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⁽¹⁾ Text with EEA relevance.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the entry into force of Agreement between the European Community and the government of Malaysia on certain aspects of air services

The Agreement between the European Community and the government of Malaysia on certain aspects of air services, signed in Brussels on 22 March 2007, entered into force on 3 April 2009, in accordance with Article 9(1) of the Agreement, as the last notification was deposited on 3 April 2009.

**Information concerning the entry into force of the Agreement between the European Community
and the Republic of Moldova on certain aspects of air services**

The Agreement between the European Community and the Republic of Moldova on certain aspects of air services, signed in Luxembourg on 11 April 2006, entered into force on 25 February 2008, in accordance with Article 8(1) of the Agreement, as the last notification was deposited on 25 February 2008.

**Information concerning the entry into force of the Agreement between the European Community
and the Government of Mongolia on certain aspects of air services**

The Agreement between the European Community and the Government of Mongolia on certain aspects of air services, signed in Ulan Bator on 3 April 2009, entered into force on 2 December 2009, in accordance with Article 7 of the Agreement, as the last notification was deposited on 2 December 2009.

**Information concerning the entry into force of the Agreement between the European Community
and the Kingdom of Morocco on certain aspects of air services**

The Agreement between the European Community and the Kingdom of Morocco on certain aspects of air services, signed in Brussels on 12 December 2006, entered into force on 31 March 2010, in accordance with Article 8(1) of the Agreement, as the last notification was deposited on 31 March 2010.

REGULATIONS

COMMISSION REGULATION (EU) 2020/34

of 15 January 2020

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 39, International Financial Reporting Standards 7 and 9

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 22 July 2014, the Financial Stability Board published the report 'Reforming Major Interest Rate Benchmarks', which laid down recommendations to strengthen existing benchmarks and other potential reference rates based on interbank markets and to develop alternative nearly risk-free reference rates.
- (3) Regulation (EU) 2016/1011 of the European Parliament and of the Council ⁽³⁾ introduced a common framework to ensure the accuracy and the integrity of indices used as benchmarks in financial instruments and financial contracts, or to measure the performance of investments funds in the Union.
- (4) On 26 September 2019, the International Accounting Standards Board published Interest Rate Benchmark Reform (Amendments to IFRS 9, IAS 39 and IFRS 7) in order to address the financial reporting consequences of the interest rate benchmark reform in the period before the replacement of an existing interest rate benchmark with an alternative reference rate.
- (5) The amendments provide temporary and narrow exemptions to the hedge accounting requirements of International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement* and International Financial Reporting Standard (IFRS) 9 *Financial Instruments* so that companies can continue to meet the requirements assuming that the existing interest rate benchmarks are not altered because of the interbank offered rate reform.
- (6) Following the consultation with the European Financial Reporting Advisory Group, the Commission concludes that the amendments to IAS 39 *Financial Instruments: Recognition and Measurement*, IFRS 7 *Financial Instruments: Disclosures* and IFRS 9 *Financial Instruments* meet the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (7) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1).

⁽³⁾ Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1126/2008 is amended as follows:

- (a) International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement* is amended as set out in the Annex to this Regulation;
- (b) International Financial Reporting Standard (IFRS) 7 *Financial Instruments: Disclosures* is amended as set out in the Annex to this Regulation;
- (c) IFRS 9 *Financial Instruments* is amended as set out in the Annex to this Regulation.

Article 2

Each company shall apply the amendments referred to in Article 1, at the latest, as from the commencement date of its first financial year starting on or after 1 January 2020.

Article 3

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

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

Done at Brussels, 15 January 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Interest Rate Benchmark Reform

Amendments to IFRS 9, IAS 39 and IFRS 7

Amendments to IFRS 9 *Financial Instruments*

Paragraphs 6.8.1–6.8.12 and 7.1.8 are added. A new heading is added before paragraph 6.8.1. New subheadings are added before paragraphs 6.8.4, 6.8.5, 6.8.6, 6.8.7 and 6.8.9. Paragraph 7.2.26 is amended.

Chapter 6 Hedge accounting

...

6.8 TEMPORARY EXCEPTIONS FROM APPLYING SPECIFIC HEDGE ACCOUNTING REQUIREMENTS

6.8.1. An entity shall apply paragraphs 6.8.4–6.8.12 and paragraphs 7.1.8 and 7.2.26(d) to all hedging relationships directly affected by interest rate benchmark reform. These paragraphs apply only to such hedging relationships. A hedging relationship is directly affected by interest rate benchmark reform only if the reform gives rise to uncertainties about:

- (a) the interest rate benchmark (contractually or non-contractually specified) designated as a hedged risk; and/or
- (b) the timing or the amount of interest rate benchmark-based cash flows of the hedged item or of the hedging instrument.

6.8.2. For the purpose of applying paragraphs 6.8.4–6.8.12, the term ‘interest rate benchmark reform’ refers to the market-wide reform of an interest rate benchmark, including the replacement of an interest rate benchmark with an alternative benchmark rate such as that resulting from the recommendations set out in the Financial Stability Board’s July 2014 report ‘Reforming Major Interest Rate Benchmarks’. ⁽¹⁾

6.8.3. Paragraphs 6.8.4–6.8.12 provide exceptions only to the requirements specified in these paragraphs. An entity shall continue to apply all other hedge accounting requirements to hedging relationships directly affected by interest rate benchmark reform.

Highly probable requirement for cash flow hedges

6.8.4. For the purpose of determining whether a forecast transaction (or a component thereof) is highly probable as required by paragraph 6.3.3, an entity shall assume that the interest rate benchmark on which the hedged cash flows (contractually or non-contractually specified) are based is not altered as a result of interest rate benchmark reform.

Reclassifying the amount accumulated in the cash flow hedge reserve

6.8.5. For the purpose of applying the requirement in paragraph 6.5.12 in order to determine whether the hedged future cash flows are expected to occur, an entity shall assume that the interest rate benchmark on which the hedged cash flows (contractually or non-contractually specified) are based is not altered as a result of interest rate benchmark reform.

Assessing the economic relationship between the hedged item and the hedging instrument

6.8.6. For the purpose of applying the requirements in paragraphs 6.4.1(c)(i) and B6.4.4–B6.4.6, an entity shall assume that the interest rate benchmark on which the hedged cash flows and/or the hedged risk (contractually or non-contractually specified) are based, or the interest rate benchmark on which the cash flows of the hedging instrument are based, is not altered as a result of interest rate benchmark reform.

⁽¹⁾ The report, ‘Reforming Major Interest Rate Benchmarks’, is available at http://www.fsb.org/wp-content/uploads/r_140722.pdf.

