rainfall evenly distributed throughout the year and a relatively narrow annual temperature range, promotes a long grass-growing season of 250 days per year.
- (11) Moreover, the information provided by the Dutch authorities in the context of the previous derogation granted by Implementing Decision 2014/291/EU indicates that derogation has not led to a deterioration of the Dutch water bodies. For instance, the nitrate concentration in the water leaving the root zone on monitored holdings covered by authorisations has decreased since 2006 and was in average in 2015 and 2016 below 50 mg/l.
- (12) The data reported by the Netherlands under Article 10 of Directive 91/676/EEC shows that for the period 2012 to 2015, approximately 88 % of the groundwater monitoring stations in the Netherlands had mean nitrate concentrations below 50 mg/l and that 79 % of those monitoring stations had mean nitrate concentrations below 25 mg/l. The data also shows that for the period 2012 to 2015, 99 % of the surface water monitoring stations in the Netherlands had mean nitrate concentrations below 50 mg/l and that 96 % of those monitoring stations had mean nitrate concentrations below 25 mg/l. The data indicates a stable or decreasing trend in nitrate concentration in groundwater and surface water compared to the period 2008 to 2011. Nevertheless, in the reporting period 2012 to 2015, 60 % of the freshwaters were eutrophic, 13 % potentially eutrophic and 27 % not eutrophic.
- (13) After examination of the request from the Netherlands in accordance with the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in the light of the 6th Dutch Action Programme and the experience gained from the derogation provided for in Implementing Decision 2014/291/EU, the Commission considers that the amount of grazing livestock manure proposed by the Netherlands, corresponding to 230 kg nitrogen per hectare per year on farms with at least 80 % grassland on southern and central sandy soils and on loess soils and 250 kg nitrogen per hectare per year on farms with at least 80 % grassland on other soils, will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met by the Netherlands, and is justified on the basis of objective criteria.
- (14) The Netherlands should ensure that the pressure on water bodies as a consequence of growing livestock numbers and the associated manure production does not increase. To that end the Netherlands should ensure that total manure production, both in terms of nitrogen and phosphorus, does not increase beyond the level of the year 2002. New legislation implementing the 6th Dutch Action Programme should therefore provide for a binding manure production ceiling which is not to be exceeded and which can be invoked against individual farmers where needed.
- (15) The authorisations to individual farmers is subject to certain conditions that are aimed at ensuring fertilisation at farm level based on crop needs and reduction and prevention of nitrogen and phosphorus losses to water. Those conditions should therefore include requirements that a fertiliser plan has been established at farm level, that fertiliser practices are recorded through fertiliser accounts, that periodic soil analysis are carried out, that green cover is applied in winter after maize, that specific provisions on grass ploughing are complied with, that no manure is applied before grass ploughing, that the fertilisation takes into account the contribution of leguminous crops, and that no phosphate from chemical fertilisers is applied to the land.
- (16) Over the recent years the implementation by the Netherlands of their manure management policy, including compliance with Implementing Decision 2014/291/EU, has suffered some setbacks leading to a situation where there are concerns over possible fraud. This exceptional situation requires the Netherlands to step up its efforts in preventing fraud in the implementation of its manure policy. While the 6th Action Programme already provides for measures aimed at reinforcing the control and inspections with a view to improving overall compliance with

⁽¹⁾ Dutch Fertiliser Act (*Meststoffenwet*), Articles 19 and 20

⁽²⁾ Dutch Fertiliser Act (*Meststoffenwet*), Articles 33a-33d.

⁽³⁾ Dutch Fertiliser Act (*Meststoffenwet*), Article 21b.

⁽⁴⁾ Eurostat, June 2017

⁽⁵⁾ Eurostat, June 2017

the rules of the Dutch manure policy, additional efforts need to be deployed to foster effective implementation and full compliance. Those efforts should include the establishment of an enhanced enforcement strategy, taking into account also the provisions of Directive 2008/99/EC of the European Parliament and of the Council ⁽¹⁾. The strategy should be based on an independent assessment of compliance with the rules on Dutch manure policy and contain specific measures aiming at further strengthening inspections and controls and a clear methodology to establish sufficiently dissuasive penalties and sanctions. It is therefore justified to limit the duration of the derogation so that it expires on 31 December 2019 in order to enable the Netherlands to fully implement the enhanced enforcement strategy. The Netherlands may submit, in accordance with the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC, a request for a new derogation for a subsequent period.

