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I

(Legislative acts)

DIRECTIVES

**DIRECTIVE (EU) 2015/412 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 March 2015****amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or
prohibit the cultivation of genetically modified organisms (GMOs) in their territory****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,Having regard to the opinion of the Committee of the Regions ⁽²⁾,Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) Directive 2001/18/EC of the European Parliament and of the Council ⁽⁴⁾ and Regulation (EC) No 1829/2003 of the European Parliament and of the Council ⁽⁵⁾ establish a comprehensive legal framework for the authorisation of genetically modified organisms (GMOs), which is fully applicable to GMOs to be used for cultivation purposes throughout the Union as seeds or other plant-propagating material ('GMOs for cultivation').
- (2) Under that legal framework, GMOs for cultivation are to undergo an individual risk assessment before being authorised to be placed on the Union market in accordance with Annex II to Directive 2001/18/EC taking into account the direct, indirect, immediate and delayed effects, as well as the cumulative long-term effects, on human health and the environment. That risk assessment provides scientific advice to inform the decision-making process and is followed by a risk management decision. The aim of that authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment and consumer interests, whilst ensuring the effective functioning of the internal market. A uniform high level of protection of health, the environment and consumers should be achieved and maintained throughout the territory of the Union. The precautionary principle should always be taken into account in the framework of Directive 2001/18/EC and its subsequent implementation.
- (3) Pursuant to the conclusions adopted by the Council on 4 December 2008 on Genetically Modified Organisms ('2008 Council conclusions'), it is necessary to look for improvement of the implementation of the legal

⁽¹⁾ OJ C 54, 19.2.2011, p. 51.⁽²⁾ OJ C 102, 2.4.2011, p. 62.⁽³⁾ Position of the European Parliament of 5 July 2011 (OJ C 33 E, 5.2.2013, p. 350) and position of the Council at first reading of 23 July 2014 (OJ C 349, 3.10.2014, p. 1). Position of the European Parliament of 13 January 2015 (not yet published in the Official Journal) and decision of the Council of 2 March 2015.⁽⁴⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).⁽⁵⁾ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1).

framework for the authorisation of GMOs. In this context, the rules on risk assessment should be, where needed, regularly updated to take account of continuous developments in scientific knowledge and analysis procedures, in particular regarding the long-term environmental effects of genetically modified crops as well as their potential effects on non-target organisms, the characteristics of receiving environments and the geographical areas in which genetically modified crops may be cultivated, and the criteria and requirements for assessing GMOs producing pesticides and herbicide tolerant GMOs. Therefore, the Annexes to Directive 2001/18/EC should be amended accordingly.

- (4) In addition to the authorisation for placing on the market, genetically modified varieties also need to comply with the requirements of Union law on the marketing of seed and plant propagating material, as set out in particular in Council Directives 66/401/EEC ⁽¹⁾, 66/402/EEC ⁽²⁾, 68/193/EEC ⁽³⁾, 98/56/EC ⁽⁴⁾, 1999/105/EC ⁽⁵⁾, 2002/53/EC ⁽⁶⁾, 2002/54/EC ⁽⁷⁾, 2002/55/EC ⁽⁸⁾, 2002/56/EC ⁽⁹⁾, 2002/57/EC ⁽¹⁰⁾ and 2008/90/EC ⁽¹¹⁾. Among those Directives, Directives 2002/53/EC and 2002/55/EC contain provisions which allow the Member States to prohibit, under certain well defined conditions, the use of a variety in all or in part of their territory or to lay down appropriate conditions for the cultivation of a variety.
- (5) Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, Member States are not authorised to prohibit, restrict, or impede its free circulation within their territory, except under the conditions defined by Union law.
- (6) Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level. Issues related to the placing on the market and the import of GMOs should remain regulated at Union level to preserve the internal market. Cultivation may however require more flexibility in certain instances as it is an issue with strong national, regional and local dimensions, given its link to land use, to local agricultural structures and to the protection or maintenance of habitats, ecosystems and landscapes. In accordance with Article 2(2) of the Treaty on the Functioning of the European Union (TFEU), Member States are entitled to have the possibility to adopt legally binding acts restricting or prohibiting the cultivation of GMOs in their territory after such GMOs have been authorised to be placed on the Union market. However, the common authorisation procedure, in particular the evaluation process conducted primarily by the European Food Safety Authority (the 'Authority'), should not be adversely affected by such flexibility.
- (7) In the past, in order to restrict or prohibit the cultivation of GMOs, some Member States had recourse to the safeguard clauses and emergency measures pursuant to Article 23 of Directive 2001/18/EC and Article 34 of Regulation (EC) No 1829/2003 as a result of, depending on the cases, new or additional information made available since the date of the consent and affecting the environmental risk assessment, or of the reassessment of existing information. Other Member States have made use of the notification procedure set out in Article 114(5) and (6) TFEU which requires putting forward new scientific evidence relating to the protection of the environment or the working environment. In addition, the decision-making process has proved to be particularly difficult as regards the cultivation of GMOs in the light of the expression of national concerns which do not only relate to issues associated with the safety of GMOs for health or the environment.
- (8) In that context, it appears appropriate to grant Member States, in accordance with the principle of subsidiarity, more flexibility to decide whether or not they wish to cultivate GMOs on their territory without affecting the risk assessment provided in the system of Union authorisations of GMOs, either in the course of the authorisation procedure or thereafter, and independently of the measures that Member States cultivating GMOs are entitled or required to take by application of Directive 2001/18/EC to avoid the unintended presence of GMOs in other products. The grant of that possibility to Member States is likely to improve the process for authorisations

⁽¹⁾ Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ L 125, 11.7.1966, p. 2298).

⁽²⁾ Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ L 125, 11.7.1966, p. 2309).

⁽³⁾ Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L 93, 17.4.1968, p. 15).

⁽⁴⁾ Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ L 226, 13.8.1998, p. 16).

⁽⁵⁾ Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).

⁽⁶⁾ Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

⁽⁷⁾ Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12).

⁽⁸⁾ Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

⁽⁹⁾ Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60).

⁽¹⁰⁾ Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).

⁽¹¹⁾ Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

of GMOs and, at the same time, is also likely to ensure freedom of choice of consumers, farmers and operators whilst providing greater clarity to affected stakeholders concerning the cultivation of GMOs in the Union. This Directive should therefore facilitate the smooth functioning of the internal market.

- (9) In order to ensure that the cultivation of GMOs does not result in their unintended presence in other products and whilst respecting the principle of subsidiarity, particular attention should be paid to the prevention of possible cross-border contamination from a Member State where cultivation is allowed into a neighbouring Member State where it is prohibited, unless the Member States concerned agree that particular geographical conditions render it unnecessary.
- (10) The Commission Recommendation of 13 July 2010 ⁽¹⁾ provides guidance to Member States for the development of coexistence measures, including in border areas. The recommendation encourages Member States to cooperate with each other to implement appropriate measures at the borders between Member States so as to avoid unintended consequences of cross-border contamination.
- (11) During the authorisation procedure of a given GMO, the possibility should be provided for a Member State to demand that the geographical scope of the notification/application submitted in accordance with Part C of Directive 2001/18/EC or in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 be adjusted to the effect that all or part of the territory of that Member State be excluded from cultivation. The Commission should facilitate the procedure by presenting the demand of the Member State to the notifier/applicant without delay and the notifier/applicant should respond to that demand within an established timelimit.
- (12) The geographical scope of the notification/application should be adjusted accordingly unless the notifier/applicant confirms the geographical scope of its notification/application within an established timelimit from the communication by the Commission of that demand. Such confirmation, however, is without prejudice to the Commission's powers in accordance with Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) No 1829/2003, as the case may be, to make such an adjustment, where appropriate, in the light of the environmental risk assessment carried out by the Authority.
- (13) Whilst it is expected that most restrictions or prohibitions adopted pursuant to this Directive will be implemented at the stage of consent/authorisation or renewal thereof, there should, in addition, also be the possibility for Member States to adopt reasoned measures restricting or prohibiting the cultivation in all or part of their territory of a GMO, or of a group of GMOs defined by crop or trait, once authorised, on the basis of grounds distinct from and complementary to those assessed according to the harmonized set of Union rules, that is Directive 2001/18/EC and Regulation (EC) No 1829/2003, which are in conformity with Union law. Those grounds may be related to environmental or agricultural policy objectives, or other compelling grounds such as town and country planning, land use, socioeconomic impacts, coexistence and public policy. Those grounds may be invoked individually or in combination, depending on the particular circumstances of the Member State, region or area in which those measures will apply.
- (14) The level of protection of human or animal health and of the environment chosen in the Union allows for a uniform scientific assessment throughout the Union and this Directive should not alter that situation. Therefore, to avoid any interference with the competences which are granted to the risk assessors and risk managers under Directive 2001/18/EC and Regulation (EC) No 1829/2003, a Member State should only use grounds with respect to environmental policy objectives relating to impacts which are distinct from and complementary to the assessment of risks to health and the environment which are assessed in the context of the authorisation procedures provided in Directive 2001/18/EC and in Regulation (EC) No 1829/2003, such as the maintenance and development of agricultural practices which offer a better potential to reconcile production with ecosystem sustainability, or maintenance of local biodiversity, including certain habitats and ecosystems, or certain types of natural and landscape features, as well as specific ecosystem functions and services.
- (15) Member States should also be able to base the decisions which they adopt pursuant to Directive 2001/18/EC on grounds concerning socioeconomic impacts which might arise from the cultivation of a GMO on the territory of the Member State concerned. While coexistence measures have been addressed by the Commission Recommendation of 13 July 2010, there should also be the possibility for Member States to adopt measures restricting or prohibiting cultivation of authorised GMOs in all or part of their territory under this Directive. Those grounds

⁽¹⁾ Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crop (OJ C 200, 22.7.2010, p. 1).

may be related to the high cost, impracticability or impossibility of implementing coexistence measures due to specific geographical conditions, such as small islands or mountain zones, or the need to avoid GMO presence in other products such as specific or particular products. Furthermore, the Commission has, as requested in the 2008 Council conclusions, reported to the European Parliament and the Council on socioeconomic implications of GMO cultivation. The outcome of that report may provide valuable information for Member States considering taking decisions on the basis of this Directive. Grounds relating to agricultural policy objectives may include the need to protect the diversity of agricultural production and the need to ensure seed and plant propagating material purity. Member States should also be allowed to base their measures on other grounds that may include land use, town and country planning, or other legitimate factors including those relating to cultural traditions.

- (16) The restrictions or prohibitions adopted pursuant to this Directive should refer to the cultivation, and not to the free circulation and import, of genetically modified seeds and plant propagating material as, or in, products and of the products of their harvest, and should, furthermore, be in conformity with the Treaties, in particular as regards the principle of non-discrimination between national and non-national products, the principle of proportionality and Article 34, Article 36 and Article 216(2) TFEU.
- (17) Member States' measures adopted pursuant to this Directive should be subject to a procedure of scrutiny and information at Union level. In the light of the level of Union scrutiny and information, it is not necessary to provide, in addition, for the application of Directive 98/34/EC of the European Parliament and of the Council⁽¹⁾. Member States may restrict or prohibit the cultivation of GMOs in all or part of their territory as from the date of entry into force of the Union authorisation and for the whole duration of the consent/authorisation, provided that an established standstill period, during which the Commission was given the opportunity to comment on the proposed measures, has elapsed. The Member State concerned should therefore communicate a draft of those measures to the Commission at least 75 days prior to their adoption, in order to give the Commission an opportunity to comment thereon, and should refrain from adopting and implementing those measures during that period. On the expiry of the established standstill period, the Member State should be able to adopt the measures as originally proposed or amended to take into account the Commission's comments.
- (18) During the established standstill period, the authorisation applicant/holder who would be affected by measures restricting or prohibiting the cultivation of a GMO in a Member State should refrain from all activities related to the cultivation of that GMO in that Member State.
- (19) Decisions to restrict or prohibit the cultivation of GMOs by Member States in all or part of their territory should not prevent biotechnology research from being carried out provided that, in carrying out such research, all necessary safety measures relating to human and animal health and environmental protection are observed and that the activity does not undermine the respect of the grounds on which the restriction or prohibition has been introduced. Moreover, the Authority and the Member States should aim to establish an extensive network of scientific organisations representing all disciplines including those relating to ecological issues, and should cooperate to identify at an early stage any potential divergence between scientific opinions with a view to resolving or clarifying contentious scientific issues. The Commission and the Member States should ensure that the necessary resources for independent research on the potential risks arising from the deliberate release or the placing on the market of GMOs are secured, and that independent researchers should be given access to all relevant material, while respecting intellectual property rights.
- (20) Given the importance of scientific evidence in taking decisions on the prohibition or approval of GMOs, the Authority should collect and analyse the results of research regarding the risk or danger to human health or the environment of GMOs and inform the risk managers of any emerging risks. Such information should be made available to the public.
- (21) A Member State should be able to request the competent authority or the Commission to reintegrate all or part of its territory into the geographical scope of the consent/authorisation from which it was previously excluded. In that case, there should be no need to forward the request to the consent/authorisation holder and ask for his agreement. The competent authority which has issued the written consent or the Commission, under Directive 2001/18/EC or Regulation (EC) No 1829/2003 respectively, should amend the geographical scope of the consent or of the decision of authorisation accordingly.

⁽¹⁾ Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37).

- (22) Written consents or decisions of authorisation issued or adopted with a geographical scope limited to certain areas or measures adopted by Member States, in accordance with this Directive, which restrict or prohibit the cultivation of GMOs, should not prevent or restrict the use of authorised GMOs by other Member States. In addition, this Directive and the national measures adopted pursuant to it should be without prejudice to Union law requirements concerning unintended and adventitious presence of GMOs in non-genetically modified varieties of seed and plant propagating material, and should not prevent the cultivation of varieties complying with these requirements.
- (23) Regulation (EC) No 1829/2003 provides that references made in Parts A and D of Directive 2001/18/EC to GMOs authorised under Part C of that Directive are to be considered as applying equally to GMOs authorised under that Regulation. Accordingly, measures adopted by the Member States in accordance with Directive 2001/18/EC should also apply to GMOs authorised in accordance with Regulation (EC) No 1829/2003.
- (24) This Directive is without prejudice to Member States' obligations as regards the free movement of conventional seeds, plant propagating material and of the product of the harvest pursuant to relevant Union law and in accordance with the TFEU.
- (25) In order to guarantee a high level of consumer protection, Member States and operators should also take effective labelling and information measures pursuant to Regulation (EC) No 1829/2003 and Regulation (EC) No 1830/2003 of the European Parliament and of the Council ⁽¹⁾ to guarantee transparency with regard to the presence of GMOs in products.
- (26) In order to reconcile the objectives of this Directive with the legitimate interests of economic operators in relation to GMOs which have been authorised, or which were in the process of being authorised, before the entry into force of this Directive, provision should be made for appropriate transitional measures. Transitional measures are also justified by the need to avoid creating potential distortions of competition by treating existing authorisation holders differently from future applicants for authorisation. In the interests of legal certainty, the period during which such transitional measures may be adopted should be limited to that which is strictly necessary in order to ensure a smooth transition to the new regime. Such transitional measures should therefore allow Member States to apply the provisions of this Directive to products which have been authorised or which were in the process of being authorised before the entry into force of this Directive, provided that authorised genetically modified varieties of seed and plant propagating material already lawfully planted are not affected.
- (27) The provisions laid down in Articles 26b and 26c of Directive 2001/18/EC apply without prejudice to Article 23 of that Directive as well as Article 34 of Regulation (EC) No 1829/2003.
- (28) Directive 2001/18/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2001/18/EC is amended as follows:

- (1) In Article 26a, the following paragraph is inserted:

‘1a. As from 3 April 2017 Member States in which GMOs are cultivated shall take appropriate measures in border areas of their territory with the aim of avoiding possible cross-border contamination into neighbouring Member States in which the cultivation of those GMOs is prohibited, unless such measures are unnecessary in the light of particular geographical conditions. Those measures shall be communicated to the Commission.’

⁽¹⁾ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

(2) The following Articles are inserted:

'Article 26b

Cultivation

1. During the authorisation procedure of a given GMO or during the renewal of consent/authorisation, a Member State may demand that the geographical scope of the written consent or authorisation be adjusted to the effect that all or part of the territory of that Member State is to be excluded from cultivation. That demand shall be communicated to the Commission at the latest 45 days from the date of circulation of the assessment report under Article 14(2) of this Directive, or from receiving the opinion of the European Food Safety Authority under Article 6(6) and Article 18(6) of Regulation (EC) No 1829/2003. The Commission shall present the demand of the Member State to the notifier/applicant and to the other Member States without delay. The Commission shall make the demand publicly available by electronic means.