Designating a component of an item as a hedged item

- 6.8.7. Unless paragraph 6.8.8 applies, for a hedge of a non-contractually specified benchmark component of interest rate risk, an entity shall apply the requirement in paragraphs 6.3.7(a) and B6.3.8—that the risk component shall be separately identifiable—only at the inception of the hedging relationship.
- 6.8.8. When an entity, consistent with its hedge documentation, frequently resets (ie discontinues and restarts) a hedging relationship because both the hedging instrument and the hedged item frequently change (ie the entity uses a dynamic process in which both the hedged items and the hedging instruments used to manage that exposure do not remain the same for long), the entity shall apply the requirement in paragraphs 6.3.7(a) and B6.3.8—that the risk component is separately identifiable—only when it initially designates a hedged item in that hedging relationship. A hedged item that has been assessed at the time of its initial designation in the hedging relationship, whether it was at the time of the hedge inception or subsequently, is not reassessed at any subsequent redesignation in the same hedging relationship.

End of application

- 6.8.9. An entity shall prospectively cease applying paragraph 6.8.4 to a hedged item at the earlier of:
- (a) when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based cash flows of the hedged item; and
 - (b) when the hedging relationship that the hedged item is part of is discontinued.
- 6.8.10. An entity shall prospectively cease applying paragraph 6.8.5 at the earlier of:
- (a) when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based future cash flows of the hedged item; and
 - (b) when the entire amount accumulated in the cash flow hedge reserve with respect to that discontinued hedging relationship has been reclassified to profit or loss.
- 6.8.11. An entity shall prospectively cease applying paragraph 6.8.6:
- (a) to a hedged item, when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the hedged risk or the timing and the amount of the interest rate benchmark-based cash flows of the hedged item; and
 - (b) to a hedging instrument, when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based cash flows of the hedging instrument.

If the hedging relationship that the hedged item and the hedging instrument are part of is discontinued earlier than the date specified in paragraph 6.8.11(a) or the date specified in paragraph 6.8.11(b), the entity shall prospectively cease applying paragraph 6.8.6 to that hedging relationship at the date of discontinuation.

- 6.8.12. When designating a group of items as the hedged item, or a combination of financial instruments as the hedging instrument, an entity shall prospectively cease applying paragraphs 6.8.4–6.8.6 to an individual item or financial instrument in accordance with paragraphs 6.8.9, 6.8.10, or 6.8.11, as relevant, when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the hedged risk and/or the timing and the amount of the interest rate benchmark-based cash flows of that item or financial instrument.

Chapter 7 Effective date and transition**7.1 EFFECTIVE DATE**

...

- 7.1.8. *Interest Rate Benchmark Reform*, which amended IFRS 9, IAS 39 and IFRS 7, issued in September 2019, added Section 6.8 and amended paragraph 7.2.26. An entity shall apply these amendments for annual periods beginning on or after 1 January 2020. Earlier application is permitted. If an entity applies these amendments for an earlier period, it shall disclose that fact.

7.2 TRANSITION

...

Transition for hedge accounting (Chapter 6)

...

- 7.2.26. As an exception to prospective application of the hedge accounting requirements of this Standard, an entity:

...

- (d) shall apply the requirements in Section 6.8 retrospectively. This retrospective application applies only to those hedging relationships that existed at the beginning of the reporting period in which an entity first applies those requirements or were designated thereafter, and to the amount accumulated in the cash flow hedge reserve that existed at the beginning of the reporting period in which an entity first applies those requirements.

Amendments to IAS 39 *Financial Instruments: Recognition and Measurement*

Paragraphs 102A–102N and 108G are added. A new heading is added before paragraph 102A. New subheadings are added before paragraphs 102D, 102E, 102F, 102H and 102J.

HEDGING

...

Temporary exceptions from applying specific hedge accounting requirements

- 102A An entity shall apply paragraphs 102D–102N and 108G to all hedging relationships directly affected by interest rate benchmark reform. These paragraphs apply only to such hedging relationships. A hedging relationship is directly affected by interest rate benchmark reform only if the reform gives rise to uncertainties about:

- (a) the interest rate benchmark (contractually or non-contractually specified) designated as a hedged risk; and/or
- (b) the timing or the amount of interest rate benchmark-based cash flows of the hedged item or of the hedging instrument.

- 102B For the purpose of applying paragraphs 102D–102N, the term ‘interest rate benchmark reform’ refers to the market-wide reform of an interest rate benchmark, including the replacement of an interest rate benchmark with an alternative benchmark rate such as that resulting from the recommendations set out in the Financial Stability Board’s July 2014 report ‘Reforming Major Interest Rate Benchmarks’. ⁽²⁾

- 102C Paragraphs 102D–102N provide exceptions only to the requirements specified in these paragraphs. An entity shall continue to apply all other hedge accounting requirements to hedging relationships directly affected by interest rate benchmark reform.

Highly probable requirement for cash flow hedges

- 102D For the purpose of applying the requirement in paragraph 88(c) that a forecast transaction must be highly probable, an entity shall assume that the interest rate benchmark on which the hedged cash flows (contractually or non-contractually specified) are based is not altered as a result of interest rate benchmark reform.

Reclassifying the cumulative gain or loss recognised in other comprehensive income

⁽²⁾ The report, ‘Reforming Major Interest Rate Benchmarks’, is available at http://www.fsb.org/wp-content/uploads/r_140722.pdf.

- 102E For the purpose of applying the requirement in paragraph 101(c) in order to determine whether the forecast transaction is no longer expected to occur, an entity shall assume that the interest rate benchmark on which the hedged cash flows (contractually or non-contractually specified) are based is not altered as a result of interest rate benchmark reform.

Effectiveness assessment

- 102F For the purpose of applying the requirements in paragraphs 88(b) and AG105(a), an entity shall assume that the interest rate benchmark on which the hedged cash flows and/or the hedged risk (contractually or non-contractually specified) are based, or the interest rate benchmark on which the cash flows of the hedging instrument are based, is not altered as a result of interest rate benchmark reform.

- 102G For the purpose of applying the requirement in paragraph 88(e), an entity is not required to discontinue a hedging relationship because the actual results of the hedge do not meet the requirements in paragraph AG105(b). For the avoidance of doubt, an entity shall apply the other conditions in paragraph 88, including the prospective assessment in paragraph 88(b), to assess whether the hedging relationship must be discontinued.

Designating financial items as hedged items

- 102H Unless paragraph 102I applies, for a hedge of a non-contractually specified benchmark portion of interest rate risk, an entity shall apply the requirement in paragraphs 81 and AG99F—that the designated portion shall be separately identifiable—only at the inception of the hedging relationship.