- (17) Directive 2000/60/EC of the European Parliament and of the Council ⁽²⁾ provides for a comprehensive, cross-border approach to water protection organised around river basin districts (RBDs), with the objective of achieving good status for European bodies of water. Reducing nutrients is an integral part of that objective. Granting of a derogation under this Decision is without prejudice to the provisions of Directive 2000/60/EC and does not exclude that additional measures may be needed to fulfil obligations derived from that Directive.
- (18) Directive 2007/2/EC of the European Parliament and of the Council ⁽³⁾ lays down general rules aimed at the establishment of the Infrastructure for Spatial Information in the Union for the purposes of environmental policies of the Union and policies or activities of the Union which may have an impact on the environment. Where applicable, the spatial information collected in the context of this Decision should be in line with the provisions set out in that Directive. In order to reduce the administrative burden and enhance data coherence, the Netherlands, when collecting the necessary data under this Decision should, where appropriate, make use of the information generated under the Integrated Administration and Control System established pursuant to Chapter II of Title V of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽⁴⁾.
- (19) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Derogation

The derogation requested by the Netherlands by letter of 31 January 2018, for the purpose of allowing application to the land of a higher amount of nitrogen from grazing livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC, is granted, subject to the conditions laid down in this Decision.

Granting of a derogation under this Decision is without prejudice to the provisions of Directive 2000/60/EC.

Article 2

Scope

This derogation applies to grassland farms for which an authorisation has been granted in accordance with Article 6.

⁽¹⁾ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

⁽²⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁽³⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

⁽⁴⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

*Article 3***Definitions**

For the purpose of this Decision, the following definitions shall apply:

- (1) 'grassland farm' means any holding where at least 80 % of the acreage available for manure application is grass;
- (2) 'grazing livestock' means cattle (with the exclusion of veal calves), sheep, goats, horses, donkeys, deer, and water buffalo;
- (3) 'farm land' means the acreage owned, rented or managed by the farmer under a written individual contract and on which the farmer has a direct management responsibility;
- (4) 'grass' means permanent grassland or temporary grassland which lies less than five years;
- (5) 'fertilisation plan' means a calculation of the planned use and availability of nutrients;
- (6) 'fertilisation account' means the nutrient balance based on the real use and uptake of nutrients.
- (7) 'southern and central sandy soils' means soils indicated as southern and central sandy soils under the Dutch legislation implementing the Nitrates Directive
- (8) 'loess soils' means soils indicated as loess soils under the Dutch legislation implementing the Nitrates Directive

*Article 4***General conditions for the derogation**

The derogation is granted on the following conditions:

- (1) The Netherlands shall monitor the amount of manure produced and shall ensure that manure production at national level both in terms of nitrogen and phosphorus will not increase beyond the level of the year 2002 corresponding to 504,4 million kg of nitrogen and 172,9 million kg of phosphate.
- (2) The Netherlands shall establish an enhanced enforcement strategy aiming at strengthening the compliance with the rules on Dutch manure policy and at ensuring that any information pointing at situations of non-compliance is followed up effectively.

The enhanced enforcement strategy shall, as a minimum, include the following elements:

- (a) an independent assessment of the scale and scope of cases of deliberate non-compliance with the national rules on manure. This assessment should be carried out by the competent national authorities responsible for inspections of the national manure rules together with the competent national authorities responsible for investigating and prosecuting offences of a criminal nature;
- (b) an identification of the areas of manure handling and management with higher risk of deliberate non-compliance with the national rules on manure;
- (c) a strengthening of the capacity for inspections and controls, which is at least equal to 40 % of the capacity required for the field inspections of grassland farms covered by authorisations referred to in Article 10(2), including random, and a better targeting of that capacity to risk areas of manure handling and management;
- (d) a clear methodology for establishing sufficiently effective, proportionate and dissuasive penalties and sanctions.