2. Within 30 days from the presentation by the Commission of that demand, the notifier/applicant may adjust or confirm the geographical scope of its initial notification/application.

In the absence of confirmation, the adjustment of the geographical scope of the notification/application shall be implemented in the written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 of this Directive as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003.

The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 of this Directive, as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003, shall then be issued on the basis of the adjusted geographical scope of the notification/application.

Where a demand in accordance with paragraph 1 of this Article is communicated to the Commission after the date of circulation of the assessment report under Article 14(2) of this Directive, or after receipt of the opinion of the European Food Safety Authority under Article 6(6) and Article 18(6) of Regulation (EC) No 1829/2003, the timelines set out in Article 15 of this Directive to issue the written consent or, as the case may be, in Articles 7 and 19 of Regulation (EC) No 1829/2003 to submit to the Committee a draft of the decision to be taken, shall be extended by a single period of 15 days regardless of the number of Member States presenting such demands.

3. Where no demand was made pursuant to paragraph 1 of this Article, or where the notifier/applicant has confirmed the geographical scope of its initial notification/application, a Member State may adopt measures restricting or prohibiting the cultivation in all or part of its territory of a GMO, or of a group of GMOs defined by crop or trait, once authorised in accordance with Part C of this Directive or with Regulation (EC) No 1829/2003, provided that such measures are in conformity with Union law, reasoned, proportional and non-discriminatory and, in addition, are based on compelling grounds such as those related to:

- (a) environmental policy objectives;
- (b) town and country planning;
- (c) land use;
- (d) socioeconomic impacts;
- (e) avoidance of GMO presence in other products without prejudice to Article 26a;
- (f) agricultural policy objectives;
- (g) public policy.

Those grounds may be invoked individually or in combination, with the exception of the ground set out in point (g) which cannot be used individually, depending on the particular circumstances of the Member State, region or area in which those measures will apply, but shall, in no case, conflict with the environmental risk assessment carried out pursuant to this Directive or to Regulation (EC) No 1829/2003.

4. A Member State which intends to adopt measures pursuant to paragraph 3 of this Article shall first communicate a draft of those measures and the corresponding grounds invoked to the Commission. This communication may take place before the GMO authorisation procedure under Part C of this Directive or under Regulation (EC) No 1829/2003 has been completed. During a period of 75 days starting from the date of such communication:

- (a) the Member State concerned shall refrain from adopting and implementing those measures;
- (b) the Member State concerned shall ensure that operators refrain from planting the GMO or GMOs concerned; and
- (c) the Commission may make any comments it considers appropriate.

On expiry of the 75-day period referred to in the first subparagraph, the Member State concerned may, for the whole duration of the consent/authorisation and as from the date of entry into force of the Union authorisation, adopt the measures either in the form originally proposed, or as amended to take account of any non-binding comments received from the Commission. Those measures shall be communicated to the Commission, the other Member States and the authorisation holder without delay.

Member States shall make publicly available any such measure to all operators concerned, including growers.

5. Where a Member State wishes all or part of its territory to be reintegrated into the geographical scope of the consent/authorisation from which it was previously excluded pursuant to paragraph 2, it may make a request to that effect to the competent authority which issued the written consent under this Directive or to the Commission if the GMO has been authorised under Regulation (EC) No 1829/2003. The competent authority which has issued the written consent or the Commission, as the case may be, shall amend the geographical scope of the consent or of the decision of authorisation accordingly.

6. For the purposes of an adjustment of the geographical scope of the consent/authorisation of a GMO under paragraph 5:

- (a) for a GMO which has been authorised under this Directive, the competent authority which has issued the written consent shall amend the geographical scope of the consent accordingly and inform the Commission, the Member States and the authorisation holder once this is complete;
- (b) for a GMO which has been authorised under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

7. Where a Member State has revoked measures taken pursuant to paragraphs 3 and 4, it shall notify the Commission and the other Member States without delay.

8. Measures adopted under this Article shall not affect the free circulation of authorised GMOs as, or in, products.

Article 26c

Transitional measures

1. From 2 April 2015 until 3 October 2015, a Member State may demand that the geographical scope of a notification/application submitted, or of an authorisation granted, under this Directive or Regulation (EC) No 1829/2003 before 2 April 2015 be adjusted. The Commission shall present the demand of the Member State to the notifier/applicant and to the other Member States without delay.

2. Where the notification/application is pending and the notifier/applicant has not confirmed the geographical scope of its initial notification/application within 30 days from the communication of the demand referred to in paragraph 1 of this Article, the geographical scope of the notification/application shall be adjusted accordingly. The written consent issued under this Directive and, where applicable, the decision issued in accordance with Article 19 of this Directive as well as the decision of authorisation adopted under Articles 7 and 19 of Regulation (EC) No 1829/2003 shall then be issued on the basis of the adjusted geographical scope of the notification/application.

3. Where the authorisation has already been granted and the authorisation holder has not confirmed the geographical scope of the authorisation within 30 days from the communication of the demand referred to in paragraph 1 of this Article, the authorisation shall be modified accordingly. For a written consent under this Directive, the competent authority shall amend the geographical scope of the consent accordingly and shall inform the Commission, the Member States, and the authorisation holder once this is complete. For an authorisation under Regulation (EC) No 1829/2003, the Commission shall amend the decision of authorisation accordingly, without applying the procedure set out in Article 35(2) of that Regulation. The Commission shall inform the Member States and the authorisation holder accordingly.

4. Where no demand was made pursuant to paragraph 1 of this Article, or where a notifier/applicant or, as the case may be, an authorisation holder has confirmed the geographical scope of its initial application or, as the case may be, authorisation, paragraphs 3 to 8 of Article 26b shall apply *mutatis mutandis*.

5. This Article is without prejudice to the cultivation of any authorised GMO seeds and plant propagating materials which were planted lawfully before the cultivation of the GMO is restricted or prohibited in the Member State.

6. Measures adopted under this Article shall not affect the free circulation of authorised GMOs as, or in, products.’.

Article 2

No later than 3 April 2019, the Commission shall present a report to the European Parliament and to the Council regarding the use made by Member States of this Directive including the effectiveness of the provisions enabling Member States to restrict or prohibit the cultivation of GMOs in all or part of their territory and the smooth functioning of the internal market. That report may be accompanied by any legislative proposals the Commission considers appropriate.

By the same date as referred to in the first paragraph, the Commission shall also report to the European Parliament and to the Council on the actual remediation of environmental damages that might occur due to the cultivation of GMOs, on the basis of information made available to the Commission pursuant to Articles 20 and 31 of Directive 2001/18/EC and Articles 9 and 21 of Regulation (EC) No 1829/2003.

Article 3

No later than 3 April 2017, the Commission shall update the Annexes to Directive 2001/18/EC in accordance with Article 27 of that Directive as regards the environmental risk assessment, with a view to incorporating and building upon the strengthened 2010 Authority guidance on the environmental risk assessment of genetically modified plants.

Article 4

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

This Directive is addressed to the Member States.

Done at Strasbourg, 11 March 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

Z. KALNIŅA-LUKAŠEVICA

DIRECTIVE (EU) 2015/413 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 March 2015
facilitating cross-border exchange of information on road-safety-related traffic offences
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1)(c) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Improving road safety is a prime objective of the Union's transport policy. The Union is pursuing a policy to improve road safety with the objective of reducing fatalities, injuries and material damage. An important element of that policy is the consistent enforcement of sanctions for road traffic offences committed in the Union which considerably jeopardise road safety.
- (2) However, due to a lack of appropriate procedures and notwithstanding existing possibilities under Council Decision 2008/615/JHA ⁽³⁾ and Council Decision 2008/616/JHA ⁽⁴⁾ (the 'Prüm Decisions'), sanctions in the form of financial penalties for certain road traffic offences are often not enforced if those offences are committed with a vehicle which is registered in a Member State other than the Member State where the offence took place. This Directive aims to ensure that even in such cases, the effectiveness of the investigation of road-safety-related traffic offences should be ensured.
- (3) In its communication of 20 July 2010 entitled 'Towards a European road safety area: policy orientations on road safety 2011-2020', the Commission emphasised that enforcement of road traffic rules remains a key factor in creating the conditions for a considerable reduction in the number of deaths and injuries. In its conclusions of 2 December 2010 on road safety, the Council called for consideration of the need for further strengthening of enforcement of road traffic rules by Member States and, where appropriate, at Union level. It invited the Commission to examine the possibilities of harmonising traffic rules at Union level where appropriate and adopting further measures on facilitating cross-border enforcement with regard to road traffic offences, in particular those related to serious traffic accidents.
- (4) On 19 March 2008, the Commission adopted a proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety on the basis of Article 71(1)(c) of the Treaty establishing the European Community (now Article 91 of Treaty on the Functioning of the European Union (TFEU)). Directive 2011/82/EU of the European Parliament and of the Council ⁽⁵⁾ was, however, adopted on the basis of Article 87(2) TFEU. The judgment of the Court of Justice of 6 May 2014 in Case C-43/12 ⁽⁶⁾ annulled Directive 2011/82/EU on the grounds that it could not validly be adopted on the basis of Article 87(2)

⁽¹⁾ OJ C 12, 15.1.2015, p. 115.

⁽²⁾ Position of the European Parliament of 11 February 2015 (not yet published in the Official Journal) and Decision of the Council of 2 March 2015.

⁽³⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽⁴⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

⁽⁵⁾ Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road safety related traffic offences (OJ L 288, 5.11.2011, p. 1).

⁽⁶⁾ Judgment in *Commission v Parliament and Council*, C-43/12, EU:C:2014:298.

TFEU. The judgment maintained the effects of Directive 2011/82/EU until the entry into force within a reasonable period of time — which is not to exceed 12 months as from the date of delivery of the judgment — of a new directive based on Article 91(1)(c) TFEU. Therefore a new Directive should be adopted on the basis of that Article.

- (5) Greater convergence of control measures between Member States should be encouraged and the Commission should examine in this respect the need for developing common standards for automatic checking equipment for road safety controls.
- (6) The awareness of Union citizens should be raised as regards the road safety traffic rules in force in different Member States and as regards the implementation of this Directive, in particular through appropriate measures guaranteeing the provision of sufficient information on the consequences of not respecting the road safety traffic rules when travelling in a Member State other than the Member State of registration.
- (7) In order to improve road safety throughout the Union and to ensure equal treatment of drivers, namely resident and non-resident offenders, enforcement should be facilitated irrespective of the Member State of registration of the vehicle. To this end, a system of cross-border exchange of information should be used for certain identified road-safety-related traffic offences, regardless of their administrative or criminal nature under the law of the Member State concerned, granting the Member State of the offence access to vehicle registration data (VRD) of the Member State of registration.
- (8) A more efficient cross-border exchange of VRD, which should facilitate the identification of persons suspected of committing a road-safety-related traffic offence, might increase the deterrent effect and induce more cautious behaviour by the driver of a vehicle that is registered in a Member State other than the Member State of the offence, thereby preventing casualties due to road traffic accidents.
- (9) The road-safety-related traffic offences covered by this Directive are not subject to homogeneous treatment in the Member States. Some Member States qualify such offences under national law as 'administrative' offences while others qualify them as 'criminal' offences. This Directive should apply regardless of how those offences are qualified under national law.
- (10) Member States should grant each other the right of access to their VRD in order to improve the exchange of information and to speed up the procedures in force. To this end, the provisions concerning the technical specifications and the availability of automated data exchange set out in the Prüm Decisions should, as far as possible, be included in this Directive.
- (11) Decision 2008/616/JHA specifies the security features for existing software applications and the related technical requirements for the exchange of vehicle registration data. Without prejudice to the general applicability of that Decision, those security features and technical requirements should, for reasons of regulatory and practical efficiency, be used for the purposes of this Directive.
- (12) Existing software applications should be the basis for the data exchange under this Directive and should, at the same time, also facilitate the reporting by Member States to the Commission. Such applications should provide for the expeditious, secure and confidential exchange of specific VRD between Member States. Advantage should be taken of the European Vehicle and Driving Licence Information System (Eucaris) software application, which is mandatory for Member States under the Prüm Decisions as regards VRD. The Commission should assess and report on the functioning of the software applications used for the purposes of this Directive.
- (13) The scope of those software applications should be limited to the processes used in the exchange of information between the national contact points in the Member States. Procedures and automated processes in which the information is to be used are outside the scope of such applications.
- (14) The Information Management Strategy for EU internal security aims to find the simplest and most easily traceable and cost-effective solutions for data exchange.

- (15) Member States should be able to contact the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road-safety-related traffic offence in order to keep the person concerned informed of the applicable procedures and the legal consequences under the law of the Member State of the offence. In doing so, Member States should consider sending the information concerning road-safety-related traffic offences in the language of the registration documents, or in the language most likely to be understood by the person concerned, to ensure that that person has a clear understanding of the information which is being shared with the person concerned. Member States should apply the appropriate procedures to ensure that only the person concerned is informed and not a third party. To that effect, Member States should use detailed arrangements similar to those adopted for following up such offences including means such as, where appropriate, registered delivery. This will allow that person to respond to the information letter in an appropriate way, in particular by asking for more information, by settling the fine or by exercising his/her rights of defence, especially in the case of mistaken identity. Further proceedings are covered by applicable legal instruments, including instruments on mutual assistance and on mutual recognition, for example Council Framework Decision 2005/214/JHA ⁽¹⁾.
- (16) Member States should provide equivalent translation with respect to the information letter sent by the Member State of the offence, as provided for in Directive 2010/64/EU of the European Parliament and of the Council ⁽²⁾.
- (17) With a view to pursuing a road safety policy that aims to provide a high level of protection for all road users in the Union, and taking into account the widely differing circumstances pertaining within the Union, Member States should act, without prejudice to more restrictive policies and laws, in order to ensure greater convergence of road traffic rules and of their enforcement between Member States. In the framework of its report to the European Parliament and to the Council on the application of this Directive, the Commission should examine the need to develop common standards in order to establish comparable methods, practices and minimum standards at Union level taking into account international cooperation and existing agreements in the field of road safety, in particular the Vienna Convention on Road Traffic of 8 November 1968.
- (18) In its report to the European Parliament and to the Council on the application of this Directive by the Member States, the Commission should examine the need for common criteria for follow-up procedures by Member States in the event of non-payment of a financial penalty, in accordance with Member States' laws and procedures. In that report, the Commission should address issues such as the procedures between the competent authorities of the Member States for the transmission of the final decision to impose a sanction and/or financial penalty as well as the recognition and enforcement of the final decision.
- (19) In preparing the review of this Directive, the Commission should consult the relevant stakeholders, such as road safety and law enforcement authorities or competent bodies, victims' associations and other non-governmental organisations active in the field of road safety.
- (20) Closer cooperation between law enforcement authorities should go hand in hand with respect for fundamental rights, in particular the right to respect for privacy and to the protection of personal data, guaranteed by special data protection arrangements. Those arrangements should take particular account of the specific nature of cross-border online access to databases. It is necessary that the software applications to be set up enable the exchange of information to be carried out in secure conditions and ensure the confidentiality of the data transmitted. The data collected under this Directive should not be used for purposes other than those of this Directive. Member States should comply with the obligations on the conditions of use and of temporary storage of the data.
- (21) The processing of personal data provided by this Directive is appropriate for attaining the legitimate aims pursued by this Directive in the field of road safety, namely to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences and, thereby, the enforcement of sanctions, and does not exceed what is appropriate and necessary in order to achieve those objectives.
- (22) Data relating to the identification of an offender are personal data. Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾ should apply to the processing activities carried out in application of this Directive. Without prejudice to the procedural requirements for appeal and the redress mechanisms of the

⁽¹⁾ Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).

⁽²⁾ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

Member State concerned, the data subject should accordingly be informed, when notified of the offence, of the right to access and the right to rectification and deletion of personal data, as well as of the maximum legal storage period of the data. In this context, the data subject should also have the right to obtain the correction of any inaccurate personal data or the immediate deletion of any data recorded unlawfully.