- 102I When an entity, consistent with its hedge documentation, frequently resets (ie discontinues and restarts) a hedging relationship because both the hedging instrument and the hedged item frequently change (ie the entity uses a dynamic process in which both the hedged items and the hedging instruments used to manage that exposure do not remain the same for long), the entity shall apply the requirement in paragraphs 81 and AG99F—that the designated portion is separately identifiable—only when it initially designates a hedged item in that hedging relationship. A hedged item that has been assessed at the time of its initial designation in the hedging relationship, whether it was at the time of the hedge inception or subsequently, is not reassessed at any subsequent redesignation in the same hedging relationship.

End of application

- 102J An entity shall prospectively cease applying paragraph 102D to a hedged item at the earlier of:
- (a) when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based cash flows of the hedged item; and
 - (b) when the hedging relationship that the hedged item is part of is discontinued.
- 102K An entity shall prospectively cease applying paragraph 102E at the earlier of:
- (a) when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based future cash flows of the hedged item; and
 - (b) when the entire cumulative gain or loss recognised in other comprehensive income with respect to that discontinued hedging relationship has been reclassified to profit or loss.
- 102L An entity shall prospectively cease applying paragraph 102F:
- (a) to a hedged item, when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the hedged risk or the timing and the amount of the interest rate benchmark-based cash flows of the hedged item; and
 - (b) to a hedging instrument, when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based cash flows of the hedging instrument.

If the hedging relationship that the hedged item and the hedging instrument are part of is discontinued earlier than the date specified in paragraph 102L(a) or the date specified in paragraph 102L(b), the entity shall prospectively cease applying paragraph 102F to that hedging relationship at the date of discontinuation.

- 102M An entity shall prospectively cease applying paragraph 102G to a hedging relationship at the earlier of:
- (a) when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the hedged risk and the timing and the amount of the interest rate benchmark-based cash flows of the hedged item or of the hedging instrument; and
 - (b) when the hedging relationship to which the exception is applied is discontinued.
- 102N When designating a group of items as the hedged item, or a combination of financial instruments as the hedging instrument, an entity shall prospectively cease applying paragraphs 102D–102G to an individual item or financial instrument in accordance with paragraphs 102J, 102K, 102L, or 102M, as relevant, when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the hedged risk and/or the timing and the amount of the interest rate benchmark-based cash flows of that item or financial instrument.

EFFECTIVE DATE AND TRANSITION

...

- 108G *Interest Rate Benchmark Reform*, which amended IFRS 9, IAS 39 and IFRS 7, issued in September 2019, added paragraphs 102A–102N. An entity shall apply these amendments for annual periods beginning on or after 1 January 2020. Earlier application is permitted. If an entity applies these amendments for an earlier period, it shall disclose that fact. An entity shall apply these amendments retrospectively to those hedging relationships that existed at the beginning of the reporting period in which an entity first applies these amendments or were designated thereafter, and to the gain or loss recognised in other comprehensive income that existed at the beginning of the reporting period in which an entity first applies these amendments.

Amendments to IFRS 7 *Financial Instruments: Disclosures*

Paragraphs 24H and 44DE–44DF are added and a subheading is added before paragraph 24H.

HEDGE ACCOUNTING

...

Uncertainty arising from interest rate benchmark reform

- 24H For hedging relationships to which an entity applies the exceptions set out in paragraphs 6.8.4–6.8.12 of IFRS 9 or paragraphs 102D–102N of IAS 39, an entity shall disclose:
- (a) the significant interest rate benchmarks to which the entity's hedging relationships are exposed;
 - (b) the extent of the risk exposure the entity manages that is directly affected by the interest rate benchmark reform;
 - (c) how the entity is managing the process to transition to alternative benchmark rates;
 - (d) a description of significant assumptions or judgements the entity made in applying these paragraphs (for example, assumptions or judgements about when the uncertainty arising from interest rate benchmark reform is no longer present with respect to the timing and the amount of the interest rate benchmark-based cash flows); and
 - (e) the nominal amount of the hedging instruments in those hedging relationships.

EFFECTIVE DATE AND TRANSITION

...

- 44DE *Interest Rate Benchmark Reform*, which amended IFRS 9, IAS 39 and IFRS 7, issued in September 2019, added paragraphs 24H and 44DF. An entity shall apply these amendments when it applies the amendments to IFRS 9 or IAS 39.
- 44DF In the reporting period in which an entity first applies *Interest Rate Benchmark Reform*, issued in September 2019, an entity is not required to present the quantitative information required by paragraph 28(f) of IAS 8 Accounting Policies, Changes in Accounting Estimates and Errors.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2020/35**of 15 January 2020****amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports ⁽¹⁾, and in particular Article 20(2) thereof,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries ⁽²⁾, and in particular Article 16(2) thereof,

Whereas:

- (1) By Implementing Regulation (EU) 2019/159, the European Commission ('the Commission') imposed definitive safeguard measures on certain steel products ('the definitive Regulation') ⁽³⁾. The measures imposed by the definitive Regulation consist of a tariff-rate quota ('TRQ') with respect to 26 steel product categories, set at a level high enough to preserve traditional trade flows. In particular, the quantitative thresholds were established by reference to the imports during the period 2015-2017, increased by 5 % in order to permit enough supply and ensure competition on the EU market. A 25 % tariff duty would apply only beyond that set quantitative thresholds on a per-product-category basis.
- (2) By Implementing Regulation (EU) 2019/1590 ⁽⁴⁾ (the 'amending Regulation'), the Commission amended these measures, following a review investigation, in order to reflect the intervening changed circumstances during the period of imposition of the measures and to make the measures more effective, based on the Union interest.
- (3) In the framework of this review investigation, some parties, including the European Automobile Manufacturers' Association ('ACEA'), requested the exclusion of product category 4B (covering metallic coated sheets used primarily in the automotive sector) from the scope of the measures. ACEA argued that the use of that product category by the Union's automotive industry was vital for the continuation of the normal commercial operations of this industry. While the Commission recognised that it was in the Union's interest that traditional trade flows of product types used by the automotive industry were ring-fenced, it found no ground for such a straightforward exclusion from the TRQ system. After consultation with all interested parties, instead of an exclusion, the Commission, accordingly, decided that the use of category 4B (which could also include products for other uses) should be restricted only to imports that can demonstrate an end-use in the automotive sector. Therefore, through the amending Regulation, the corresponding imports were placed under the end-use procedure referred to in Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽⁵⁾. The automotive sector and its steel suppliers generally welcomed this solution since it would ensure the exclusive use of the TRQ for product category 4B by the Union's automotive industry, as well as protect traditional trade flows. The result of the consultations with WTO Members also showed no opposition to this change with respect to category 4B.

⁽¹⁾ OJ L 83, 27.3.2015, p. 16.

⁽²⁾ OJ L 123, 19.5.2015, p. 33.

⁽³⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27.)

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/1590 of 26 September 2019 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ L 248, 27.9.2019, p. 28).