The enhanced enforcement strategy shall be put in place and notified to the Commission by 30 September 2018 at the latest and shall be revised, if needed, on the basis of the findings made in the context of the measures referred to in points (a) to (d).

*Article 5***Applications for authorisation**

1. Grassland farmers may submit an application for an annual authorisation to apply grazing livestock manure containing up to 230 kg nitrogen per hectare per year for southern and central sandy soils and loess soils or up to 250 kg nitrogen per hectare per year for other soils to the competent authorities.
2. Together with the application referred to in paragraph 1, the applicant shall submit a written declaration that he fulfils the conditions laid down in Articles 7 and 8 and that he accepts that the fertiliser application as well as the fertilisation plan and the fertilisation account referred to in Article 7, may be subject to control.

*Article 6***Granting of authorisations**

Authorisations to apply an amount of grazing livestock manure on grassland farms, including manure excreted by the animals themselves, containing up to 230 kg nitrogen per hectare per year for southern and central sandy soils and loess soils or up to 250 kg nitrogen per hectare per year for other soils, shall be granted subject to the conditions laid down in Articles 7 and 8.

*Article 7***Conditions regarding application of manure and other fertilisers**

1. The amount of manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 230 kg nitrogen per hectare per year on southern and central sandy soils and on loess soils and 250 kg nitrogen per hectare per year on other soils, subject to the conditions laid down in paragraphs 2 to 8. The total nitrogen and phosphate inputs shall comply with the nutrient demand of the crop and the supply from the soil. They shall not exceed the maximum application standards established in the 6th Dutch Action Programme.

2. Phosphate from chemical fertilisers shall not be used.

3. A fertilisation plan shall be prepared and kept at the grassland farm. The fertilisation plan shall describe the crop rotation of the farmland and the planned application of manure and other nitrogen and phosphate fertilisers. The fertilisation plan for the first calendar year shall be available at the grassland farm by 30 June at the latest. The fertilisation plan for the subsequent calendar years shall be available at the grassland farm by 28 February at the latest.

4. The fertilisation plan shall include the following elements:

- (a) the number of livestock on the grassland farm, a description of the housing and manure storage system, including the volume of manure storage available;
- (b) a calculation of the manure nitrogen (less losses in housing and storage) and phosphorus produced on the grassland farm;
- (c) the crop rotation plan, which must specify the acreage of individual fields with grass and other crops, including a sketch map indicating the location of individual fields;
- (d) the foreseeable nitrogen and phosphorus crop requirements;
- (e) the amount and the type of manure delivered to contractors and therefore not used on the grassland farm;
- (f) the amount of imported manure used on the grassland farm;
- (g) a calculation of the contribution from organic matter mineralisation, leguminous crops and atmospheric deposition and amount of nitrogen present in the soil at the moment when the crop starts to use it to a significant degree;
- (h) a calculation of nitrogen and phosphorus application from manure for each field (parcels of the grassland farm that are homogeneous regarding cropping and soil type);
- (i) a calculation of nitrogen application from chemical and other fertilisers for each field;
- (j) calculations for assessment of compliance with the maximum application standards for nitrogen and phosphorus established in the 6th Dutch Action Programme.

The fertilisation plan shall be revised no later than seven days following any changes in agricultural practices at the grassland farm.

5. A fertilisation account for each calendar year shall be prepared and kept for each grassland farm. It shall be submitted to the competent authority by 31 March of the following calendar year.

6. The fertilisation account shall include the following elements:

- (a) the crop acreages;
- (b) the number and type of livestock;
- (c) the manure production per animal;

- (d) the amount of fertilisers imported by the grassland farm;
 - (e) the amount of manure delivered to contractors and therefore not used on the grassland farm and the name of those contractors.
7. Periodic nitrogen and phosphorus analysis in soil shall be performed at least every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. One analysis per five hectares of land shall be required as a minimum.

In case grassland is ploughed for grassland renewal, the statutory nitrogen application standard set in the 6th Dutch Action Programme shall be reduced by 50 kg N/ha on sandy and loessial soils after 31 May of each calendar year. In case grassland is ploughed for the cultivation of maize on sandy or loessial soil, the statutory nitrogen application standard set in the 6th Dutch Action Programme for maize shall be reduced by 65 kg N/ha.