- (23) In the framework of the Prüm Decisions, the processing of VRD containing personal data is subject to the specific provisions on data protection set out in Decision 2008/615/JHA. In that respect, Member States have the possibility to apply those specific provisions to personal data which are also processed for the purposes of this Directive provided that they ensure that the processing of data related to all of the offences covered by this Directive complies with the national provisions implementing Directive 95/46/EC.
- (24) It should be possible for third countries to participate in the exchange of VRD provided that they have concluded an agreement with the Union to this effect. Such an agreement would have to include necessary provisions on data protection.
- (25) This Directive upholds the fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union, including the respect for private and family life, the protection of personal data, the right to a fair trial, the presumption of innocence and the right of defence.
- (26) In order to achieve the objective of the exchange of information between Member States through interoperable means, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the taking into account of relevant changes to Prüm Decisions or where required by legal acts of the Union directly relevant for the updating of Annex I. It is of particular importance that the Commission follow its usual practice and carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (27) The Commission should analyse the application of this Directive with a view to identifying further effective and efficient measures to improve road safety. Without prejudice to obligations to transpose this Directive, Denmark, Ireland and the United Kingdom should also cooperate with the Commission in this work, where appropriate, to ensure timely and complete reporting on this matter.
- (28) Since the objective of this Directive, namely to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences, where they are committed with a vehicle registered in a Member State other than the Member State where the offence took place, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (29) Given that Denmark, Ireland and the United Kingdom were not subject to Directive 2011/82/EU and therefore have not transposed it, it is appropriate to allow those Member States sufficient additional time to do so.
- (30) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾ and delivered an opinion on 3 October 2014,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

This Directive aims to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences, and thereby facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Article 2***Scope**

This Directive applies to the following road-safety-related traffic offences:

- (a) speeding;
- (b) failing to use a seat-belt;
- (c) failing to stop at a red traffic light;
- (d) drink-driving;
- (e) driving while under the influence of drugs;
- (f) failing to wear a safety helmet;
- (g) the use of a forbidden lane;
- (h) illegally using a mobile telephone or any other communication devices while driving.

*Article 3***Definitions**

For the purposes of this Directive, the following definitions apply:

- (a) 'vehicle' means any power-driven vehicle, including motorcycles, which is normally used for carrying persons or goods by road;
- (b) 'Member State of the offence' means the Member State where the offence was committed;
- (c) 'Member State of registration' means the Member State where the vehicle with which the offence was committed is registered;
- (d) 'speeding' means exceeding speed limits in force in the Member State of offence for the road or type of vehicle concerned;
- (e) 'failing to use a seat-belt' means not complying with the requirement to wear a seat-belt or to use a child restraint in accordance with Council Directive 91/671/EEC ⁽¹⁾ and the law of the Member State of the offence;
- (f) 'failing to stop at a red traffic light' means driving through a red traffic light or any other relevant stop signal, as defined in the law of the Member State of the offence;
- (g) 'drink-driving' means driving while impaired by alcohol, as defined in the law of the Member State of the offence;
- (h) 'driving under the influence of drugs' means driving while impaired by drugs or other substances having a similar effect, as defined in the law of the Member State of the offence;
- (i) 'failing to wear a safety helmet' means not wearing a safety helmet, as defined in the law of the Member State of the offence;
- (j) 'use of a forbidden lane' means illegally using part of a road section, such as an emergency lane, public transport lane or temporary closed lane for reasons of congestion or road works, as defined in the law of the Member State of the offence;
- (k) 'illegally using a mobile telephone or any other communication devices while driving' means illegally using a mobile telephone or any other communication devices while driving, as defined in the law of the Member State of the offence;
- (l) 'national contact point' means a designated competent authority for the exchange of VRD;
- (m) 'automated search' means an online access procedure for consulting the databases of one, more than one, or all of the Member States or of the participating countries;
- (n) 'holder of the vehicle' means the person in whose name the vehicle is registered, as defined in the law of the Member State of registration.

⁽¹⁾ Council Directive 91/671/EEC of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles (OJ L 373, 31.12.1991, p. 26).

*Article 4***Procedure for the exchange of information between Member States**

1. For the investigation of the road-safety-related traffic offences referred to in Article 2, the Member State shall grant other Member States' national contact points, referred to in paragraph 2 of this Article, access to the following national VRD, with the power to conduct automated searches thereon:

- (a) data relating to vehicles; and
- (b) data relating to owners or holders of the vehicle.

The data elements referred to in points (a) and (b) which are necessary to conduct a search shall be in compliance with Annex I.

2. For the purposes of the exchange of data referred to in paragraph 1, each Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable law of the Member State concerned.

3. When conducting a search in the form of an outgoing request, the national contact point of the Member State of the offence shall use a full registration number.

Those searches shall be conducted in compliance with the procedures as described in Chapter 3 of the Annex to Decision 2008/616/JHA, except for point 1 of Chapter 3 of the Annex to Decision 2008/616/JHA, for which Annex I to this Directive shall apply.

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road-safety-related traffic offences listed in Article 2 of this Directive.

4. Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means without exchange of data involving other databases which are not used for the purposes of this Directive. Member States shall ensure that such exchange of information is conducted in a cost-efficient and secure manner. Member States shall ensure the security and protection of the data transmitted, as far as possible using existing software applications such as the one referred to in Article 15 of Decision 2008/616/JHA and amended versions of those software applications, in compliance with Annex I to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA. The amended versions of the software applications shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message.

5. Each Member State shall bear its own costs arising from the administration, use and maintenance of the software applications referred to in paragraph 4.

*Article 5***Information letter on the road-safety-related traffic offences**

1. The Member State of the offence shall decide whether or not to initiate follow-up proceedings in relation to the road-safety-related traffic offences listed in Article 2.

Where the Member State of the offence decides to initiate such proceedings, that Member State shall, in accordance with its national law, inform the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road-safety-related traffic offence.

This information shall, as applicable under national law, include the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

2. When sending the information letter to the owner, the holder of the vehicle or to the otherwise identified person suspected of committing the road-safety-related traffic offence, the Member State of the offence shall, in accordance with its law, include any relevant information, notably the nature of this road-safety-related traffic offence, the place, date and time of the offence, the title of the texts of the national law infringed and the sanction and, where appropriate, data concerning the device used for detecting the offence. For that purpose, the Member State of the offence may use the template set out in Annex II.

3. Where the Member State of the offence decides to initiate follow-up proceedings in relation to the road-safety-related traffic offences listed in Article 2, the Member State of the offence, for the purpose of ensuring the respect of fundamental rights, sends the information letter in the language of the registration document of the vehicle, if available, or in one of the official languages of the Member State of registration.

Article 6

Reporting by Member States to the Commission

Each Member State shall send a comprehensive report to the Commission by 6 May 2016 and every two years thereafter.

The comprehensive report shall indicate the number of automated searches conducted by the Member State of the offence addressed to the national contact point of the Member State of registration, following offences committed on its territory, together with the type of offences for which requests were addressed and the number of failed requests.

The comprehensive report shall also include a description of the situation at national level in relation to the follow-up given to the road-safety-related traffic offences, based on the proportion of such offences which have been followed up by information letters.

Article 7

Data protection

1. The provisions on data protection set out in Directive 95/46/EC shall apply to personal data processed under this Directive.

2. In particular, each Member State shall ensure that personal data processed under this Directive are, within an appropriate time period, rectified if inaccurate, or erased or blocked when they are no longer required, in accordance with Articles 6 and 12 of Directive 95/46/EC, and that a time limit for the storage of data is established in accordance with Article 6 of that Directive.

Member States shall ensure that all personal data processed under this Directive are only used for the objective set out in Article 1 of this Directive, and that the data subjects have the same rights to information, to access, to rectification, erasure and blocking, to compensation and to judicial redress as those adopted under national law in implementation of the relevant provisions of Directive 95/46/EC.

3. Any person concerned shall have the right to obtain information on which personal data recorded in the Member State of registration were transmitted to the Member State of the offence, including the date of the request and the competent authority of the Member State of the offence.

Article 8

Information for road users in the Union

1. The Commission shall make available on its website a summary in all official languages of the institutions of the Union of the rules in force in Member States in the field covered by this Directive. Member States shall provide information on these rules to the Commission.

2. Member States shall provide road users with the necessary information about the rules applicable in their territory and the measures implementing this Directive in association with, among other organisations, road safety bodies, non-governmental organisations active in the field of road safety and automobile clubs.

Article 9

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 10, updating Annex I in the light of technical progress to take into account relevant changes to Prüm Decisions or where this is required by legal acts of the Union directly relevant to the updating of Annex I.

Article 10

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from 13 March 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Revision of the Directive

Without prejudice to the provisions laid down in the second subparagraph of Article 12(1), the Commission shall, by 7 November 2016, submit a report to the European Parliament and to the Council on the application of this Directive by the Member States. In its report, the Commission shall focus in particular on, and shall, as appropriate, make proposals to cover, the following aspects:

- an assessment of whether other road-safety-related traffic offences should be added to the scope of this Directive,
- an assessment of the effectiveness of this Directive on the reduction in the number of fatalities on Union roads,
- an assessment of the need for developing common standards for automatic checking equipment and for procedures. In this context, the Commission is invited to develop at Union level road safety guidelines within the framework of the common transport policy in order to ensure greater convergence of the enforcement of road traffic rules by Member States through comparable methods and practices. These guidelines may cover at least the offences listed in points (a) to (d) of Article 2,
- an assessment of the need to strengthen the enforcement of sanctions with regard to road-safety-related traffic offences and to propose common criteria concerning the follow-up procedures in the case of non-payment of a financial penalty, within the framework of all relevant Union policies, including the common transport policy,

- the possibilities for harmonising traffic rules where appropriate,
- an assessment of the software applications as referred to in Article 4(4), with a view to ensuring proper implementation of this Directive as well as guaranteeing an effective, expeditious, secure and confidential exchange of specific VRD.

Article 12

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 May 2015. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

By way of derogation from the first subparagraph, the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland may postpone the deadline referred to in the first subparagraph until 6 May 2017.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 13

Entry into force

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

Article 14

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 11 March 2015.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
Z. KALNIŅA-LUKAŠEVICA

ANNEX I

Data elements necessary to conduct the search referred to in Article 4(1)

Item	M/O ⁽¹⁾	Remarks
Data relating to the vehicle	M	
Member State of registration	M	
Registration number	M	(A ⁽²⁾)
Data relating to the offence	M	
Member State of the offence	M	
Reference date of the offence	M	
Reference time of the offence	M	
Purpose of the search	M	Code indicating the type of offence as listed in Article 2 1. = Speeding 2. = Drink-driving 3. = Failing to use a seat belt 4. = Failing to stop at a red traffic light 5. = Use of a forbidden lane 10. = Driving under the influence of drugs 11. = Failing to wear a safety helmet 12. = Illegally using a mobile phone or any other communication devices while driving

⁽¹⁾ M = mandatory when available in national register, O = optional.

⁽²⁾ Harmonised code, see Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Data elements provided as a result of the search conducted pursuant to Article 4(1)

Part I. Data relating to vehicles

Item	M/O ⁽¹⁾	Remarks
Registration number	M	
Chassis number/VIN	M	
Member State of registration	M	
Make	M	(D.1 ⁽²⁾) e.g. Ford, Opel, Renault
Commercial type of the vehicle	M	(D.3) e.g. Focus, Astra, Megane
EU Category Code	M	(J) e.g. mopeds, motorbikes, cars

⁽¹⁾ M = mandatory when available in national register, O = optional.

⁽²⁾ Harmonised code, see Directive 1999/37/EC.

Part II. Data relating to owners or holders of the vehicles

Item	M/O ⁽¹⁾	Remarks
Data relating to holders of the vehicle		(C.1 ⁽²⁾) The data refer to the holder of the specific registration certificate.
Registration holders' (company) name	M	(C.1.1) Separate fields shall be used for surname, infixes, titles, etc., and the name in printable format shall be communicated.
First name	M	(C.1.2) Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	(C.1.3) Separate fields shall be used for street, house number and annex, post code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Individual, association, company, firm, etc.
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company.
Data relating to owners of the vehicle		(C.2) The data refer to the owner of the vehicle.
Owners' (company) name	M	(C.2.1)
First name	M	(C.2.2)
Address	M	(C.2.3)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Individual, association, company, firm, etc.
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company.
		In case of scrap vehicles, stolen vehicles or number plates, or outdated vehicle registration no owner/holder information shall be provided. Instead, the message 'Information not disclosed' shall be returned.

⁽¹⁾ M = mandatory when available in national register, O = optional.⁽²⁾ Harmonised code, see Directive 1999/37/EC.

ANNEX II

TEMPLATE FOR THE INFORMATION LETTER

referred to in Article 5

[Cover page]

.....
.....
[Name, address and telephone number of sender]

.....
.....
[Name and address of addressee]

INFORMATION LETTER

regarding a road-safety-related traffic offence committed in

[name of the Member State of the offence]

On a road-safety-related traffic offence committed with the vehicle with registration
[date]

number make model

was detected by

[name of the responsible body]

[Option 1] ⁽¹⁾

You are registered as the holder of the registration certificate of the abovementioned vehicle.

[Option 2] ⁽¹⁾

The holder of the registration certificate of the abovementioned vehicle indicated that you were driving that vehicle when the road-safety-related traffic offence was committed.

The relevant details of the offence are described on page 3 below.

The amount of the financial penalty due for this offence is EUR/national currency.

Deadline for the payment is

You are advised to complete the attached reply form (page 4) and send it to the address shown, if you do not pay this financial penalty.

This letter shall be processed in accordance with the national law of

[name of the Member State of the offence].

Page 3

Relevant details concerning the offence

- (a) Data concerning the vehicle with which the offence was committed:

Registration number:

Member State of registration:

Make and model:

- (b) Data concerning the offence:

Place, date and time where the offence was committed:

.....
.....
.....
.....

Nature and legal classification of the offence:

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.....

speeding, failing to use a seatbelt, failing to stop at a red traffic light, drink-driving, driving under the influence of drugs, failing to wear a safety helmet, use of a forbidden lane, illegally using a mobile telephone or any other communication devices while driving ⁽¹⁾

Detailed description of the offence:

.....
.....

Reference to the relevant legal provision(s):

.....
.....

Description of or reference to the evidence for the offence:

.....
.....

- (c) Data concerning the device that was used for detecting the offence ⁽²⁾:

Type of device for detection of speeding, failing to use a seatbelt, failing to stop at a red traffic light, drink-driving, driving under the influence of drugs, failing to wear a safety helmet, use of a forbidden lane, illegally using a mobile telephone or any other communication devices while driving ⁽¹⁾:

Specification of the device:

.....
.....

Identification number of the device:

.....
.....

Expiry date for the last gauging:

.....
.....

- (d) The result of the application of the device:

.....
.....

[example for speeding; other offences to be added:]

The maximum speed:

.....
.....

The measured speed:

.....
.....

The measured speed corrected for margin of error:

.....
.....

⁽¹⁾ Delete if not applicable.

⁽²⁾ Not applicable if no device has been used.

Page 4

Reply form

(please complete using block capitals)

A. Identity of the driver:

— Full name:

.....
.....

— Place and date of birth:

.....

— Number of driving licence: delivered (date): and at (place):
.....

— Address:
.....
.....
.....

B. List of questions:

1. Is the vehicle, make, registration number, registered in your name? yes/no ⁽¹⁾

If not, the holder of the registration certificate is:
(name, first name, address)

2. Do you acknowledge that you committed the offence? yes/no ⁽¹⁾

3. If you do not acknowledge this, please explain why:

.....
.....

Please send the completed form within 60 days from the date of this information letter to the following authority:

at the following address:

INFORMATION

This case will be examined by the competent authority of

[name of the Member State of the offence]

If this case is not pursued, you will be informed within 60 days after receipt of the reply form.

⁽¹⁾ Delete if not applicable.

If this case is pursued, the following procedure applies:

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[to be filled in by the Member State of the offence — what the further procedure will be, including details of the possibility and procedure of appeal against the decision to pursue the case. These details shall in any event include: name and address of the authority in charge of pursuing the case; deadline for payment; name and address of the body of appeal concerned; deadline for appeal].