⁽⁵⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- (4) After the entry into force of the amending Regulation, the Commission remained in close contact with ACEA and the exporters (in particular Korean) of steel products falling under category 4B. Given that the user industry was not directly importing the product subject to the end-use requirement, the implementation of that procedure required close cooperation between all parties involved in the importation process, from initial orders up to the moment imports reached the end-user of the product. The Commission was made aware of the fact that the necessary close cooperation among various operators (involving the extension of existing authorisations granted to the Union's automotive industry, the granting of new authorisations in favour of importers, and/or the transfer of rights and obligations between the various parties involved in the related supply chain) has not functioned as originally expected. As a result, an important proportion of imports under product category 4B could not take place after the entry into force of the amended measures, despite the fact that the Commission, exporters, steel importers, and the national customs authorities of the EU Member States and third countries were closely cooperating to solve those issues. It was also not possible to speed up the administrative process in order to obtain the necessary end-use authorisations.
- (5) It has further appeared that any solution to implement an effective end-use procedure would still require some time, without any guarantee of adequate and immediate remedies. In the meantime, a significant proportion of category 4B products is held at the Union's customs border awaiting customs clearance. That seriously and negatively affects, or even disrupts, supply chains based on a 'just-in-time' system, in particular because the Union's automobile industry heavily relies on highly specialised steel grades. Given the resulting potential negative economic consequences and the fact that such constraints are clearly in contradiction with the Commission's objective to ensure traditional trade flows in the Union's interest, having heard the views of all interested parties involved in this matter, the Commission considers that the end-use procedure for this category should be revoked.
- (6) Implementing Regulation (EU) 2019/159 and its annexes should therefore be amended again so as to adequately reflect the situation which prevailed before the introduction of the end-use requirement for categories 4A and 4B through the amending regulation.
- (7) Following consultations with Korea, the exporting country mostly affected by the end-use mechanism, the Commission considered that the allocation of the TRQ volume between product categories 4A and 4B for this country, as established pursuant to Implementing Regulation (EU) 2019/159, should also be amended. This is necessary in order to take into account the volume of automotive steel grades that were imported under product category 4A since the entry into force of the amending Regulation, given the impossibility to import them under the product category 4B subject to the end-use mechanism.
- (8) The Commission remains of the view that, in the Union interest, a specific mechanism, either the end-use procedure (once the implementation issues are resolved), or an alternative system, however set up, may be required at a later stage in order to ring-fence imports of automotive steel grades under product category 4B. These issues will accordingly, be re-assessed in the context of a future review investigation, based on the comments and proposals made by the interested parties, as well as other developments affecting this product category. In this respect, it is also noted that the Commission recently initiated an anti-circumvention investigation of anti-dumping measures on imports of certain corrosion resistant steel originating in the People's Republic of China, which fall within product category 4 ⁽⁶⁾.
- (9) The present Regulation should be given retroactive effect, thereby revoking, as from 1 October 2019, the end-use requirement introduced by the amending Regulation. This will also allow the refund of any eventual safeguard duties which could have been paid on the basis of the TRQ established by the amending Regulation but no longer justified after the entry into force of this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safeguards established under Article 3(3) of Regulation (EU) 2015/478 and Article 22(3) of Regulation (EU) 2015/755 respectively,

⁽⁶⁾ OJ L 304, 26.11.2019, p. 10.

HAS ADOPTED THIS REGULATION:

Article 1

1. Article 1(2) of Implementing Regulation (EU) 2019/159 is replaced as follows:
- ‘2. For each of the product categories concerned, and with the exception of product category 1 and product category 25, a part of each tariff-rate quota is allocated to the countries specified in Annex IV.’
2. The section related to categories 4A and 4B of Annex IV.1 — Volumes of tariff-rate quotas of Implementing Regulation (EU) 2019/159 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2019.

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

Done at Brussels, 15 January 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Product Number	Product category	CN/TARIC Codes	Allocation by country (Where Applicable)	From 2.2.2019 to 30.6.2019	From 1.7.2019 to 30.6.2020	From 1.7.2020 to 30.6.2021	Additional duty rate	Order numbers
				Volume of tariff-rate quota (net tonnes)	Volume of tariff-rate quota (net tonnes)	Volume of tariff-rate quota (net tonnes)		
4.A(⁽¹⁾)	Metallic Coated Sheets	TARIC Codes: 7210 41 00 20, 7210 49 00 20 7210 61 00 20, 7210 69 00 20, 7212 30 00 20, 7212 50 61 20, 7212 50 69 20, 7225 92 00 20, 7225 99 00 11, 7225 99 00 22, 7225 99 00 40, 7225 99 00 91, 7225 99 00 92, 7226 99 30 10, 7226 99 70 11, 7226 99 70 91, 7226 99 70 94	Korea (Republic of)	69 571,10	328 792,63	180 804,79	25 %	09.8816
			India	83 060,42	209 574,26	215 861,48	25 %	09.8817
			Other countries	761 518,93	1 921 429,81	1 979 072,71	25 %	(⁽²⁾)
4.B (⁽³⁾)		CN Codes: 7210 20 00, 7210 30 00, 7210 90 80, 7212 20 00, 7212 50 20, 7212 50 30, 7212 50 40, 7212 50 90, 7225 91 00, 7226 99 10	China	204 951,07	517 123,19	532 636,89	25 %	09.8821
			Korea (Republic of)	249 533,26	476 356,93	648 499,26	25 %	09.8822
		TARIC codes: 7210 41 00 80, 7210 49 00 80, 7210 61 00 80, 7210 69 00 80, 7212 30 00 80, 7212 50 61 80, 7212 50 69 80, 7225 92 00 80, 7225 99 00 25, 7225 99 00 95, 7226 99 30 90, 7226 99 70 19, 7226 99 70 96	India	118 594,25	299 231,59	308 208,54	25 %	09.8823
			Taiwan	49 248,78	124 262,26	127 990,13	25 %	09.8824
			Other countries	125 598,05	316 903,26	326 410,36	25 %	(⁽⁴⁾)

(⁽¹⁾) Products subject to anti-dumping duties

(⁽²⁾) From 2.2.2019 to 31.3.2019, from 1.7.2019 to 31.3.2020 and from 1.7.2020 to 31.3.2021: 09.8609.
From 1.4.2019 to 30.6.2019, from 1.4.2020 to 30.6.2020 and from 1.4.2021 to 30.6.2021: 09.8610.

(⁽³⁾) Products which are not subject to anti-dumping duties (including automotive).

(⁽⁴⁾) From 2.2.2019 to 31.3.2019, from 1.7.2019 to 31.3.2020 and from 1.7.2020 to 31.3.2021: 09.8611.
From 1.4.2019 to 30.6.2019, from 1.4.2020 to 30.6.2020 and from 1.4.2021 to 30.6.2021: 09.8612.