8. Manure shall not be spread in the autumn before grass cultivation.

Article 8

Conditions regarding land management

1. On sand and loess soil, grass or other crops ensuring soil coverage during the winter shall be cultivated after maize.
2. Catch crops shall not be ploughed before 1 February.
3. Grass on sandy and loessial soils shall only be ploughed in spring, except for ploughing grassland for grassland renewal, which may be done until 31 August at the latest.
4. Ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand and fertilisation shall be based on soil analysis concerning mineral nitrogen and other parameters providing references for estimate of nitrogen release from soil organic matter mineralisation.
5. Where crop rotation includes leguminous or other plants fixing atmospheric nitrogen, fertiliser application shall be reduced accordingly.
6. By way of derogation from paragraph 3, grass ploughing is permitted in autumn for planting flower bulbs.

Article 9

Monitoring

1. The competent authorities shall ensure that maps are drawn up showing the following:
 - (a) the percentage of the grassland farms in each municipality which are covered by authorisations;
 - (b) the percentage of the livestock in each municipality which is covered by authorisations;
 - (c) the percentage of the agricultural land in each municipality which is covered by authorisations.Those maps shall be updated every year.
2. The competent authorities shall establish and maintain a monitoring network for sampling of soil water, streams, shallow groundwater and drainage water at monitoring sites in grassland farms covered by an authorisation. That monitoring network shall provide data on nitrate and phosphorus concentration in water leaving the root zone and entering the groundwater and surface water system.
3. The monitoring network shall comprise at least 300 farms covered by authorisations and shall be representative of each soil type (clay, peat, sandy, and sandy loessial soils), the fertilisation practices and the crop rotation. The composition of the monitoring network shall not be modified during the period of applicability of this Decision.
4. The competent authorities shall carry out a survey and a continuous nutrient analysis that provide data on local land use, crop rotations and agricultural practices on grassland farms covered by authorisations. Those data may be used for model-based calculations of the magnitude of nitrate leaching and phosphorus losses from fields where up to 230 kg or up to 250 kg nitrogen per hectare per year of manure from grazing livestock is applied.
5. The competent authorities shall conduct reinforced water monitoring in agricultural catchments in sandy soils.

*Article 10***Controls and inspections**

1. The competent authorities shall carry out administrative controls in respect of all applications for authorisation for the assessment of compliance with the conditions set out in Articles 7 and 8. Where it is demonstrated that those conditions are not fulfilled, the application shall be refused and the applicant shall be informed of the reasons for the refusal.

The competent authorities shall carry out administrative controls for at least 5 % of the grassland farms covered by authorisations with regard to land use, livestock number and manure production.

2. The competent authorities shall establish a programme for field inspections of grassland farms covered by authorisations on a risk basis and with appropriate frequency, taking account of the results of controls of the previous years and the results of general random controls of legislation implementing Directive 91/676/EEC and any other information that might indicate non-compliance with the conditions set out in Articles 7 and 8.

Field inspections shall be carried out in at least 5 % of the grassland farms covered by authorisations to assess compliance with the conditions set out in Articles 7 and 8. Those inspections shall be complemented by the inspections and controls referred to in Article 4(2)(c).

3. Where it is established in any year that a grassland farm covered by an authorisation did not fulfil the conditions set out in Articles 7 and 8, the holder of the authorisation shall be sanctioned in accordance with national rules and shall not be eligible for an authorisation the following year.

4. The competent authorities shall be granted the necessary powers and means to verify compliance with the conditions for an authorisation granted under this Decision.