This letter as such does not lead to legal consequences.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2015/414

of 12 March 2015

amending Directive 2002/46/EC of the European Parliament and of the Council as regards (6S)-5-methyltetrahydrofolic acid, glucosamine salt used in the manufacture of food supplements**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements ⁽¹⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) Annex II to Directive 2002/46/EC establishes the list of vitamin and mineral substances, and for each of them the forms, which may be used in the manufacture of food supplements. Commission Regulation (EC) No 1170/2009 ⁽²⁾ has replaced Annexes I and II to Directive 2002/46/EC.
- (2) According to Article 14 of Directive 2002/46/EC, provisions on vitamin and mineral substances in food supplements which may have an effect upon public health are to be adopted after consultation with the European Food Safety Authority ('the Authority').
- (3) Following a request for the addition of (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a source of folate to the list set out in Annex II to Directive 2002/46/EC, the Authority adopted on 11 September 2013 a Scientific Opinion on (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a source of folate added for nutritional purposes to food supplements and the bioavailability of folate from this source ⁽³⁾.
- (4) It follows from the Authority's opinion that the use of (6S)-5-methyltetrahydrofolic acid, glucosamine salt in food supplements is not of safety concern as a source of folate.
- (5) Following the Authority's favourable opinion, (6S)-5-methyltetrahydrofolic acid, glucosamine salt should be added to the list set out in Annex II to Directive 2002/46/EC.
- (6) (6S)-5-methyltetrahydrofolic acid, glucosamine salt is a novel food ingredient the placing on the market of which has been authorised by Commission Implementing Decision 2014/154/EU ⁽⁴⁾.
- (7) Interested parties were consulted through the Advisory Group on the Food Chain and Animal and Plant Health and the comments provided were taken into consideration.

⁽¹⁾ OJ L 183, 12.7.2002, p. 51.⁽²⁾ Commission Regulation (EC) No 1170/2009 of 30 November 2009 amending Directive 2002/46/EC of the European Parliament and of the Council and Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements (OJ L 314, 1.12.2009, p. 36).⁽³⁾ EFSA Journal 2013;11(10): 3358.⁽⁴⁾ Commission Implementing Decision 2014/154/EU of 19 March 2014 authorising the placing on the market of (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 85, 21.3.2014, p. 10).

- (8) Directive 2002/46/EC should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Directive 2002/46/EC the following point (c) is added in Heading 10 (FOLATE) of Section A:

'(c) (6S)-5-methyltetrahydrofolic acid, glucosamine salt'.

Article 2

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

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

Done at Brussels, 12 March 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/415**of 12 March 2015****amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances ethephon and fenamiphos****(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the first paragraph of Article 17 thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.
- (2) The approvals of the active substances ethephon and fenamiphos will expire on 31 July 2017. Applications have been submitted for the renewal of the approval of those active substances. As the requirements laid down in Commission Implementing Regulation (EU) No 844/2012 ⁽³⁾ apply to those active substances, it is necessary to provide for sufficient time to complete the renewal procedure in accordance with that Regulation. Consequently, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.
- (3) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (4) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where no supplementary dossier in accordance with Implementing Regulation (EU) No 844/2012 is submitted no later than 30 months before the respective expiry date laid down in the Annex to this Regulation, the Commission will set the expiry date at the same date as before this Regulation or at the earliest date thereafter.
- (5) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

Article 2

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

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

Done at Brussels, 12 March 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in the sixth column, expiration of approval, of row 141, fenamiphos, the date of '31 July 2017' is replaced by '31 July 2018';
 - (2) in the sixth column, expiration of approval, of row 142, ethephon, the date of '31 July 2017' is replaced by '31 July 2018'.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2015/416
of 12 March 2015
approving dinotefuran as an active substance for use in biocidal products for product-type 18
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 90(2) thereof,

Whereas:

- (1) The United Kingdom received on 29 March 2012 an application, in accordance with Article 11(1) of Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾, for the inclusion of the active substance dinotefuran in its Annex I for use in product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to that Directive.
- (2) Dinotefuran was not on the market on 14 May 2000 as an active substance of a biocidal product.
- (3) The United Kingdom submitted an assessment report, together with its recommendations, to the European Chemicals Agency on 15 October 2013 in accordance with Article 8(1) of Regulation (EU) No 528/2012.
- (4) The opinion of the European Chemicals Agency was formulated on 17 June 2014 by the Biocidal Product Committee, having regard to the conclusions of the evaluating competent authority.
- (5) According to that opinion, biocidal products used for product-type 18 and containing dinotefuran may be expected to satisfy the requirements laid down in Article 19(1)(b) of Regulation (EU) No 528/2012, provided that certain specifications and conditions relating to its use are satisfied.
- (6) It also appears from that opinion that the characteristics of dinotefuran render it very persistent (vP) and toxic (T) in accordance with the criteria laid down in Annex XIII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾. Therefore, dinotefuran should be considered as a candidate for substitution pursuant to Article 10(1)(d) of Regulation (EU) No 528/2012 for the purpose of authorising products in accordance with Article 23 of that Regulation.
- (7) It is therefore appropriate to approve dinotefuran for use in biocidal products for product-type 18 subject to compliance with certain specifications and conditions.
- (8) Since the evaluations did not address nanomaterials, the approvals should not cover such materials in accordance with Article 4(4) of Regulation (EU) No 528/2012.
- (9) Since the conditions of the first subparagraph of Article 90(2) of Regulation (EU) No 528/2012 are met, the provisions of that Regulation should apply. Dinotefuran should be approved for a period not exceeding 7 years in accordance with Article 10(4) of that Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Dinotefuran shall be approved as an active substance for use in biocidal products for product-type 18, subject to the specifications and conditions set out in the Annex.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Article 2

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

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

Done at Brussels, 12 March 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Common Name	IUPAC Name Identification Numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
Dinotefuran	IUPAC Name: (RS)-1-methyl-2-nitro-3-(tetrahydro-3-furylmethyl)guanidine EC No: Not available CAS No: 165252-70-0	991 g/kg	1 June 2015	31 May 2022	18	Dinotefuran is considered a candidate for substitution in accordance with Article 10(1)(d) of Regulation (EU) No 528/2012. The product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union level risk assessment of the active substance. For biocidal products, authorisations are subject to the following condition: For industrial or professional users, safe operational procedures and appropriate organisational measures shall be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment.

⁽¹⁾ The purity indicated in this column was the minimum degree of purity of the active substance used for the evaluation made in accordance with Article 8 of Regulation (EU) No 528/2012. The active substance in the product placed on the market can be of equal or different purity if it has been proven technically equivalent with the evaluated active substance.

⁽²⁾ For the implementation of the common principles of Annex VI to Regulation (EU) No 528/2012, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/environment/chemicals/biocides/index_en.htm.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/417

of 12 March 2015

approving *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 as an active substance for use in biocidal products for product-type 18

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾ establishes a list of active substances to be evaluated with a view to their possible approval for use in biocidal products or inclusion into Annex I to Regulation (EU) No 528/2012. That list includes *Bacillus sphaericus*.
- (2) *Bacillus sphaericus* has been evaluated in accordance with Article 90(2) of Regulation (EU) No 528/2012 for use in biocidal products for product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to Regulation (EU) No 528/2012.
- (3) The data submitted for the purpose of the evaluation allowed conclusions to be drawn only regarding a certain form of *Bacillus sphaericus*, i.e. *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743. The evaluation did not allow conclusions to be drawn regarding any other substance complying with the definition of *Bacillus sphaericus* in the abovementioned list of active substances in Delegated Regulation (EU) No 1062/2014. Therefore, only *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 should be covered by this approval.
- (4) Italy was designated as evaluating competent authority and submitted an assessment report, together with its recommendations, to the Commission on 9 January 2009 in accordance with paragraphs 4 and 6 of Article 14 of Commission Regulation (EC) No 1451/2007 ⁽³⁾.
- (5) The opinion of the European Chemicals Agency was formulated on 19 June 2014 by the Biocidal Product Committee, having regard to the conclusions of the evaluating competent authority.
- (6) According to that opinion, biocidal products used for product-type 18 and containing *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC of the European Parliament and of the Council ⁽⁴⁾ provided that certain specifications and conditions relating to its use are satisfied.
- (7) It is therefore appropriate to approve *Bacillus sphaericus* 2362 serotype H5a5b, strain ABTS1743 for use in biocidal products for product-type 18 subject to compliance with certain specifications and conditions.
- (8) Since the evaluations did not address nanomaterials, the approval should not cover such materials in accordance with Article 4(4) of Regulation (EU) No 528/2012.
- (9) A reasonable period should be allowed to elapse before an active substance is approved, in order to permit interested parties to take the preparatory measures necessary to meet the new requirements.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

⁽³⁾ Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3).

⁽⁴⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Bacillus sphaericus 2362 serotype H5a5b, strain ABTS1743 shall be approved as an active substance for use in biocidal products for product-type 18, subject to the specifications and conditions set out in the Annex.

Article 2

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

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

Done at Brussels, 12 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Common Name	IUPAC Name Identification Numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
<i>Bacillus sphaericus</i> 2362 serotype H5a5b, strain ABTS1743	Not applicable	No relevant impurities	1 July 2016	30 June 2026	18	The product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union level risk assessment of the active substance. For biocidal products, authorisations are subject to the following conditions: (1) For professional users, safe operational procedures and appropriate organisational measures shall be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment. (2) For products that may lead to residues in food or feed, the need to set new or to amend existing maximum residue levels (MRLs) in accordance with Regulation (EC) No 470/2009 of the European Parliament and of the Council ⁽³⁾ or Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽⁴⁾ shall be verified, and any appropriate risk mitigation measures shall be taken to ensure that the applicable MRLs are not exceeded.

⁽¹⁾ The purity indicated in this column was the minimum degree of purity of the active substance used for the evaluation made in accordance with Article 8 of Regulation (EU) No 528/2012. The active substance in the product placed on the market can be of equal or different purity if it has been proven technically equivalent with the evaluated active substance.

⁽²⁾ For the implementation of the common principles of Annex VI to Regulation (EU) No 528/2012, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/environment/chemicals/biocides/index_en.htm.

⁽³⁾ Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 11).

⁽⁴⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/418
of 12 March 2015**

**amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the
active substance Z-13-hexadecen-11-yn-1-yl acetate**

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2)(c) thereof,

Whereas:

- (1) The active substance Z-13-hexadecen-11-yn-1-yl acetate was included in Annex I to Council Directive 91/414/EEC ⁽²⁾ by Commission Directive 2008/127/EC ⁽³⁾ in accordance with the procedure provided for in Article 24b of Commission Regulation (EC) No 2229/2004 ⁽⁴⁾. Since the replacement of Directive 91/414/EEC by Regulation (EC) No 1107/2009, this substance is deemed to have been approved under that Regulation and is listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁵⁾.
- (2) In accordance with Article 25a of Regulation (EC) No 2229/2004, the European Food Safety Authority, hereinafter 'the Authority', presented to the Commission its view on the draft review report for Z-13-hexadecen-11-yn-1-yl acetate ⁽⁶⁾ on 18 December 2013. The Authority communicated its view on Z-13-hexadecen-11-yn-1-yl acetate to the notifier.
- (3) The Commission invited the notifier to submit comments on the draft review report for Z-13-hexadecen-11-yn-1-yl acetate. The draft review report and the view of the Authority were reviewed by the Member States and the Commission within the Standing Committee on Plants, Animals, Food and Feed and finalised on 12 December 2014 in the format of the Commission review report for Z-13-hexadecen-11-yn-1-yl acetate.
- (4) It is confirmed that the active substance Z-13-hexadecen-11-yn-1-yl acetate is to be deemed to have been approved under Regulation (EC) No 1107/2009.
- (5) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is necessary to amend the conditions of approval of Z-13-hexadecen-11-yn-1-yl acetate. In particular, it is appropriate to require further confirmatory information.
- (6) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) No 540/2011

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽³⁾ Commission Directive 2008/127/EC of 18 December 2008 amending Council Directive 91/414/EEC to include several active substances (OJ L 344, 20.12.2008, p. 89).

⁽⁴⁾ Commission Regulation (EC) No 2229/2004 of 3 December 2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC (OJ L 379, 24.12.2004, p. 13).

⁽⁵⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁶⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance Z-13-hexadecen-11-yn-1-yl acetate. *EFSA Journal* 2014; 12(12):3526. Available online: www.efsa.europa.eu/efsajournal.htm

*Article 2***Entry into force**

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, 12 March 2015.

For the Commission

The President

Jean-Claude JUNKER

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 258 on the active substance Z-13-hexadecen-11-yn-1-yl acetate is replaced by the following:

Number	Common Name, Identification Numbers	IUPAC Name	Purity	Date of approval	Expiration of approval	Specific provisions
'258	Z-13-hexadecen-11-yn-1-yl acetate CAS No 78617-58-0 CIPAC: 974	Z-13-hexadecen-11-yn-1-yl acetate	≥ 75 %	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on Z-13-hexadecen-11-yn-1-yl acetate (SANCO/2649/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plants, Animals, Food and Feed shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures. The notifier shall submit confirmatory information as regards: (1) the specification of the technical material, as commercially manufactured including information on any relevant impurities; (2) exposure risk assessment for operators, workers and bystanders; (3) environmental fate and behaviour of the substance; (4) exposure risk assessment for non-target organisms. The notifier shall submit to the Commission, the Member States and the Authority the information set out in point (1) by 30 June 2015 and the information set out in points (2), (3) and (4) by 31 December 2016.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/419
of 12 March 2015
approving tolylfluanid as an active substance for use in biocidal products for product-type 21
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾ establishes a list of active substances to be evaluated with a view to their possible approval for use in biocidal products or inclusion into Annex I to Regulation (EU) No 528/2012. That list includes tolylfluanid.
- (2) Tolylfluanid has been evaluated in accordance with Article 90(2) of Regulation (EU) No 528/2012 for use in biocidal products for product-type 21, antifouling products, as defined in Annex V to Regulation (EU) No 528/2012.
- (3) Finland was designated as evaluating competent authority and submitted an assessment report, together with its recommendations, to the Commission on 18 September 2012 in accordance with paragraphs 4 and 6 of Article 14 of Commission Regulation (EC) No 1451/2007 ⁽³⁾.
- (4) The opinion of the European Chemicals Agency was formulated on 17 June 2014 by the Biocidal Product Committee, having regard to the conclusions of the evaluating competent authority.
- (5) According to that opinion, biocidal products used for product-type 21 and containing tolylfluanid may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC of the European Parliament and of the Council ⁽⁴⁾ provided that certain specifications and conditions relating to its use are satisfied.
- (6) Nevertheless, the acceptability of the risks related to the use of antifouling products, as well as the suitability of the proposed risk mitigation measures, need to be further confirmed. In order to facilitate, at the time of the renewal of the approvals of existing antifouling active substances, the review and comparison of the risks and benefits of these substances as well as of the risk mitigation measures applied, the expiry date of approval of these substances should be the same.
- (7) It is therefore appropriate to approve tolylfluanid for use in biocidal products for product-type 21 subject to compliance with certain specifications and conditions.
- (8) Since the evaluations did not address nanomaterials, the approval should not cover such materials in accordance with Article 4(4) of Regulation (EU) No 528/2012.
- (9) A reasonable period should be allowed to elapse before an active substance is approved, in order to permit interested parties to take the preparatory measures necessary to meet the new requirements.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

⁽³⁾ Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3).

⁽⁴⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Tolyfluanid shall be approved as an active substance for use in biocidal products for product-type 21, subject to the specifications and conditions set out in the Annex.

Article 2

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

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

Done at Brussels, 12 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Common Name	IUPAC Name Identification Numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
Tolyfluanid	IUPAC Name: N-(Dichlorofluoromethylthio)- N',N'-dimethyl-N-p-tolylsulfamide EC No: 211-986-9 CAS No: 731-27-1	960 g/kg	1 July 2016	31 December 2025	21	The product assessment shall pay particular attention to the exposures, the risks and the efficacy linked to any uses covered by an application for authorisation, but not addressed in the Union level risk assessment of the active substance. In the event that products containing tolylfluanid are subsequently authorised for use by non-professional users, persons making products containing tolylfluanid available on the market for non-professional users shall ensure that the products are supplied with appropriate gloves. For biocidal products, authorisations are subject to the following conditions: (1) Products containing tolylfluanid shall not be authorised or used to control the growth and settlement of fouling organisms on fresh-water going vessels. (2) For industrial or professional users, safe operational procedures and appropriate organisational measures shall be established. Where exposure cannot be reduced to an acceptable level by other means, products shall be used with appropriate personal protective equipment. (3) Labels and, where provided, instructions for use shall indicate that children shall be kept away until treated surfaces are dry. (4) Labels and, where provided, safety data sheets of products authorised shall indicate that application, maintenance and repair activities shall be conducted within a contained area, on an impermeable hard standing with bunding or on soil covered with an impermeable material to prevent losses and minimise emissions to the environment, and that any losses or waste containing tolylfluanid shall be collected for reuse or disposal. (5) For products that may lead to residues in food or feed, the need to set new or to amend existing maximum residue levels (MRLs) in accordance with Regulation (EC) No 470/2009 of the European Parliament and of the Council ⁽³⁾ or Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽⁴⁾ shall be verified, and any appropriate risk mitigation measures shall be taken to ensure that the applicable MRLs are not exceeded.