DECISIONS

COMMISSION DECISION (EU) 2020/36

of 15 January 2020

amending the Annex to the Monetary Agreement between the European Union and the Principality of Andorra

THE EUROPEAN COMMISSION,

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

Having regard to the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra ⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Article 8 of the Monetary Agreement between the European Union and the Principality of Andorra (hereinafter ‘the Monetary Agreement’) requires the Principality of Andorra to implement Union acts concerning the rules on euro banknotes and coins, banking and financial law, prevention of money laundering, prevention of fraud and counterfeiting of cash and non-cash means of payment, medals and tokens and statistical reporting requirements. Those acts are listed in the Annex to the Monetary Agreement,
- (2) The Annex needs to be amended by the Commission every year to take into account the new relevant legal acts and rules of the Union and the amendments to the existing ones,
- (3) Some legal acts and rules of the Union are not relevant anymore and should therefore be deleted from the Annex, while some new relevant legal acts and rules of the Union and some amendments to existing legal acts were adopted and have to be added to the Annex,
- (4) The Annex to the Monetary Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the Monetary Agreement between the European Union and the Principality of Andorra is replaced by the Annex to this Decision.

Article 2

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

Done at Brussels, 15 January 2020.

For the Commission

The President

Ursula VON DER LEYEN

⁽¹⁾ OJ C 369, 17.12.2011, p. 1.

ANNEX

ANNEX

	Legal Provisions to be implemented	Deadline for implementing
	Prevention of money laundering	
1	Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, 24.10.2000, p. 4).	
2	Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	
3	Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49).	31 March 2015 ⁽¹⁾
4	Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103).	
5	Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39).	1 November 2016 ⁽²⁾
6	Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ L 141, 5.6.2015, p. 1).	1 October 2017 ⁽³⁾
7	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73). Amended by:	1 October 2017 ⁽³⁾
8	Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19.6.2018, p. 43). Supplemented by:	31 December 2020 ⁽⁶⁾
9	Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (OJ L 254, 20.9.2016, p. 1). Amended by:	1 December 2017 ⁽⁵⁾
10	Commission Delegated Regulation (EU) 2018/105 of 27 October 2017 amending Delegated Regulation (EU) 2016/1675, as regards adding Ethiopia to the list of high-risk third countries in the table in point I of the Annex (OJ L 19, 24.1.2018, p. 1).	31 March 2019 ⁽⁶⁾
11	Commission Delegated Regulation (EU) 2018/212 of 13 December 2017 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Sri Lanka, Trinidad and Tobago, and Tunisia to the table in point I of the Annex (OJ L 41, 14.2.2018, p. 4).	31 March 2019 ⁽⁶⁾

	Legal Provisions to be implemented	Deadline for implementing
12	Commission Delegated Regulation (EU) 2018/1108 of 7 May 2018 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regulatory technical standards on the criteria for the appointment of central contact points for electronic money issuers and payment service providers and with rules on their functions (OJ L 203, 10.8.2018, p. 2).	31 December 2020 ⁽⁷⁾
13	Commission Delegated Regulation (EU) 2018/1467 of 27 July 2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex (OJ L 246, 2.10.2018, p. 1).	31 December 2019 ⁽⁷⁾
14	Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (OJ L 125, 14.5.2019, p. 4).	31 December 2020 ⁽⁷⁾
15	Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation (EC) No 1889/2005 (OJ L 284, 12.11.2018, p. 6).	31 December 2021 ⁽⁷⁾
16	Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).	31 December 2021 ⁽⁷⁾
	<i>Prevention of fraud and counterfeiting</i>	
17	Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 181, 4.7.2001, p. 6) Amended by:	30 September 2013
18	Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).	
19	Council Decision 2001/887/JHA of 6 December 2001 on the protection of the euro against counterfeiting (OJ L 329, 14.12.2001, p. 1).	30 September 2013
20	Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44).	30 September 2013
21	Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1). Amended by:	30 September 2013
22	Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5).	
23	Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA (OJ L 151, 21.5.2014, p. 1).	30 June 2016 ⁽⁷⁾
24	Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18).	31 December 2021 ⁽⁷⁾

	Legal Provisions to be implemented	Deadline for implementing
	Rules on euro banknotes and coins	
25	Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4).	30 September 2014 ⁽¹⁾
26	Council Conclusions of 10 May 1999 on the quality management system for euro coins	31 March 2013
27	Communication from the Commission 2001/C 318/03 of 22 October 2001 on copyright protection of the common face design of the euro coins (C(2001) 600 final) (OJ C 318, 13.11.2001, p. 3).	31 March 2013
28	Guideline of the European Central Bank ECB/2003/5 of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 78, 25.3.2003, p. 20). Amended by:	31 March 2013
29	Guideline of the European Central Bank ECB/2013/11 of 19 April 2013 amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 43).	30 September 2014 ⁽¹⁾
30	Decision of the European Central Bank ECB/2010/14 of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 267, 9.10.2010, p. 1). Amended by:	30 September 2013
31	Decision of the European Central Bank ECB/2012/19 of 7 September 2012 amending Decision ECB/2010/14 on the authenticity and fitness checking and recirculation of euro banknotes (OJ L 253, 20.9.2012, p. 19).	30 September 2014 ⁽¹⁾
32	Regulation (EU) No 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation (OJ L 339, 22.12.2010, p. 1).	31 March 2013
33	Regulation (EU) No 1214/2011 of the European Parliament and of the Council of 16 November 2011 on the professional transport of euro cash by road between euro-area Member States (OJ L 316, 29.11.2011, p. 1)	31 March 2015 ⁽¹⁾
34	Regulation (EU) No 651/2012 of the European Parliament and of the Council of 4 July 2012 on the issuance of euro coins (OJ L 201, 27.7.2012, p. 135).	30 September 2014 ⁽¹⁾
35	Decision of the European Central Bank ECB/2013/10 of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 118, 30.4.2013, p. 37). Amended by:	30 September 2014 ⁽¹⁾
36	Decision (EU) 2019/669 of the European Central Bank of 4 April 2019 amending Decision ECB/2013/10 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes (OJ L 113, 29.4.2019, p. 6).	31 December 2020 ⁽⁷⁾
37	Council Regulation (EU) No 729/2014 of 24 June 2014 on denominations and technical specifications of euro coins intended for circulation (Recast) (OJ L 194, 2.7.2014, p. 1).	30 September 2014 ⁽²⁾
	Banking and Financial Legislation	
39	Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1).	31 March 2016