*Article 11***Reporting**

1. The competent authorities shall, every year by 30 June at the latest, submit a report to the Commission containing the following information:

- (a) data related to fertilisation in all grassland farms which are covered by authorisations, including information on yields and soil types;
- (b) trends in livestock numbers for each livestock category in the Netherlands and in grassland farms covered by an authorisation,
- (c) trends in national manure production as far as nitrogen and phosphate in manure are concerned;
- (d) a summary of the results of controls related to excretion coefficients for pig and poultry manure at national level;
- (e) the maps referred to in Article 9(1);
- (f) the results of water monitoring, including information on water quality trends for groundwater and surface water, as well as the impact on water quality of the derogation granted in this Decision;
- (g) the information on nitrate and phosphorus concentration referred to in Article 9(2);
- (h) the results from the reinforced water monitoring referred to in Article 9(5);
- (i) the results of the surveys on local land use, crop rotations and agricultural practices referred to in Article 9(4);
- (j) the results of the model-based calculations referred to in Article 9(4);
- (k) an evaluation of the implementation of the conditions for the authorisations set out in Articles 7 and 8 on the basis of controls carried out at farm level, and information on non-compliant farms, on the basis of the results of the administrative controls and inspections referred to in Article 10;
- (l) the results of the enhanced enforcement strategy referred to in Article 4, in particular as regards the reduction in non-compliance cases.

2. The spatial data contained in the report shall, where applicable, fulfil the provisions of Directive 2007/2/EC. In collecting the necessary data, the Netherlands shall make use, where appropriate, of the information generated under the Integrated Administration and Control System set up in accordance with Article 67(1) of Regulation (EU) No 1306/2013.

*Article 12***Period of application**

This Decision shall apply until 31 December 2019.

*Article 13***Addressee**

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 31 May 2018.

For the Commission
Karmenu VELLA
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2018/821**of 1 June 2018****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2018) 3649)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ⁽⁵⁾ in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ⁽⁶⁾ in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times, mainly to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC.
- (6) The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2018/697 ⁽¹⁾, following the notification by Bulgaria of further outbreaks of highly pathogenic avian influenza of subtype H5 in poultry holdings in the Plovdiv region of that Member State. Bulgaria also notified the Commission that it had duly taken the necessary measures required in accordance with Directive 2005/94/EC following those latest outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings.
- (7) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2018/697, Bulgaria has notified the Commission of a further outbreak of highly pathogenic avian influenza of subtype H5N8 in a poultry holding in the Dobrich region of that Member State.
- (8) Bulgaria has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following that new outbreak, including the establishment of protection and surveillance zones around the infected poultry holding in that Member State.
- (9) The Commission has examined those measures in collaboration with Bulgaria, and the Commission is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority of Bulgaria, are at a sufficient distance to the poultry holding where the new outbreak was confirmed.
- (10) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria, the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the new outbreak of highly pathogenic avian influenza in that Member State.
- (11) Implementing Decision (EU) 2017/247 should therefore be updated to take account of the up-to-date epidemiological situation in Bulgaria, as regards highly pathogenic avian influenza. In particular, the newly established protection and surveillance zones in Bulgaria, now subject to restrictions in accordance with Directive 2005/94/EC, should be listed in the Annex to Implementing Decision (EU) 2017/247.
- (12) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalization at Union level in order to include the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the new outbreak of highly pathogenic avian influenza in that Member State, and the duration of the restrictions applicable therein.
- (13) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Commission Implementing Decision (EU) 2018/697 of 7 May 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 117, 8.5.2018, p. 23).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 June 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) In Part A, the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Dobrich region:	
Municipality of Dobrich: — Stefanovo	17.6.2018'

(2) In Part B, the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Plovdiv region:	
Municipality of Maritsa: — Graf Ignatievo	From 23.5.2018 to 31.5.2018
Municipality of Rakovski: — Rakovski — Shishmantsi — Bolyarino — Stryama — Momino selo Municipality of Maritsa: — Trilistnik — Yasno pole — Manole — Manolsko Konare Municipality of Kaloyanovo: — Glavatar Municipality of Brezovo: — Otets Kirilovo — Padarsko — Borets	31.5.2018
Dobrich Region:	
Municipality of Dobrich: — Stefanovo	From 18.6.2018 to 26.6.2018
Municipality of Dobrich: — Bogdan — Branishte — Dobrich	26.6.2018'

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— Donchevo — Draganovo — Opanets — Pchelino — Plachi Dol — Popgrigorovo — Slaveevo — Sokolnik — Stozher	