Common Name	IUPAC Name Identification Numbers	Minimum degree of purity of the active substance ⁽¹⁾	Date of approval	Expiry date of approval	Product type	Specific conditions ⁽²⁾
						For treated articles, the following condition applies: where a treated article has been treated with or intentionally incorporates one or more biocidal products containing tolylfluanid, and where necessary due to the possibility of skin contact as well as the release of tolylfluanid under normal conditions of use of the treated article, the person responsible for placing the treated article on the market shall ensure that the label provides information on the risk of skin sensitisation, as well as the information referred to in the second subparagraph of Article 58(3) of Regulation (EU) No 528/2012.

⁽¹⁾ The purity indicated in this column was the minimum degree of purity of the active substance used for the evaluation made in accordance with Article 8 of Regulation (EU) No 528/2012. The active substance in the product placed on the market can be of equal or different purity if it has been proven technically equivalent with the evaluated active substance.

⁽²⁾ For the implementation of the common principles of Annex VI to Regulation (EU) No 528/2012, the content and conclusions of assessment reports are available on the Commission website: http://ec.europa.eu/environment/chemicals/biocides/index_en.htm

⁽³⁾ Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 11).

⁽⁴⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/420**of 12 March 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 12 March 2015.

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

*Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	EG	65,8
	MA	84,3
	TR	85,0
	ZZ	78,4
0707 00 05	JO	229,9
	MA	182,1
	TR	189,5
	ZZ	200,5
0709 93 10	MA	117,6
	TR	190,3
	ZZ	154,0
0805 10 20	EG	50,8
	IL	75,3
	MA	67,6
	TN	66,9
	TR	59,7
	ZZ	64,1
	TR	61,6
0805 50 10	ZZ	61,6
	BR	68,9
0808 10 80	CA	81,0
	CL	102,6
	MK	28,7
	US	213,3
	ZZ	98,9
	AR	109,7
	CL	139,6
0808 30 90	CN	90,9
	US	124,8
	ZA	107,3
	ZZ	114,5

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

DECISIONS

DECISION (EU) 2015/421 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 December 2014

on the mobilisation of the Flexibility Instrument

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal from the European Commission,

Whereas,

- (1) Article 11 of Council Regulation (EU, Euratom) No 1311/2013 ⁽²⁾ allows the mobilisation of the Flexibility Instrument within the annual ceiling of EUR 471 million (2011 prices) to allow the financing of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings.
- (2) After having examined all possibilities for re-allocating appropriations under sub-heading 1b, it appears necessary to mobilise the Flexibility Instrument to complement the financing in the general budget of the European Union for the financial year 2015, beyond the ceiling of sub-heading 1b, by EUR 83 285 595 towards the financing of the Cypriot Structural Funds programmes, to grant an additional allocation from the Structural Funds to Cyprus for the year 2015 for a total amount of EUR 100 000 000.
- (3) For the financial year 2014, the European Parliament and the Council have already mobilised the Flexibility Instrument by Decision of 20 November 2013 for the financing of the Cypriot Structural Funds programmes for an amount of EUR 89 330 000 in commitment appropriations only.
- (4) Taking into account the supplementary nature of the Flexibility Instrument, it is necessary to provide additional payment appropriations to cover the additional commitment appropriations for Cyprus for the two financial years 2014 and 2015 on the basis of the expected payment profile, estimated to EUR 11,3 million in 2015, EUR 45,7 million in 2016, EUR 75,4 million in 2017 and EUR 40,2 million in 2018. The annual amounts for each year of the period 2015-2018 will have to be confirmed by each draft budget presented by the Commission during this period,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2015, the Flexibility Instrument shall be used to provide the sum of EUR 83 285 595 in commitment appropriations in sub-heading 1b.

⁽¹⁾ OJ C 373, 20.12.2013, p. 1.

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

That amount shall be used to complement the financing of the Cypriot Structural Funds programmes under sub-heading 1b.

Payments associated with the financing of the Cypriot Structural Funds through the Flexibility Instrument in 2014 and 2015 will be EUR 172 600 000 for the period 2015-2018. The exact annual amount will be defined in the draft budget of the year as presented by the Commission.

Article 2

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

Done at Strasbourg, 17 December 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

B. DELLA VEDOVA

DECISION (EU) 2015/422 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 17 December 2014
on the mobilisation of the European Union Solidarity Fund

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the 'Fund') to show solidarity with the population of regions struck by disasters.
- (2) Article 10 of Council Regulation (EU, Euratom) No 1311/2013 ⁽³⁾ allows the mobilisation of the Fund within the annual ceiling of EUR 500 million (2011 prices).
- (3) Article 4a(4) of Regulation (EC) No 2012/2002 foresees that the Fund may be mobilised in an amount up to a maximum of EUR 50 000 000 for the payment of advances and the corresponding appropriations entered into the general budget of the Union,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2015, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 50 000 000 in commitment and payment appropriations for the payment of advances.

Article 2

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

Done at Strasbourg, 17 December 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

B. DELLA VEDOVA

⁽¹⁾ OJ L 311, 14.11.2002, p. 3.

⁽²⁾ OJ C 373, 20.12.2013, p. 1.

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

COUNCIL DECISION (EU) 2015/423**of 6 March 2015**

establishing the position to be adopted on behalf of the European Union within the seventh meeting of the Conference of the Parties to the Rotterdam Convention as regards the amendments of Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192 and 207, in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union approved the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade (the 'Rotterdam Convention') by Council Decision 2006/730/EC ⁽¹⁾.
- (2) Regulation (EU) No 649/2012 of the European Parliament and of the Council ⁽²⁾ implements the Rotterdam Convention in the Union.
- (3) In order to ensure that importing countries benefit from the protection offered by the Rotterdam Convention, it is necessary and appropriate to support the recommendation from the Chemical Review Committee as regards the inclusion in Annex III to the Rotterdam Convention of chrysotile asbestos, methamidophos, trichlorfon, fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/l) and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/l, corresponding to paraquat ion at or above 200 g/l. Those substances are already banned or severely restricted in the Union and are therefore subject to export requirements which go beyond what is required under the Rotterdam Convention.
- (4) The seventh meeting of the Conference of the Parties to the Rotterdam Convention is expected to decide on the proposed amendments to Annex III. The Union should support those amendments,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union at the seventh meeting of the Conference of the Parties to the Rotterdam Convention is that the Union shall support the adoption of the amendments to Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade ⁽³⁾ as regards the inclusion of chrysotile asbestos, methamidophos, trichlorfon, fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/l) and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/l, corresponding to paraquat ion at or above 200 g/l.

⁽¹⁾ Council Decision 2006/730/EC of 25 September 2006 on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade (OJ L 299, 28.10.2006, p. 23).

⁽²⁾ Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (OJ L 201, 27.7.2012, p. 60).

⁽³⁾ OJ L 63, 6.3.2003, p. 29.

Article 2

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

Done at Brussels, 6 March 2015.

For the Council
The President
K. GERHARDS

COMMISSION IMPLEMENTING DECISION (EU) 2015/424**of 11 March 2015****on the approval of the exemption decision pursuant to Article 9 of Council Directive 96/67/EC relating to the provision of certain groundhandling services at Zagreb International Airport***(notified under document C(2015) 473)***(Only the Croatian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports ⁽¹⁾, and in particular Article 9(5) thereof,

Whereas:

1. THE EXEMPTION DECISION NOTIFIED

- (1) By letter of 13 August 2014, received by the Commission on 1 September 2014, the Croatian authorities notified, pursuant to Article 9(3) of Directive 96/67/EC (hereinafter: 'the Directive'), the exemption decision of the government of the Republic of Croatia, taken on the basis of Article 9(1)(b) and (d) of the Directive, relating to Zagreb International Airport. The Croatian authorities submitted additional information by letter dated 1 December 2014, received by the Commission on 17 December 2014, completing the notification.
- (2) The notified decision provides for two exemptions. In the first place, it reserves to a single supplier the ground-handling services categories listed under points 3, 4 and 5, with the exception of point 5.1, of the Annex to the Directive, namely baggage handling, freight and mail handling as regards physical handling of freight and mail, whether incoming, outgoing or being transferred between the air terminal and the aircraft, and ramp handling, except for marshalling of the aircraft on the ground. In the second place, it bans self-handling for those three categories of groundhandling services, except for marshalling of the aircraft on the ground. Both exemptions apply for a period of two years, from 1 January 2015 until 31 December 2016.

2. THE CURRENT SITUATION AT ZAGREB INTERNATIONAL AIRPORT

- (3) Zagreb International Airport is operated by Zagreb International Airport Jsc. The airport handled 2,3 million passengers in 2013.
- (4) Zagreb International Airport currently has one passenger terminal and is in the process of building a new passenger terminal with associated infrastructure (apron, access roads and parking lots). The new terminal will be completed and operational by the end of 2016 at the latest. It will have a capacity of 5 million passengers. The existing terminal will be closed except for use by general aviation and other miscellaneous activities (office rental etc.).
- (5) According to the Croatian authorities, the limitations of the current terminal, both in infrastructure and operational aspects, would not allow for the economic and effective introduction of additional groundhandling services suppliers in the period of construction of the new terminal. Once the building of the new passenger terminal and the new apron will be achieved and its operations started, the space and capacity problems associated with the existing infrastructure would be solved.
- (6) According to the Croatian authorities, access to the market for the provision of baggage handling, ramp handling and freight and mail handling is currently open. However, up to now no third-party suppliers of groundhandling services have submitted an application to be issued an approval and a license for the provision of these ground-handling services at Zagreb International Airport. Those services are currently provided to airport users by the Zagreb International Airport Jsc. through a fully owned subsidiary.
- (7) The freedom to self-handle also applies at Zagreb International Airport. However, only one airline currently self-handles one sub-category of ramp handling services (loading and unloading of food and beverages). No other air carrier has expressed an interest in self-handling.

⁽¹⁾ OJ L 272, 25.10.1996, p. 36.

- (8) Zagreb International Airport has one sorting facility for locally checked baggage and all transfer baggage. The surface area of the sorting facilities is 515 m². The sorting area is situated at the basement level of the central part of the terminal.
- (9) Zagreb International Airport has one cargo terminal with a total surface area of 2 160 m² and the entire freight handling process takes place in this warehouse. Due to significant space limitations, this entire process is carried out manually using hand tools and fork lifts. An operational cargo delivery and collection platform with a single entry-exit ramp is located on the bonded warehouse landside.
- (10) The cargo terminal of Zagreb International Airport handles between 8 000 and 8 500 tons of freight and mail annually whereof mail amounts to between 1 000 and 1 500 tons per year.
- (11) Zagreb International Airport has one commercial aviation apron with a total surface area of 140 000 m² and 22 positions, and a general aviation apron with a total surface area of 28 000 m² and capacity of 20 aircraft.

3. CONSULTATION OF INTERESTED PARTIES

- (12) Pursuant to Article 9(3) of the Directive, the Commission published a summary of the exemption decision notified by the Croatian authorities in the *Official Journal of the European Union* and invited interested parties to submit comments.
- (13) The Commission received one comment from a groundhandling services provider, requesting information if a tender procedure would be organised during the exemption period so that the selected groundhandler could start operations once the exemption period has expired. No other comments were received from interested parties.

4. EVALUATION OF THE EXEMPTION DECISION IN THE LIGHT OF THE DIRECTIVE

- (14) The Croatian authorities based their exemption decision on Article 9(1)(b) and (d) of the Directive, which allow in case of specific constraints of available space or capacity to reserve to a single supplier one or more of the categories referred to in Article 6(2) and to ban self-handling for the categories referred to in Article 7(2) of the Directive.
- (15) In accordance with Article 9(2)(a) of the Directive, the Croatian authorities have specified that the two exemptions apply to the groundhandling services categories listed under points 3, 4 and 5, with the exception of point 5.1, of the Annex to the Directive, namely baggage handling, freight and mail handling and ramp handling except for marshalling the aircraft on the ground.
- (16) As regards baggage handling, the Commission considers that, through the information submitted, the Croatian authorities have demonstrated that it is not possible to accommodate a second third-party handler in addition to the airport's groundhandling services department or any self-handling airport user.
- (17) Operational space is limited and narrow and baggage cart manoeuvring is difficult. Baggage sorting during peak load periods when both check-in sections are in operation is particularly problematic. There is therefore not enough space to allow for more than one operator to operate effectively.
- (18) It is not possible to solve this space problem at the current location, as the location of the baggage sorting facility makes it impossible to expand the facility to other areas. The use of an underground level would not be a feasible solution due to the groundwater level and associated risk of flooding. An external location for the construction of an extension of the sorting facility would also require significant reconstructions which would greatly affect the existing traffic processes and would generate great expenses while the efficiency of such installation would be questionable.
- (19) As regards freight and mail handling, the Commission considers that, through the information submitted, the Croatian authorities have demonstrated that it is not possible to accommodate a second third-party handler in addition to the airport's groundhandling services department or any self-handling airport user.
- (20) The cargo terminal is of limited size. The cargo delivery and collection platform only has one single entry-exit ramp which significantly reduces the operational functions of the platform when several tow trucks are parked within the enclosed space while waiting or performing loading and unloading tasks. There is therefore no space to accommodate an additional operator.

- (21) The Commission also notes in this context that the volume of freight and mail is around 8 000 and 8 500 tonnes of freight and mail annually, which is well below the threshold of 50 000 tonnes of freight in the Directive for the obligation to open groundhandling for third parties and to allow self-handling.
- (22) As regards ramp handling, with the exception of marshalling the aircraft on the ground at arrival and departure, the Commission considers that, through the information submitted, the Croatian authorities have demonstrated that it is not possible to accommodate a second third-party handler in addition to the airport's groundhandling subsidiary or any self-handling airport user.
- (23) The flight schedule of Zagreb International Airport is characterized by three short-duration peak loads, namely a morning peak load, an afternoon peak load and an evening peak load. During this peak loads numerous different equipment units have to be put in operation during relatively short periods of time to meet all requirements related to timely aircraft handling.
- (24) Parking space for such large number of equipment units presents a problem. Taking into account the area occupied by buildings and other developments, there is no available space in the vicinity of the aircraft parking position to accommodate parking for additional new equipment units. Parking space required for the existing equipment presents already a problem for the airport management. The problem is even greater during the winter season, when snow removal and disposal service vehicles are also parked within the limited parking space. Due to this lack of parking space it is therefore not possible to accommodate a second operator.
- (25) The above constraints due to the lack of parking space do not apply to the marshalling of the aircraft on the ground, however, as not bulky equipment is needed for those services. Those services are not covered by the exemption decision notified by the Croatian authorities and there will therefore be no limitations in the number of suppliers for the marshalling of the aircraft at Zagreb International Airport.
- (26) It further appears from the information available to the Commission that the construction of a new terminal at Zagreb International Airport started in December 2013. The first phase of the construction of a new terminal is expected to be finalised in 2016 and the terminal is expected to be operational by the end of 2016. The new terminal will have a capacity of 5 million passengers annually and will feature a new fully integrated baggage system, a new apron as well as new taxiways and service roads. The Croatian authorities explained that the construction and operation of the new terminal will solve the existing space and capacity constraints. The construction and operation of the new terminal can therefore be considered as an appropriate measure to overcome the constraints in accordance with Article 9(2)(b).
- (27) The exemptions laid down in the exemption decision notified by the Croatian authorities are limited in time, namely for the period of two years. They therefore respect the requirements set out in Article 9(6) of the Directive.
- (28) Finally, in light of the foregoing, and in particular of the current situation at Zagreb International Airport, of the limitations of those exemptions in terms of material and temporal scope and of the measures taken to overcome the existing constraints, the Commission considers that the exemptions do not unduly prejudice the aims of this Directive, do not give rise to distortions of competition between suppliers of groundhandling services and/or self-handling airport users, and do not extend further than necessary, in accordance with the second subparagraph of Article 9(2) of the Directive.
- (29) In this connection account has also been taken of the facts that the limitations provided for by the exemptions apply in a non-discriminatory manner to all (potential) suppliers of groundhandling services, apart from the airport's groundhandling services department, and to all self-handling airport users, that to date no ground-handling service provider or airport user has made a request to be entitled to carry out groundhandling activities at Zagreb International Airport although there are currently no access limitations for third-party providers or limitations of the right to self-handle, and that no interested parties submitted objections to the exemption decision. With respect to the comment received regarding a possible tender procedure, the Commission recalls the obligation for the Croatian authorities to comply, in a timely manner, with all relevant rules of Union law in this regard, including Article 11 of the Directive.
- (30) This decision is without prejudice to Article 102 of the Treaty on the Functioning of the European Union which prohibits any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part as incompatible with the internal market in so far as it may affect trade between Member States.