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
40	Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions (OJ L 283, 27.10.2001, p. 28).	
41	Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings (OJ L 178, 17.7.2003, p. 16).	
42	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1).	
43	Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40).	31 March 2018
44	Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investment compensation schemes (OJ L 84, 26.3.1997, p. 22).	31 March 2018
45	Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998, p. 45). Amended by:	31 March 2018
46	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37).	
47	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).	
48	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).	30 September 2019
49	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).	31 March 2018 except for Article 3(1): 1 February 2023 and from 1 February 2025 ⁽³⁾
50	Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions (OJ L 125, 5.5.2001, p. 15)	31 March 2018

	Legal Provisions to be implemented	Deadline for implementing
51	Amended by: Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	
52	Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements (OJ L 168, 27.6.2002, p. 43). Amended by:	31 March 2018
53	Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims (OJ L 146, 10.6.2009, p. 37).	
54	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	31 March 2018 ⁽²⁾
55	Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1) and the related level 2 measures as appropriate Amended by:	31 March 2018
56	Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC and 2002/87/EC in order to establish a new organisational structure for financial services committees (OJ L 79, 24.3.2005, p. 9).	
57	Directive 2008/25/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate, as regards the implementing powers conferred on the Commission (OJ L 81, 20.3.2008, p. 40).	
58	Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 120).	
59	Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113).	

	Legal Provisions to be implemented	Deadline for implementing
60	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	
61	Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11) Amended by:	31 March 2018
62	Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).	
63	Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7). Amended by:	31 March 2016
64	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	30 September 2017 ⁽³⁾
65	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	30 September 2018 ⁽⁴⁾
66	Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12). Amended by:	31 March 2016
67	Regulation (EU) No 1022/2013 of the European Parliament and of the Council of 22 October 2013 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards the conferral of specific tasks on the European Central Bank pursuant to Council Regulation (EU) No 1024/2013 (OJ L 287, 29.10.2013, p. 5).	
68	Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34).	
69	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	31 March 2018 ⁽⁵⁾

	Legal Provisions to be implemented	Deadline for implementing
70	Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1).	30 September 2018 ⁽⁴⁾
71	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).	
72	Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84). Amended by:	31 March 2016
73	Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1).	
74	Regulation (EU) No 258/2014 of the European Parliament and of the Council of 3 April 2014 establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-20 and repealing Decision No 716/2009/EC (OJ L 105, 8.4.2014, p. 1).	
75	Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1).	
76	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) and the related level 2 measures as appropriate Amended by:	30 September 2019 ⁽¹⁾
77	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).	
78	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	
79	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).	31 December 2020 ⁽²⁾

	Legal Provisions to be implemented	Deadline for implementing
80	Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).	
81	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1).	30 September 2019 ⁽⁴⁾
82	Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1) and the related level 2 measures as appropriate Amended by:	30 September 2017 ⁽¹⁾
83	Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State (OJ L 345, 27.12.2017, p. 27).	30 June 2019 ⁽⁶⁾
84	Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms (OJ L 347, 28.12.2017, p. 1).	31 March 2020 ⁽⁶⁾
85	Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (OJ L 111, 25.4.2019, p. 4).	31 December 2020 ⁽⁷⁾
86	Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338) and the related level 2 measures as appropriate Amended by:	30 September 2017 ⁽¹⁾
87	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).	31 March 2018 ⁽²⁾
88	Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, (OJ L 173, 12.6.2014, p. 1) and the related level 2 measures as appropriate Amended by:	30 September 2018 ⁽⁴⁾
89	Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).	1 March 2020 ⁽⁶⁾

	Legal Provisions to be implemented	Deadline for implementing
90	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	30 September 2018 ⁽³⁾
91	Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit-guarantee schemes (recast) (OJ L 173, 12.6.2014, p. 149).	31 March 2016 ⁽²⁾
92	Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ L 173, 12.6.2014, p. 179).	30 September 2018 ⁽⁴⁾
93	Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190) and the related level 2 measures as appropriate Amended by:	31 March 2018 ⁽²⁾
94	Directive (EU) 2017/2399 of the European Parliament and of the Council of 12 December 2017 amending Directive 2014/59/EU as regards the ranking of unsecured debt instruments in insolvency hierarchy (OJ L 345, 27.12.2017, p. 96).	31 October 2019 ⁽⁶⁾
95	Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349) and the related level 2 measures as appropriate Amended by:	31 December 2020 ⁽³⁾
96	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).	31 December 2020 ⁽⁴⁾
97	Directive (EU) 2016/1034 of the European Parliament and of the Council of 23 June 2016 amending Directive 2014/65/EU on markets in financial instruments (OJ L 175, 30.6.2016, p. 8).	31 December 2021 ⁽⁵⁾
98	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84) and the related level 2 measures as appropriate Amended by:	31 December 2020 ⁽³⁾
99	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	31 December 2020 ⁽³⁾
100	Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1).	31 December 2020 ⁽⁴⁾

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
101	Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories (OJ L 175, 30.6.2016, p. 1).	31 December 2020 ⁽⁶⁾
102	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1).	30 September 2019 ⁽⁴⁾
103	Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35) and the related level 2 measures as appropriate	30 September 2018 ⁽⁴⁾
104	Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).	1 March 2020 ⁽⁶⁾
	Legislation on collection of statistical information (*)	
105	Guideline of the European Central Bank ECB/2013/24 of 25 July 2013 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts (OJ L 2, 7.1.2014, p. 34).	31 March 2016 ⁽²⁾
	Amended by:	
106	Guideline (EU) 2016/66 of the European Central Bank of 26 November 2015 amending Guideline ECB/2013/24 on the statistical reporting requirements of the ECB in the field of quarterly financial accounts (ECB/2015/40) (OJ L 14, 21.1.2016, p. 36).	31 March 2017 ⁽⁴⁾
107	Regulation (EU) No 1071/2013 of the European Central Bank of 24 September 2013 concerning the balance sheet of the monetary financial institutions sector (recast) (ECB/2013/33) (OJ L 297, 7.11.2013, p. 1).	31 March 2016 ⁽²⁾
	Amended by:	
108	Regulation (EU) No 1375/2014 of the European Central Bank of 10 December 2014 amending Regulation (EU) No 1071/2013 (ECB/2013/33) concerning the balance sheet of the monetary financial institutions sector (ECB/2014/51) (OJ L 366, 20.12.2014, p. 77).	
109	Regulation (EU) No 1072/2013 of the European Central Bank of 24 September 2013 concerning statistics on interest rates applied by monetary financial institutions (recast) (ECB/2013/34) (OJ L 297, 7.11.2013, p. 51).	31 March 2016 ⁽²⁾
	Amended by:	
110	Regulation (EU) No 756/2014 of the European Central Bank of 8 July 2014 ECB/2014/30 amending Regulation (EU) No 1072/2013 (ECB/2013/34) concerning statistics on interest rates applied by monetary financial institutions (ECB/2014/30) (OJ L 205, 12.7.2014, p. 14).	
111	Guideline of the European Central Bank ECB/2014/15 of 4 April 2014 on monetary and financial statistics (recast) (OJ L 340, 26.11.2014, p. 1).	31 March 2016 ⁽²⁾

	Legal Provisions to be implemented	Deadline for implementing
	Amended by:	
112	Guideline (EU) 2015/571 of the European Central Bank of 6 November 2014 amending Guideline ECB/2014/15 on monetary and financial statistics (ECB/2014/43) (OJ L 93, 9.4.2015, p. 82).	
113	Guideline (EU) 2016/450 of the European Central Bank of 4 December 2015 amending Guideline ECB/2014/15 on monetary and financial statistics (ECB/2015/44) (OJ L 86, 1.4.2016, p. 42).	31 March 2017 ⁽⁴⁾
114	Guideline (EU) 2017/148 of the European Central Bank of 16 December 2016 amending Guideline ECB/2014/15 on monetary and financial statistics (ECB/2016/45) (OJ L 26, 31.1.2017, p. 1).	1 December 2017 ⁽⁵⁾
115	Guideline (EU) 2018/877 of the European Central Bank of 1 June 2018 amending Guideline ECB/2014/15 on monetary and financial statistics (ECB/2018/17) (OJ L 154, 18.6.2018, p. 22).	1 October 2019' ⁽⁶⁾

⁽¹⁾ The Joint Committee of 2013 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽²⁾ The Joint Committee of 2014 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽³⁾ The Joint Committee of 2015 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁴⁾ The Joint Committee of 2016 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁵⁾ The Joint Committee of 2017 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁶⁾ The Joint Committee of 2018 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

⁽⁷⁾ The Joint Committee of 2019 agreed on these deadlines pursuant to Article 8(4) of the Monetary Agreement of 30 June 2011 between the European Union and the Principality of Andorra.

^(*) As agreed under the template on simplified statistical reporting.

RULES OF PROCEDURE

DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUGS ADDICTION

of 28 June 2019

on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the EMCDDA

THE MANAGEMENT BOARD OF THE EMCDDA

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

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽¹⁾, and in particular Article 25 thereof,

Having regard to Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction ⁽²⁾, and in particular to Articles 6 and 9 thereof,

Having regard to the opinion of the EDPS of 29 May 2019 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules,

Whereas:

- (1) The EMCDDA carries out its activities in accordance with the above referred Council Regulation (EC) No 1920/2006.
- (2) In accordance with Article 25(1) of Regulation (EU) 2018/1725 restrictions of the application of Articles 14 to 22, 35 and 36, as well as Article 4 of that Regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 should be based on internal rules to be adopted by the EMCDDA, where these are not based on legal acts adopted on the basis of the Treaties.
- (3) These internal rules, including its provisions on the assessment of the necessity and proportionality of a restriction, should not apply where a legal act adopted on the basis of the Treaties provides for a restriction of data subject rights.
- (4) Where the EMCDDA performs its duties with respect to data subject's rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
- (5) Within the framework of its administrative functioning, the EMCDDA may conduct administrative inquiries, disciplinary proceedings, carry out preliminary activities related to cases of potential irregularities reported to OLAF, process whistleblowing cases, process (formal and informal) procedures of harassment, process internal and external complaints, conduct internal audits, carry out investigations by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and internal (IT) security investigations.
- (6) The EMCDDA processes several categories of personal data, including hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).
- (7) The EMCDDA, represented by its Director, acts as the data controller irrespective of further delegations of the controller role within the EMCDDA to reflect operational responsibilities for specific personal data processing operations.

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 376, 27.12.2006, p. 1.

- (8) The personal data are stored securely in an electronic environment or on paper preventing unlawful access or transfer of data to persons who do not have a need to know. The personal data processed are retained for no longer than necessary and appropriate for the purposes for which the data are processed for the period specified in the data protection notices, privacy statements or records of the EMCDDA.
- (9) The internal rules should apply to all processing operations carried out by the EMCDDA in the performance of administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, whistleblowing procedures, (formal and informal) procedures for cases of harassment, processing internal and external complaints, internal audits, the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).
- (10) They should apply to processing operations carried out prior to the opening of the procedures referred to above, during these procedures and during the monitoring of the follow-up to the outcome of these procedures. It should also include assistance and cooperation provided by the EMCDDA to national authorities and international organisations outside of its administrative investigations.
- (11) In the cases where these internal rules apply the EMCDDA has to give justifications explaining why the restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.
- (12) Within this framework the EMCDDA is bound to respect, to the maximum extent possible, the fundamental rights of the data subjects during the above procedures, in particular, those relating to the right of provision of information, access and rectification, right to erasure, restriction of processing, right of communication of a personal data breach to the data subject or confidentiality of communication as enshrined in Regulation (EU) 2018/1725.
- (13) However, the EMCDDA may be obliged to restrict the information to data subject and other data subject's rights to protect, in particular, its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons related to its investigations or other procedures.
- (14) The EMCDDA may thus restrict the information for the purpose of protecting the investigation and the fundamental rights and freedoms of other data subjects.
- (15) The EMCDDA should periodically monitor that the conditions that justify the restriction apply and lift the restriction as far as they do no longer apply.
- (16) The Controller should inform the Data Protection Officer at the moment of deferral and during the revisions.

HAS ADOPTED THIS DECISION:

Article 1

Subject-matter and scope

1. This Decision lays down rules relating to the conditions under which the EMCDDA in the framework of its procedures set out paragraph 2 may restrict the application of the rights enshrined in Articles 14 to 21, 35 and 36, as well as Article 4 thereof, following Article 25 of the Regulation (EU) 2018/1725.
2. Within the framework of the administrative functioning of the EMCDDA, this Decision applies to the processing operations on personal data by the EMCDDA for the purposes of: conducting administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, processing whistleblowing cases, (formal and informal) procedures of harassment, processing internal and external complaints, conducting internal audits, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).
3. The categories of data concerned are hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).

4. Where the EMCDDA performs its duties with respect to data subject's rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.

5. Subject to the conditions set out in this Decision, the restrictions may apply to the following rights: provision of information to data subjects, right of access, rectification, erasure, restriction of processing, communication of a personal data breach to the data subject or confidentiality of communication.