5. CONCLUSION

- (31) Therefore, in light of the outcome of the examination carried out by the Commission and after having consulted the Republic of Croatia, the exemption decision taken by that Member State pursuant to Article 9(1)(b) and (d) of the Directive relating to Zagreb International Airport, notified to the Commission on 1 September 2014 and 17 December 2014, should be approved.
- (32) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee referred to in Article 10 of the Directive,

HAS ADOPTED THIS DECISION:

Article 1

The exemption decision taken by the Republic of Croatia pursuant to Article 9(1)(b) and (d) of Directive 96/67/EC relating to Zagreb International Airport, notified to the Commission on 1 September and 17 December 2014, is hereby approved.

Article 2

This Decision is addressed to the Republic of Croatia.

Done at Brussels, 11 March 2015.

For the Commission
Violeta BULC
Member of the Commission

DECISION (EU) 2015/425 OF THE EUROPEAN CENTRAL BANK
of 15 December 2014
amending Decision ECB/2010/21 on the annual accounts of the European Central Bank
(ECB/2014/55)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 26.2 thereof,

Whereas:

- (1) Decision ECB/2010/21 ⁽¹⁾ lays down the rules for drawing up the annual accounts of the European Central Bank (ECB).
- (2) There is a need to further clarify the valuation approach of securities held for monetary policy purposes.
- (3) Technical clarifications need to be incorporated into Decision ECB/2010/21 following Decision ECB/2014/40 ⁽²⁾ and Decision ECB/2014/45 ⁽³⁾.
- (4) Some further technical changes to Decision ECB/2010/21 are also required.
- (5) Therefore Decision ECB/2010/21 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

Decision ECB/2010/21 is amended as follows:

1. Article 8 is replaced by the following:

'Article 8

Balance sheet valuation rules

1. Current market rates and prices shall be used for balance sheet valuation purposes unless specified otherwise in Annex I.
2. The revaluation of gold, foreign currency instruments, securities (other than securities classified as held-to-maturity, non-marketable securities, and securities held for monetary policy purposes that are accounted for at amortised costs), as well as financial instruments, both on-balance-sheet and off-balance-sheet, shall be performed at the year-end at mid-market rates and prices.
3. No distinction shall be made between price and currency revaluation differences for gold, but a single gold revaluation difference shall be accounted for, based on the euro price per defined unit of weight of gold derived from the euro/US dollar exchange rate on the quarterly revaluation date. For foreign exchange, including on-balance-sheet and off-balance-sheet transactions, revaluation shall take place on a currency-by-currency basis. For the purpose of this Article, holdings of SDRs, including designated individual foreign exchange holdings underlying the SDR basket, shall be treated as one holding. For securities, revaluation shall take place on a code-by-code basis, i.e. same ISIN number/type, while any embedded options will not be separated for valuation purposes. Securities held for monetary policy purposes or included in the items "Other financial assets" or "Sundry" shall be treated as separate holdings.

⁽¹⁾ Decision ECB/2010/21 of 11 November 2010 on the annual accounts of the European Central Bank (OJ L 35, 9.2.2011, p. 1).

⁽²⁾ Decision ECB/2014/40 of 15 October 2014 on the implementation of the third covered bond purchase programme (OJ L 335, 22.11.2014, p. 22).

⁽³⁾ Decision (EU) 2015/5 of the European Central Bank of 19 November 2014 on the implementation of the asset-backed securities purchase programme (ECB/2014/45) (OJ L 1, 6.1.2015, p. 4).

4. Securities classified as held-to-maturity shall be treated as separate holdings, valued at amortised costs and be subject to impairment. The same treatment shall apply to non-marketable securities and securities held for monetary policy purposes that are accounted for at amortised costs. Securities classified as held-to-maturity may be sold before their maturity in any of the following circumstances:

- (a) if the quantity sold is considered not significant in comparison with the total amount of the held-to-maturity securities portfolio;
- (b) if the securities are sold during one month before maturity date;
- (c) under exceptional circumstances, such as a significant deterioration of the issuer's creditworthiness;'

2. Annex I is replaced by the text set out in the Annex to this Decision.

Article 2

Entry into force

This Decision shall enter into force on 31 December 2014.

Done at Frankfurt am Main, 15 December 2014.

The President of the ECB
Mario DRAGHI

ANNEX

‘ANNEX I

COMPOSITION AND VALUATION RULES FOR THE BALANCE SHEET

ASSETS

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
1 Gold and gold receivables	Physical gold, i.e. bars, coins, plates, nuggets, in storage or “under way”. Non-physical gold, such as balances in gold sight accounts (unallocated accounts), term deposits and claims to receive gold arising from the following transactions: (a) upgrading or downgrading transactions; and (b) gold location or purity swaps where there is a difference of more than one business day between release and receipt	Market value
2 Claims on non-euro area residents denominated in foreign currency	Claims on counterparties resident outside the euro area including international and supranational institutions and central banks outside the euro area denominated in foreign currency	
2.1 Receivables from the International Monetary Fund (IMF)	(a) <i>Drawing rights within the reserve tranche (net)</i> National quota minus balances in euro at the disposal of the IMF. The No 2 account of the IMF (euro account for administrative expenses) may be included in this item or under the item “Liabilities to non-euro area residents denominated in euro” (b) <i>SDRs</i> Holdings of SDRs (gross) (c) <i>Other claims</i> General arrangements to borrow, loans under special borrowing arrangements, deposits made to trusts under the management of the IMF	(a) <i>Drawing rights within the reserve tranche (net)</i> Nominal value, translation at the foreign exchange market rate (b) <i>SDRs</i> Nominal value, translation at the foreign exchange market rate (c) <i>Other claims</i> Nominal value, translation at the foreign exchange market rate
2.2 Balances with banks and security investments, external loans and other external assets	(a) <i>Balances with banks outside the euro area other than those under asset item 11.3 “Other financial assets”</i> Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions	(a) <i>Balances with banks outside the euro area</i> Nominal value, translation at the foreign exchange market rate

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
	(b) <i>Security investments outside the euro area other than those under asset item 11.3 "Other financial assets"</i> Notes and bonds, bills, zero bonds, money market paper, equity instruments held as part of the foreign reserves, all issued by non-euro area residents	(b) (i) Marketable securities other than held-to-maturity Market price and foreign exchange market rate Any premiums or discounts are amortised (ii) Marketable securities classified as held-to-maturity Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised (iii) Non-marketable securities Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised (iv) Marketable equity instruments Market price and foreign exchange market rate
	(c) <i>External loans (deposits) to non-euro area residents other than those under asset item 11.3 "Other financial assets"</i>	(c) External loans Deposits at nominal value, translated at the foreign exchange market rate
	(d) <i>Other external assets</i> Non-euro area banknotes and coins	(d) Other external assets Nominal value, translation at the foreign exchange market rate

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
3 Claims on euro area residents denominated in foreign currency	(a) <i>Security investments inside the euro area other than those under asset item 11.3 "Other financial assets"</i> Notes and bonds, bills, zero bonds, money market paper, equity instruments held as part of the foreign reserves, all issued by euro area residents (b) <i>Other claims on euro area residents other than those under asset item 11.3 "Other financial assets"</i> Loans, deposits, reverse repo transactions, sundry lending	(a) (i) Marketable securities other than held-to-maturity Market price and foreign exchange market rate Any premiums or discounts are amortised (ii) Marketable securities classified as held-to-maturity Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised (iii) Non-marketable securities Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised (iv) Marketable equity instruments Market price and foreign exchange market rate (b) Other claims Deposits and other lending at nominal value, translated at the foreign exchange market rate
4 Claims on non-euro area residents denominated in euro		
4.1 Balances with banks, security investments and loans	(a) <i>Balances with banks outside the euro area other than those under asset item 11.3 "Other financial assets"</i> Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions in connection with the management of securities denominated in euro	(a) Balances with banks outside the euro area Nominal value

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
	(b) <i>Security investments outside the euro area other than those under asset item 11.3 "Other financial assets"</i> Equity instruments, notes and bonds, bills, zero bonds, money market paper, all issued by non-euro area residents	(b) (i) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (ii) Marketable securities classified as held-to-maturity Cost subject to impairment Any premiums or discounts are amortised (iii) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised (iv) Marketable equity instruments Market price
	(c) <i>Loans to non-euro area residents other than those under asset item 11.3 "Other financial assets"</i>	(c) <i>Loans outside the euro area</i> Deposits at nominal value
	(d) <i>Securities issued by entities outside the euro area other than those under asset item 11.3 "Other financial assets"</i> Securities issued by supranational or international organisations, e.g. the European Investment Bank, irrespective of their geographical location	(d) (i) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (ii) Marketable securities classified as held-to-maturity Cost subject to impairment Any premiums or discounts are amortised (iii) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised
4.2 Claims arising from the credit facility under ERM II	Lending in accordance with the ERM II conditions	Nominal value

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
5 Lending to euro area credit institutions related to monetary policy operations denominated in euro	Items 5.1 to 5.5: transactions in accordance with the respective monetary policy instruments described in Annex I to Guideline ECB/2011/14 ⁽¹⁾	
5.1 Main refinancing operations	Regular liquidity-providing reverse transactions with a weekly frequency and normally a maturity of one week	Nominal value or repo cost
5.2 Longer-term refinancing operations	Regular liquidity-providing reverse transactions with a monthly frequency and normally a maturity of three months	Nominal value or repo cost
5.3 Fine-tuning reverse operations	Reverse transactions, executed as ad hoc transactions for fine-tuning purposes	Nominal value or repo cost
5.4 Structural reverse operations	Reverse transactions adjusting the structural position of the Eurosystem vis-à-vis the financial sector	Nominal value or repo cost
5.5 Marginal lending facility	Overnight liquidity facility at a pre-specified interest rate against eligible assets (standing facility)	Nominal value or repo cost
5.6 Credits related to margin calls	Additional credit to credit institutions, arising from value increases of underlying assets regarding other credit to these credit institutions	Nominal value or cost
6 Other claims on euro area credit institutions denominated in euro	Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions in connection with the management of security portfolios under the asset item 7 "Securities of euro area residents denominated in euro", including transactions resulting from the transformation of former foreign currency reserves of the euro area, and other claims. Correspondent accounts with non-domestic euro area credit institutions. Other claims and operations unrelated to monetary policy operations of the Eurosystem	Nominal value or cost
7 Securities of euro area residents denominated in euro		

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
7.1 Securities held for monetary policy purposes	Securities issued in the euro area held for monetary policy purposes. ECB debt certificates purchased for fine-tuning purposes	(a) Marketable securities Accounted for depending on monetary policy considerations: (i) Market price Any premiums or discounts are amortised (ii) Cost subject to impairment (cost when the impairment is covered by a provision under liability item 13(b) "Provisions") Any premiums or discounts are amortised (b) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised
7.2 Other securities	Securities other than those under asset item 7.1 "Securities held for monetary policy purposes" and under asset item 11.3 "Other financial assets": notes and bonds, bills, zero bonds, money market paper held outright, including government securities stemming from before EMU, denominated in euro. Equity instruments	(a) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (b) Marketable securities classified as held-to-maturity Cost subject to impairment Any premiums or discounts are amortised (c) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised (d) Marketable equity instruments Market price
8 General government debt denominated in euro	Claims on government stemming from before EMU (non-marketable securities, loans)	Deposits/loans at nominal value, non-marketable securities at cost
9 Intra-Eurosystem claims		

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
9.1 Claims related to the issuance of ECB debt certificates	Intra-Eurosystem claims vis-à-vis NCBs, arising from the issuance of ECB debt certificates	Cost
9.2 Claims related to the allocation of euro banknotes within the Euro-system	Claims related to the ECB's banknote issue, in accordance with Decision ECB/2010/29 ⁽²⁾	Nominal value
9.3 Other claims within the Euro-system (net)	Net position of the following sub-items: (a) net claims arising from balances of TARGET2 accounts and correspondent accounts of NCBs, i.e. the net figure of claims and liabilities. See also liability item 10.2 "Other liabilities within the Eurosystem (net)" (b) other intra-Eurosystem claims denominated in euro that may arise, including the interim distribution of ECB income to NCBs	(a) Nominal value (b) Nominal value
10 Items in course of settlement	Settlement account balances (claims), including the float of cheques in collection	Nominal value
11 Other assets		
11.1 Coins of euro area	Euro coins	Nominal value
11.2 Tangible and intangible fixed assets	Land and buildings, furniture and equipment including computer equipment, software	Cost less depreciation Depreciation is the systematic allocation of the depreciable amount of an asset over its useful life. The useful life is the period over which a fixed asset is expected to be available for use by the entity. Useful lives of individual material fixed assets may be reviewed on a systematic basis, if expectations differ from previous estimates. Major assets may comprise components with different useful lives. The lives of such components should be assessed individually The cost of intangible assets includes the price for the acquisition of the intangible asset. Other direct or indirect costs are to be expensed Capitalisation of expenditure: limit based (below EUR 10 000 excluding VAT: no capitalisation)

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
11.3 Other financial assets	— Participating interests and investments in subsidiaries, equities held for strategic/policy reasons — Securities including equities, and other financial instruments and balances including fixed-term deposits and current accounts held as an earmarked portfolio — Reverse repo transactions with credit institutions in connection with the management of securities portfolios under this item	(a) Marketable equity instruments Market price (b) Participating interests and illiquid equity shares, and any other equity instruments held as permanent investments Cost subject to impairment (c) Investment in subsidiaries or significant interests Net asset value (d) Marketable securities other than held to maturity Market price Premiums/discounts are amortised (e) Marketable securities classified as held-to-maturity or held as a permanent investment Cost subject to impairment Any premiums or discounts are amortised (f) Non-marketable securities Cost subject to impairment (g) Balances with banks and loans Nominal value, translated at the foreign exchange market rate if the balances/deposits are denominated in foreign currencies
11.4 Off-balance-sheet instruments revaluation differences	Valuation results of foreign exchange forwards, foreign exchange swaps, interest rate swaps (unless daily variation margin applies), forward rate agreements, forward transactions in securities, foreign exchange spot transactions from trade date to settlement date	Net position between forward and spot, at the foreign exchange market rate
11.5 Accruals and pre-paid expenditure	Income not due in, but assignable to the reported period. Prepaid expenditure and accrued interest paid, i.e. accrued interest purchased with a security	Nominal value, foreign exchange translated at market rate

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
11.6 Sundry	(a) Advances, loans and other minor items. Loans on a trust basis (b) Investments related to customer gold deposits (c) Net pension assets (d) Outstanding claims arising from the default of Eurosystem counterparties in the context of Eurosystem credit operations (e) Assets or claims (vis-à-vis third parties) appropriated and/or acquired in the context of the realisation of collateral submitted by Eurosystem counterparties in default	(a) Nominal value or cost (b) Market value (c) As per Article 24(2) (d) Nominal/recoverable value (before/after settlement of losses) (e) Cost (converted at the foreign exchange market rate at the time of the acquisition if financial assets are denominated in foreign currencies)
12 Loss for the year		Nominal value

(¹) Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem (OJ L 331, 14.12.2011, p. 1).

(²) Decision ECB/2010/29 of 13 December 2010 on the issue of euro banknotes (OJ L 35, 9.2.2011, p. 26).