Article 2

Specification of the controller and safeguards

1. The safeguards in place to avoid data breaches, leakages or unauthorised disclosure are the following:
 - (a) Paper documents shall be kept in secured cupboards and only accessible to authorised staff;
 - (b) All electronic data shall be stored in a secure IT application according to the EMCDDA's security standards, as well as in specific electronic folders accessible only to authorised staff. Appropriate levels of access shall be granted individually;
 - (c) The database shall be password-protected under a single sign-on system and connected automatically to the user's ID and password. Replacing users is strictly prohibited. E-records shall be held securely to safeguard the confidentiality and privacy of the data therein;
 - (d) All persons having access to the data are bound by the obligation of confidentiality.
2. The Controller of the processing operations is the EMCDDA, represented by its Director, who may delegate the function of the Controller. Data subjects shall be informed of the delegated Controller by way of the data protection notices or records published on the website and/or the intranet of the EMCDDA.
3. The retention period of the personal data referred to in Article 1(3) shall be no longer than necessary and appropriate for the purposes for which the data are processed. It shall in any event not be longer than the retention period specified in the data protection notices, privacy statements or records referred to in Article 5(1).
4. Where the EMCDDA considers to apply a restriction, the risk to the rights and freedoms of the data subject shall be weighed, in particular, against the risk to the rights and freedoms of other data subjects and the risk of cancelling the effect of the EMCDDA's investigations or procedures for example by destroying evidence. The risks to the rights and freedoms of the data subject concern primarily, but are not limited to, reputational risks and risks to the right of defence and the right to be heard.

Article 3

Restrictions

1. Any restriction shall only be applied by the EMCDDA to safeguard:
 - (a) the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
 - (b) other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;
 - (c) the internal security of Union institutions and bodies, including of their electronic communications networks;
 - (d) the protection of judicial independence and judicial proceedings;
 - (e) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
 - (f) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (c);
 - (g) the protection of the data subject or the rights and freedoms of others;

2. As a specific application of the purposes described in paragraph 1 above, the EMCDDA may apply restrictions in relation to personal data exchanged with Commission services or other Union institutions, bodies, agencies and offices, competent authorities of Member States or third countries or international organisations, in the following circumstances:

- (a) where the exercise of those rights and obligations could be restricted by Commission services or other Union institutions, bodies, agencies and offices on the basis of other acts provided for in Article 25 of Regulation (EU) 2018/1725 or in accordance with Chapter IX of that Regulation or with the founding acts of other Union institutions, bodies, agencies and offices;
- (b) where the exercise of those rights and obligations could be restricted by competent authorities of Member States on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽³⁾, or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾;
- (c) where the exercise of those rights and obligations could jeopardise the EMCDDA's cooperation with third countries or international organisations in the conduct of its tasks.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, the EMCDDA shall consult the relevant Commission services, Union institutions, bodies, agencies, offices or the competent authorities of Member States unless it is clear to the EMCDDA that the application of a restriction is provided for by one of the acts referred to in those points.

3. Any restriction shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects and respect the essence of the fundamental rights and freedoms in a democratic society.

4. If the application of restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.

5. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

Article 4

Review by the Data Protection Officer

1. The EMCDDA shall, without undue delay, inform the Data Protection Officer of the EMCDDA ('the DPO') whenever the Controller restricts the application of Data subjects' rights, or extends the restriction, in accordance with this Decision. The Controller shall provide the DPO access to the record containing the assessment of the necessity and proportionality of the restriction and document the involvement of the DPO in the different procedures.

2. The DPO may request the Controller in writing to review the application of the restrictions. The Controller shall inform the DPO in writing about the outcome of the requested review.

3. The Controller shall inform the DPO when the restriction has been lifted.

⁽³⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁴⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

*Article 5***Provision of information to data subject**

1. In duly justified cases and under the conditions stipulated in this decision, the right to information may be restricted by the Controller in the context of the following processing operations:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

The EMCDDA shall include in the data protection notices, privacy statements or records in the sense of Article 31 of Regulation (EU) 2018/1725, published on its website and/or on the intranet informing data subjects of their rights in the framework of a given procedure, information relating to the potential restriction of these rights. The information shall cover which rights may be restricted, the reasons and the potential duration.

2. Without prejudice to the provisions of paragraph 3, the EMCDDA, where proportionate, shall also inform individually all data subjects, which are considered persons concerned in the specific processing operation, of their rights concerning present or future restrictions without undue delay and in a written form.

3. Where the EMCDDA restricts, wholly or partly, the provision of information to the Data subjects referred to in paragraph 2, it shall record the reasons for the restriction, the legal ground in accordance with Article 3 of this Decision, including an assessment of the necessity and proportionality of the restriction.

The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

4. The restriction referred to in paragraph 3 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, the EMCDDA shall provide information to the Data subject on the principal reasons on which the application of a restriction is based. At the same time, the EMCDDA shall inform the Data subject of the right of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy in the Court of Justice of the European Union.

The EMCDDA shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry, procedure or investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months.

*Article 6***Right of access by data subject**

1. In duly justified cases and under the conditions stipulated in this decision, the right to access may be restricted by the Controller in the context of the following processing operations, where necessary and proportionate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal audits;

- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

Where Data subjects request access to their personal data processed in the context of one or more specific cases or to a particular processing operation, in accordance with Article 17 of Regulation (EU) 2018/1725, the EMCDDA shall limit its assessment of the request to such personal data only.

2. Where the EMCDDA restricts, wholly or partly, the right of access, referred to in Article 17 of Regulation (EU) 2018/1725, it shall take the following steps:

- (a) it shall inform the Data subject concerned, in its reply to the request, of the restriction applied and of the principal reasons thereof, and of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union;
- (b) it shall document in an internal assessment note the reasons for the restriction, including an assessment of the necessity, proportionality of the restriction and its duration.

The provision of information referred to in point (a) may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725.

The EMCDDA shall review the application of the restriction every six months from its adoption and at the closure of the relevant investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months.

3. The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

Article 7

Right of rectification, erasure and restriction of processing

1. In duly justified cases and under the conditions stipulated in this decision, the right to rectification, erasure and restriction may be restricted by the Controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. Where the EMCDDA restricts, wholly or partly, the application of the right to rectification, erasure and restriction of processing referred to in Articles 18, 19(1) and 20(1) of Regulation (EU) 2018/1725, it shall take the steps set out in Article 6(2) of this Decision and register the record in accordance with Article 6(3) thereof.

Article 8

Communication of a personal data breach to the Data subject and confidentiality of electronic communications

1. In duly justified cases and under the conditions stipulated in this decision, the right to the communication of a personal data breach may be restricted by the Controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;

- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. In duly justified cases and under the conditions stipulated in this decision, the right to confidentiality of electronic communications may be restricted by the Controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) formal procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

3. Where the EMCDDA restricts the communication of a personal data breach to the Data subject or the confidentiality of electronic communications referred to in Articles 35 and 36 of Regulation (EU) 2018/1725, it shall record and register the reasons for the restriction in accordance with Article 5(3) of this decision. Article 5(4) of this Decision shall apply.

Article 9

Entry into force

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

Done at Lisbon, 28 June 2019.

For the Management Board
The Chair
Laura D'ARRIGO

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