LIABILITIES

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
1 Banknotes in circulation	Euro banknotes issued by the ECB, in accordance with Decision ECB/2010/29	Nominal value
2 Liabilities to euro area credit institutions related to monetary policy operations denominated in euro	Items 2.1, 2.2, 2.3 and 2.5: deposits in euro as described in Annex I to Guideline ECB/2011/14	
2.1 Current accounts (covering the minimum reserve system)	Euro accounts of credit institutions that are included in the list of financial institutions subject to minimum reserves in accordance with the Statute of the ESCB. This item contains primarily accounts used in order to hold minimum reserves	Nominal value
2.2 Deposit facility	Overnight deposits at a pre-specified interest rate (standing facility)	Nominal value
2.3 Fixed-term deposits	Collection for liquidity absorption purposes owing to fine-tuning operations	Nominal value
2.4 Fine-tuning reverse operations	Monetary policy-related transactions with the aim of liquidity absorption	Nominal value or repo cost

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
2.5 Deposits related to margin calls	Deposits of credit institutions, arising from value decreases of underlying assets regarding credits to these credit institutions	Nominal value
3 Other liabilities to euro area credit institutions denominated in euro	Repo transactions in connection with simultaneous reverse repo transactions for the management of securities portfolios under asset item 7 "Securities of euro area residents denominated in euro". Other operations unrelated to Eurosystem monetary policy operations. No current accounts of credit institutions	Nominal value or repo cost
4 ECB debt certificates issued	Debt certificates as described in Annex I to Guideline ECB/2011/14. Discount paper, issued with the aim of liquidity absorption	Cost Any discounts are amortised
5 Liabilities to other euro area residents denominated in euro		
5.1 General government	Current accounts, fixed-term deposits, deposits repayable on demand	Nominal value
5.2 Other liabilities	Current accounts of staff, companies and clients including financial institutions listed as exempt from the obligation to hold minimum reserves (See liability item 2.1); fixed-term deposits, deposits repayable on demand	Nominal value
6 Liabilities to non-euro area residents denominated in euro	Current accounts, fixed-term deposits, deposits repayable on demand including accounts held for payment purposes and accounts held for reserve management purposes: of other banks, central banks, international/supranational institutions including the European Commission; current accounts of other depositors. Repo transactions in connection with simultaneous reverse repo transactions for the management of securities denominated in euro. Balances of TARGET2 accounts of central banks of Member States whose currency is not the euro	Nominal value or repo cost
7 Liabilities to euro area residents denominated in foreign currency	Current accounts. Liabilities under repo transactions; usually investment transactions using foreign currency assets or gold	Nominal value, translation at year-end foreign exchange market rate

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
8 Liabilities to non-euro area residents denominated in foreign currency		
8.1 Deposits, balances and other liabilities	Current accounts. Liabilities under repo transactions; usually investment transactions using foreign currency assets or gold	Nominal value, translation at the year-end foreign exchange market rate
8.2 Liabilities arising from the credit facility under ERM II	Borrowing in accordance with the ERM II conditions	Nominal value, translation at the year-end foreign exchange market rate
9 Counterpart of special drawing rights allocated by the IMF	SDR-denominated item which shows the amount of SDRs that were originally allocated to the respective country/NCB	Nominal value, translation at the year-end foreign exchange market rate
10 Intra-Eurosystem liabilities		
10.1 Liabilities equivalent to the transfer of foreign reserves	ECB balance sheet item, denominated in euro	Nominal value
10.2 Other liabilities within the Eurosystem (net)	Net position of the following sub-items: (a) net liabilities arising from balances of TARGET2 accounts and correspondent accounts of NCBs, i.e. the net figure of claims and liabilities. See also asset item 9.3 "Other claims within the Eurosystem (net)" (b) other intra-Eurosystem liabilities denominated in euro that may arise, including the interim distribution of ECB income to NCBs	(a) Nominal value (b) Nominal value
11 Items in course of settlement	Settlement account balances (liabilities), including the float of giro transfers	Nominal value
12 Other liabilities		
12.1 Off-balance-sheet instruments revaluation differences	Valuation results of foreign exchange forwards, foreign exchange swaps, interest rate swaps (unless daily variation margin applies), forward rate agreements, forward transactions in securities, foreign exchange spot transactions from trade date to settlement date	Net position between forward and spot, at the foreign exchange market rate

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
12.2 Accruals and income collected in advance	Expenditure falling due in a future period but relating to the reporting period. Income received in the reported period but relating to a future period	Nominal value, foreign exchange translated at market rate
12.3 Sundry	(a) Taxation suspense accounts. Foreign currency credit or guarantee cover accounts. Repo transactions with credit institutions in connection with simultaneous reverse repo transactions for the management of securities portfolios under asset item 11.3 "Other financial assets". Compulsory deposits other than reserve deposits. Other minor items. Liabilities on a trust basis. (b) Customer gold deposits. (c) Net pension liabilities	(a) Nominal value or (repo) cost (b) Market value (c) As per Article 24(2)
13 Provisions	(a) For foreign exchange rate, interest rate, credit and gold price risks, and for other purposes, e. g. expected future expenses and contributions in accordance with Article 48.2 of the Statute of the ESCB with respect to central banks of Member States whose derogations have been abrogated (b) For counterparty or credit risks arising from monetary policy operations	(a) Cost/nominal value (b) Nominal value (based on a valuation at year end by the Governing Council of the ECB)
14 Revaluation accounts	(a) Revaluation accounts related to price movements for gold, for every type of euro-denominated securities, for every type of foreign currency-denominated securities, for options; market valuation differences related to interest rate risk derivatives; revaluation accounts related to foreign exchange rate movements for every currency net position held, including foreign exchange swaps/forwards and SDRs Special revaluation accounts stemming from contributions in accordance with Article 48.2 of the Statute of the ESCB with respect to central banks of Member States whose derogations have been abrogated. See Article 13(2) (b) Remeasurement results of the net defined benefit liability (asset) in respect of post-employment benefits, which are the net position of the following sub-items: (i) Actuarial gains and losses in the present value of the defined benefit obligation (ii) Return on plan assets, excluding amounts included in net interest on the net defined benefit liability (asset) (iii) Any change in the effect of the asset ceiling, excluding amounts included in net interest on the net defined benefit liability (asset)	(a) Revaluation difference between average cost and market value, foreign exchange translated at market rate (b) As per Article 24(2)

Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
15 Capital and re-serves		
15.1 Capital	Paid-up capital	Nominal value
15.2 Reserves	Legal reserves, in accordance with Article 33 of the Statute of the ESCB and contributions in accordance with Article 48.2 of the Statute of the ESCB with respect to central banks of Member States whose derogations have been abrogated	Nominal value
16 Profit for the year		Nominal value'

GUIDELINES

GUIDELINE (EU) 2015/426 OF THE EUROPEAN CENTRAL BANK

of 15 December 2014

amending Guideline ECB/2010/20 on the legal framework for accounting and financial reporting in the European System of Central Banks (ECB/2014/54)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 12.1, 14.3 and 26.4 thereof,

Having regard to the contribution of the General Council of the European Central Bank pursuant to the second and third indents of Article 46.2 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) Guideline ECB/2010/20 ⁽¹⁾ lays down the rules for standardising the accounting and financial reporting of operations undertaken by the national central banks.
- (2) There is a need to further clarify the valuation approach of securities held for monetary policy purposes.
- (3) Technical clarifications need to be incorporated into Guideline ECB/2010/20 following Decision ECB/2014/40 ⁽²⁾ and Decision ECB/2014/45 ⁽³⁾.
- (4) Some further technical changes to Guideline ECB/2010/20 are also required.
- (5) Therefore, Guideline ECB/2010/20 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline ECB/2010/20 is amended as follows:

1. Article 7 is replaced by the following:

Article 7

Balance sheet valuation rules

1. Current market rates and prices shall be used for balance sheet valuation purposes unless specified otherwise in Annex IV.
2. The revaluation of gold, foreign currency instruments, securities (other than securities classified as held-to-maturity, non-marketable securities, and securities held for monetary policy purposes that are accounted for at amortised costs), as well as financial instruments, both on-balance-sheet and off-balance-sheet, shall be performed as at the quarterly revaluation date at mid-market rates and prices. This shall not preclude reporting entities from revaluing their portfolios on a more frequent basis for internal purposes, provided that they report items in their balance sheets only at transaction value during the quarter.

⁽¹⁾ Guideline ECB/2010/20 of 11 November 2010 on the legal framework for accounting and financial reporting in the European System of Central Banks (OJ L 35, 9.2.2011, p. 31).

⁽²⁾ Decision ECB/2014/40 of 15 October 2014 on the implementation of the third covered bond purchase programme (OJ L 335, 22.11.2014, p. 22).

⁽³⁾ Decision (EU) 2015/5 of the European Central Bank of 19 November 2014 on the implementation of the asset-backed securities purchase programme (ECB/2014/45) (OJ L 1, 6.1.2015, p. 4).

3. No distinction shall be made between price and currency revaluation differences for gold, but a single gold revaluation difference shall be accounted for, based on the euro price per defined unit of weight of gold derived from the euro/US dollar exchange rate on the quarterly revaluation date. For foreign exchange, including on-balance-sheet and off-balance-sheet transactions, revaluation shall take place on a currency-by-currency basis. For the purpose of this Article, holdings of SDRs, including designated individual foreign exchange holdings underlying the SDR basket, shall be treated as one holding. For securities, revaluation shall take place on a code-by-code basis, i.e. same ISIN number/type, while any embedded options will not be separated for valuation purposes. Securities held for monetary policy purposes or included in the items "Other financial assets" or "Sundry" shall be treated as separate holdings.
 4. Revaluation bookings shall be reversed at the end of the next quarter, except for unrealised losses taken to the profit and loss account at the end of the year; any transactions during the quarter shall be reported at transaction prices and rates.
 5. Securities classified as held-to-maturity shall be treated as separate holdings, valued at amortised costs and be subject to impairment. The same treatment shall apply to non-marketable securities and securities held for monetary policy purposes that are accounted for at amortised costs. Securities classified as held-to-maturity may be sold before their maturity in any of the following circumstances:
 - (a) if the quantity sold is considered not significant in comparison with the total amount of the held-to-maturity securities portfolio;
 - (b) if the securities are sold during one month before maturity date;
 - (c) under exceptional circumstances, such as a significant deterioration of the issuer's creditworthiness.;
2. in Article 13, paragraph 2 is replaced by the following:
- '2. Premiums or discounts arising on issued and purchased securities shall be calculated and presented as part of interest income and shall be amortised over the remaining contractual life of the securities, either according to the straight-line method or the internal rate of return (IRR) method. The IRR method shall, however, be mandatory for discount securities with a remaining maturity of more than one year at the time of acquisition.;
3. in Article 15, paragraph 2 is replaced by the following:
- '2. Interest rate swaps, futures, forward rate agreements, other interest rate instruments and options, with the exception of options embedded in securities, shall be accounted for and revalued on an item-by-item basis. These instruments shall be treated separately from on-balance-sheet items.;
4. Article 19 is amended as follows:
- (a) paragraph 3 is replaced by the following:

'3. Fees shall be taken to the profit and loss account.;
 - (b) paragraph 4 is replaced by the following:

'4. Interest rate swaps that are not cleared through a central clearing counterparty shall be individually revalued and, if necessary, translated into euro at the currency spot rate. It is recommended that unrealised losses taken to the profit and loss account at the year-end should be amortised in subsequent years, that in the case of forward interest rate swaps the amortisation should begin from the value date of the transaction and that the amortisation should be linear. Unrealised revaluation gains shall be credited to a revaluation account.;
 - (c) the following paragraph 5 is added:

'5. For interest rate swaps that are cleared through a central clearing counterparty:

 - (a) the initial margin shall be recorded as a separate asset if deposited in cash. If deposited in the form of securities it shall remain unchanged in the balance sheet;
 - (b) daily changes in the variation margins shall be taken to the profit and loss account and shall affect the currency position;
 - (c) the interest accrual component shall be separated from the realised result and recorded on a gross basis in the profit and loss account.;

5. in Article 22, paragraph 6 is replaced by the following:

‘6. With the exception of options embedded in securities, every option contract shall be individually revalued. Unrealised losses taken to the profit and loss account shall not be reversed in subsequent years against unrealised gains. Unrealised revaluation gains shall be credited to a revaluation account. There shall be no netting of unrealised losses in any one option against unrealised gains in any other option.’;

6. in Annex II, the following definition is added:

‘— *Central clearing counterparty (CCP)*: a legal person that interposes itself between the counterparties to the contracts traded on one or more financial markets, becoming the buyer to every seller and the seller to every buyer.’;

7. in Annex III, point 2.2 is replaced by the following:

‘2.2. Coupon accruals and amortisation of premium or discount are calculated and booked from the settlement date of the purchase of the security until the settlement date of sale, or until the contractual maturity date.’;

8. Annex IV is replaced by the text set out in the Annex to this Guideline.

Article 2

Entry into force

1. This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.
2. The Eurosystem central banks shall comply with this Guideline from 31 December 2014.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 15 December 2014.

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

ANNEX

‘ANNEX IV

COMPOSITION AND VALUATION RULES FOR THE BALANCE SHEET ⁽¹⁾

ASSETS

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
1	1	Gold and gold receivables	Physical gold, i.e. bars, coins, plates, nuggets in storage or “under way”. Non-physical gold, such as balances in gold sight accounts (unallocated accounts), term deposits and claims to receive gold arising from the following transactions: (a) upgrading or downgrading transactions; and (b) gold location or purity swaps where there is a difference of more than one business day between release and receipt	Market value	Mandatory
2	2	Claims on non-euro area residents denominated in foreign currency	Claims on counterparties resident outside the euro area including international and supranational institutions and central banks outside the euro area denominated in foreign currency		
2.1	2.1	Receivables from the International Monetary Fund (IMF)	(a) <i>Drawing rights within the reserve tranche (net)</i> National quota minus balances in euro at the disposal of the IMF. The No 2 account of the IMF (euro account for administrative expenses) may be included in this item or under the item “Liabilities to non-euro area residents denominated in euro” (b) <i>SDRs</i> Holdings of SDRs (gross) (c) <i>Other claims</i> General arrangements to borrow, loans under special borrowing arrangements, deposits made to trusts under the management of the IMF	(a) <i>Drawing rights within the reserve tranche (net)</i> Nominal value, translation at the foreign exchange market rate (b) <i>SDRs</i> Nominal value, translation at the foreign exchange market rate (c) <i>Other claims</i> Nominal value, translation at the foreign exchange market rate	Mandatory Mandatory Mandatory

Balance sheet item ⁽²⁾		Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾	
2.2	2.2	Balances with banks and security investments, external loans and other external assets	(a) Balances with banks outside the euro area other than those under asset item 11.3 “Other financial assets” Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions	(a) Balances with banks outside the euro area Nominal value, translation at the foreign exchange market rate	Mandatory
			(b) Security investments outside the euro area other than those under asset item 11.3 “Other financial assets” Notes and bonds, bills, zero bonds, money market paper, equity instruments held as part of the foreign reserves, all issued by non-euro area residents	(b) (i) Marketable securities other than held-to-maturity Market price and foreign exchange market rate Any premiums or discounts are amortised	Mandatory
				(ii) Marketable securities classified as held-to-maturity Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised	Mandatory
				(iii) Non-marketable securities Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised	Mandatory
				(iv) Marketable equity instruments Market price and foreign exchange market rate	Mandatory
		(c) External loans (deposits) outside the euro area other than those under asset item 11.3 “Other financial assets”	(c) External loans Deposits at nominal value translated at the foreign exchange market rate	Mandatory	
		(d) Other external assets Non-euro area banknotes and coins	(d) Other external assets Nominal value, translation at the foreign exchange market rate	Mandatory	

Balance sheet item ⁽²⁾		Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
3	3	Claims on euro area residents denominated in foreign currency	(a) Security investments inside the euro area other than those under asset item 11.3 "Other financial assets" Notes and bonds, bills, zero bonds, money market paper, equity instruments held as part of the foreign reserves, all issued by euro area residents	(a) (i) Marketable securities other than held-to-maturity Market price and foreign exchange market rate Any premiums or discounts are amortised Mandatory
			(ii) Marketable securities classified as held-to-maturity Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised Mandatory	Mandatory
			(iii) Non-marketable securities Cost subject to impairment and foreign exchange market rate Any premiums or discounts are amortised Mandatory	Mandatory
			(iv) Marketable equity instruments Market price and foreign exchange market rate Mandatory	Mandatory
		(b) Other claims on euro area residents other than those under asset item 11.3 "Other financial assets" Loans, deposits, reverse repo transactions, sundry lending Mandatory	(b) Other claims Deposits and other lending at nominal value, translated at the foreign exchange market rate Mandatory	Mandatory
4	4	Claims on non-euro area residents denominated in euro		
4.1	4.1	Balances with banks, security investments and loans	(a) Balances with banks outside the euro area other than those under asset item 11.3 "Other financial assets" Current accounts, fixed-term deposits, day-to-day money. Reverse repo transactions in connection with the management of securities denominated in euro (a) Balances with banks outside the euro area Nominal value Mandatory	Mandatory

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
			(b) Security investments outside the euro area other than those under asset item 11.3 "Other financial assets" Equity instruments, notes and bonds, bills, zero bonds, money market paper, all issued by non-euro area residents (c) Loans outside the euro area other than those under asset item 11.3 "Other financial assets" (d) Securities other than those under asset item 11.3 "Other financial assets", issued by entities outside the euro area Securities issued by supranational or international organisations, e.g. the European Investment Bank, irrespective of their geographical location	(b) (i) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (ii) Marketable securities classified as held-to-maturity Cost subject to impairment Any premiums or discounts are amortised (iii) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised (iv) Marketable equity instruments Market price (c) Loans outside the euro area Deposits at nominal value (d) (i) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (ii) Marketable securities classified as held-to-maturity Cost subject to impairment Any premiums or discounts are amortised (iii) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised	Mandatory Mandatory Mandatory Mandatory Mandatory Mandatory Mandatory Mandatory
4.2	4.2	Claims arising from the credit facility under ERM II	Lending according to the ERM II conditions	Nominal value	Mandatory

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
5	5	Lending to euro area credit institutions related to monetary policy operations denominated in euro	Items 5.1 to 5.5: transactions according to the respective monetary policy instruments described in Annex I to Guideline ECB/2011/14 of the European Central Bank ⁽⁴⁾		
5.1	5.1	Main refinancing operations	Regular liquidity-providing reverse transactions with a weekly frequency and normally a maturity of one week	Nominal value or repo cost	Mandatory
5.2	5.2	Longer-term refinancing operations	Regular liquidity-providing reverse transactions with a monthly frequency and normally a maturity of three months	Nominal value or repo cost	Mandatory
5.3	5.3	Fine-tuning reverse operations	Reverse transactions, executed as ad hoc transactions for fine-tuning purposes	Nominal value or repo cost	Mandatory
5.4	5.4	Structural reverse operations	Reverse transactions adjusting the structural position of the Eurosystem vis-à-vis the financial sector	Nominal value or repo cost	Mandatory
5.5	5.5	Marginal lending facility	Overnight liquidity facility at a pre-specified interest rate against eligible assets (standing facility)	Nominal value or repo cost	Mandatory
5.6	5.6	Credits related to margin calls	Additional credit to credit institutions, arising from value increases of underlying assets regarding other credit to these credit institutions	Nominal value or cost	Mandatory
6	6	Other claims on euro area credit institutions denominated in euro	Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions in connection with the management of security portfolios under the asset item 7 "Securities of euro area residents denominated in euro", including transactions resulting from the transformation of former foreign currency reserves of the euro area and other claims. Correspondent accounts with non-domestic euro area credit institutions. Other claims and operations unrelated to monetary policy operations of the Eurosystem. Any claims stemming from monetary policy operations initiated by an NCB prior to joining the Eurosystem	Nominal value or cost	Mandatory

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
7	7	Securities of euro area residents denominated in euro			
7.1	7.1	Securities held for monetary policy purposes	Securities issued in the euro area held for monetary policy purposes. ECB debt certificates purchased for fine-tuning purposes	(a) Marketable securities Accounted for depending on monetary policy considerations: (i) Market price Any premiums or discounts are amortised (ii) Cost subject to impairment (cost when the impairment is covered by a provision under liability item 13(b) "Provisions") Any premiums or discounts are amortised (b) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised	Mandatory Mandatory
7.2	7.2	Other securities	Securities other than those under asset item 7.1 "Securities held for monetary policy purposes" and under asset item 11.3 "Other financial assets"; notes and bonds, bills, zero bonds, money market paper held outright, including government securities stemming from before EMU, denominated in euro. Equity instruments	(a) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (b) Marketable securities classified as held-to-maturity Cost subject to impairment Any premiums or discounts are amortised (c) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised (d) Marketable equity instruments Market price	Mandatory Mandatory Mandatory Mandatory
8	8	General government debt denominated in euro	Claims on government stemming from before EMU (non-marketable securities, loans)	Deposits/loans at nominal value, non-marketable securities at cost	Mandatory
—	9	Intra-Eurosystem claims⁽⁴⁾			

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
—	9.1	Participating interest in ECB⁺⁾	Only an NCB balance sheet item The ECB capital share of each NCB in accordance with the Treaty and the respective capital key and contributions in accordance with Article 48.2 of the Statute of the ESCB	Cost	Mandatory
—	9.2	Claims equivalent to the transfer of foreign reserves⁺⁾	Only an NCB balance sheet item Euro-denominated claims on the ECB in respect of initial and additional transfers of foreign reserves under Article 30 of the Statute of the ESCB	Nominal value	Mandatory
—	9.3	Claims related to the issuance of ECB debt certificates⁺⁾	Only an ECB balance sheet item Intra-Eurosystem claims vis-à-vis NCBs, arising from the issuance of ECB debt certificates	Cost	Mandatory
—	9.4	Net claims related to the allocation of euro banknotes within the Eurosystem^{+) (*)}	For the NCBs: net claim related to the application of the banknote allocation key i.e. including the ECB's banknote issue related intra-Eurosystem balances, the compensatory amount and its balancing accounting entry as defined by Decision ECB/2010/23 ⁽⁵⁾ . For the ECB: claims related to the ECB's banknote issue, in accordance with Decision ECB/2010/29	Nominal value	Mandatory
—	9.5	Other claims within the Eurosystem (net)⁺⁾	Net position of the following sub-items: (a) net claims arising from balances of TARGET2 accounts and correspondent accounts of NCBs, i.e. the net figure of claims and liabilities — see also liability item 10.4 "Other liabilities within the Eurosystem (net)" (b) claim due to the difference between monetary income to be pooled and redistributed. Only relevant for the period between booking of monetary income as part of the year-end procedures, and its settlement on the last working day in January each year (c) other intra-Eurosystem claims denominated in euro that may arise, including the interim distribution of ECB income ^(*)	(a) Nominal value (b) Nominal value (c) Nominal value	Mandatory Mandatory Mandatory

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
9	10	Items in the course of settlement	Settlement account balances (claims), including the float of cheques in collection	Nominal value	Mandatory
9	11	Other assets			
9	11.1	Coins of euro area	Euro coins if an NCB is not the legal issuer	Nominal value	Mandatory
9	11.2	Tangible and intangible fixed assets	Land and buildings, furniture and equipment including computer equipment, software	Cost less depreciation Depreciation rates: — computers and related hardware/software and motor vehicles: 4 years — equipment, furniture and plant in building: 10 years — building and capitalised major refurbishment expenditure: 25 years Capitalisation of expenditure: limit based (below EUR 10 000 excluding VAT: no capitalisation)	Recommended
9	11.3	Other financial assets	— Participating interests and investments in subsidiaries; equities held for strategic/policy reasons — Securities, including equities, and other financial instruments and balances (e.g. fixed-term deposits and current accounts), held as an earmarked portfolio — Reverse repo transactions with credit institutions in connection with the management of securities portfolios under this item	(a) Marketable equity instruments Market price (b) Participating interests and illiquid equity shares, and any other equity instruments held as permanent investments Cost subject to impairment (c) Investment in subsidiaries or significant interests Net asset value (d) Marketable securities other than held-to-maturity Market price Any premiums or discounts are amortised (e) Marketable securities classified as held-to-maturity or held as a permanent investment Cost subject to impairment Any premiums or discounts are amortised (f) Non-marketable securities Cost subject to impairment Any premiums or discounts are amortised	Recommended Recommended Recommended Recommended Recommended Recommended

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
				(g) Balances with banks and loans Nominal value, translated at the foreign exchange market rate if the balances or deposits are denominated in foreign currencies	Recommended
9	11.4	Off-balance-sheet instruments revaluation differences	Valuation results of foreign exchange forwards, foreign exchange swaps, interest rate swaps (unless daily variation margin applies), forward rate agreements, forward transactions in securities, foreign exchange spot transactions from trade date to settlement date	Net position between forward and spot, at the foreign exchange market rate	Mandatory
9	11.5	Accruals and prepaid expenditure	Income not due in, but assignable to the reported period. Prepaid expenditure and accrued interest paid (i.e. accrued interest purchased with a security)	Nominal value, foreign exchange translated at market rate	Mandatory
9	11.6	Sundry	Advances, loans and other minor items. Revaluation suspense accounts (only balance sheet item during the year: unrealised losses at revaluation dates during the year, which are not covered by the respective revaluation accounts under the liability item "Revaluation accounts"). Loans on a trust basis. Investments related to customer gold deposits. Coins denominated in national euro area currency units. Current expense (net accumulated loss), loss of the previous year before coverage. Net pension assets	Nominal value or cost Revaluation suspense accounts Revaluation difference between average cost and market value, foreign exchange translated at market rate Investments related to customer gold deposits Market value	Recommended Mandatory Mandatory
			Outstanding claims arising from the default of Eurosystem counterparties in the context of Eurosystem credit operations	Outstanding claims (from defaults) Nominal/recoverable value (before/after settlement of losses)	Mandatory
			Assets or claims (vis-à-vis third parties) appropriated and/or acquired in the context of the realisation of collateral submitted by Eurosystem counterparties in default	Assets or claims (from defaults) Cost (converted at the foreign exchange market rate at the time of the acquisition if financial assets are denominated in foreign currencies)	Mandatory

Balance sheet item ⁽²⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽³⁾
—	12	Loss for the year		Nominal value	Mandatory

(*) Items to be harmonised. See recital 5 of this Guideline.

(1) Disclosure relating to euro banknotes in circulation, remuneration of net intra-Eurosystem claims/liabilities resulting from the allocation of euro banknotes within the Eurosystem, and monetary income should be harmonised in NCBs published annual financial statements. The items to be harmonised are indicated with an asterisk in Annexes IV, VIII and IX.

(2) The numbering in the first column relates to the balance sheet formats given in Annexes V, VI and VII (weekly financial statements and consolidated annual balance sheet of the Eurosystem). The numbering in the second column relates to the balance sheet format given in Annex VIII (annual balance sheet of a central bank). The items marked with a “+” are consolidated in the Eurosystem's weekly financial statements.

(3) The composition and valuation rules listed in this Annex are considered mandatory for the ECB's accounts and for all material assets and liabilities in NCBs' accounts for Eurosystem purposes, i.e. material to the Eurosystem's operation.

(4) Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem (OJ L 331, 14.12.2011, p. 1).

(5) Decision ECB/2010/23 of 25 November 2010 on the allocation of monetary income of the national central banks of Member States whose currency is the euro (OJ L 35, 9.2.2011, p. 17).

LIABILITIES

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
1	1	Banknotes in circulation (*)	(a) Euro banknotes, plus/minus adjustments relating to the application of the banknote allocation key in accordance with Decision ECB/2010/23 and Decision ECB/2010/29	(a) Nominal value	Mandatory
			(b) Banknotes denominated in national euro area currency units during the cash changeover year	(b) Nominal value	Mandatory
2	2	Liabilities to euro area credit institutions related to monetary policy operations denominated in euro	Items 2.1, 2.2, 2.3 and 2.5: deposits in euro as described in Annex I to Guideline ECB/2011/14		
2.1	2.1	Current accounts (covering the minimum reserve system)	Euro accounts of credit institutions that are included in the list of financial institutions subject to minimum reserves in accordance with the Statute of the ESCB. This item contains primarily accounts used in order to hold minimum reserves	Nominal value	Mandatory

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
2.2	2.2	Deposit facility	Overnight deposits at a pre-specified interest rate (standing facility)	Nominal value	Mandatory
2.3	2.3	Fixed-term deposits	Collection for liquidity absorption purposes owing to fine-tuning operations	Nominal value	Mandatory
2.4	2.4	Fine-tuning reverse operations	Monetary policy-related transactions with the aim of liquidity absorption	Nominal value or repo cost	Mandatory
2.5	2.5	Deposits related to margin calls	Deposits of credit institutions, arising from value decreases of underlying assets regarding credits to these credit institutions	Nominal value	Mandatory
3	3	Other liabilities to euro area credit institutions denominated in euro	Repo transactions in connection with simultaneous reverse repo transactions for the management of securities portfolios under asset item 7 "Securities of euro area residents denominated in euro". Other operations unrelated to Eurosystem monetary policy operations. No current accounts of credit institutions. Any liabilities/deposits stemming from monetary policy operations initiated by a central bank prior to joining the Eurosystem	Nominal value or repo cost	Mandatory
4	4	Debt certificates issued	Only an ECB balance sheet item — for the NCBs a transitional balance sheet item. Debt certificates as described in Annex I to Guideline ECB/2011/14. Discount paper, issued with the aim of liquidity absorption	Cost Any discounts are amortised	Mandatory
5	5	Liabilities to other euro area residents denominated in euro			
5.1	5.1	General government	Current accounts, fixed-term deposits, deposits repayable on demand	Nominal value	Mandatory

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
5.2	5.2	Other liabilities	Current accounts of staff, companies and clients including financial institutions listed as exempt from the obligation to hold minimum reserves (see liability item 2.1 "Current accounts"); fixed-term deposits, deposits repayable on demand	Nominal value	Mandatory
6	6	Liabilities to non-euro area residents denominated in euro	Current accounts, fixed-term deposits, deposits repayable on demand including accounts held for payment purposes and accounts held for reserve management purposes: of other banks, central banks, international/supranational institutions including the European Commission; current accounts of other depositors. Repo transactions in connection with simultaneous reverse repo transactions for the management of securities denominated in euro. Balances of TARGET2 accounts of central banks of Member States whose currency is not the euro	Nominal value or repo cost	Mandatory
7	7	Liabilities to euro area residents denominated in foreign currency	Current accounts, liabilities under repo transactions; usually investment transactions using foreign currency assets or gold	Nominal value, translation at the foreign exchange market rate	Mandatory
8	8	Liabilities to non-euro area residents denominated in foreign currency			
8.1	8.1	Deposits, balances and other liabilities	Current accounts, Liabilities under repo transactions; usually investment transactions using foreign currency assets or gold	Nominal value, translation at the foreign exchange market rate	Mandatory
8.2	8.2	Liabilities arising from the credit facility under ERM II	Borrowing in accordance with the ERM II conditions	Nominal value, translation at the foreign exchange market rate	Mandatory
9	9	Counterpart of special drawing rights allocated by the IMF	SDR-denominated item which shows the amount of SDRs that were originally allocated to the respective country/NCB	Nominal value, translation at the market rate	Mandatory

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
—	10	Intra-Eurosystem liabilities⁺			
—	10.1	Liabilities equivalent to the transfer of foreign reserves⁺	Only an ECB balance sheet item denominated in euro	Nominal value	Mandatory
—	10.2	Liabilities related to the issuance of ECB debt certificates⁺	Only an NCB balance sheet item Intra-Eurosystem liability vis-à-vis the ECB, arising from the issuance of ECB debt certificates	Cost	Mandatory
—	10.3	Net liabilities related to allocation of euro banknotes within the Eurosystem⁺ (*)	Only an NCB balance sheet item. For the NCBs: net liability related to the application of the banknote allocation key, i.e. including the ECB's banknote issue related intra-Eurosystem balances, the compensatory amount and its balancing accounting entry as defined by Decision ECB/2010/23	Nominal value	Mandatory
—	10.4	Other liabilities within the Eurosystem (net)⁺	Net position of the following sub-items: (a) net liabilities arising from balances of TARGET2 accounts and correspondent accounts of NCBs, i.e. the net figure of claims and liabilities — see also asset item 9.5 “Other claims within the Eurosystem (net)” (b) liability due to the difference between monetary income to be pooled and redistributed. Only relevant for the period between booking of monetary income as part of the year-end procedures, and its settlement at the last working day in January each year (c) other intra-Eurosystem liabilities denominated in euro that may arise, including the interim distribution of ECB income (*)	(a) Nominal value (b) Nominal value (c) Nominal value	Mandatory Mandatory Mandatory

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
10	11	Items in course of settlement	Settlement account balances (liabilities), including the float of giro transfers	Nominal value	Mandatory
10	12	Other liabilities			
10	12.1	Off-balance-sheet instruments revaluation differences	Valuation results of foreign exchange forwards, foreign exchange swaps, interest rate swaps (unless daily variation margin applies), forward rate agreements, forward transactions in securities, foreign exchange spot transactions from trade date to settlement date	Net position between forward and spot, at the foreign exchange market rate	Mandatory
10	12.2	Accruals and income collected in advance	Expenditure falling due in a future period but relating to the reporting period. Income received in the reported period but relating to a future period	Nominal value, foreign exchange translated at market rate	Mandatory
10	12.3	Sundry	Taxation suspense accounts. Foreign currency credit or guarantee cover accounts. Repo transactions with credit institutions in connection with simultaneous reverse repo transactions for the management of securities portfolios under asset item 11.3 "Other financial assets". Compulsory deposits other than reserve deposits. Other minor items. Current income (net accumulated profit), profit of the previous year before distribution. Liabilities on a trust basis. Customer gold deposits. Coins in circulation in the event that an NCB is the legal issuer. Banknotes in circulation denominated in national euro area currency units that have ceased to be legal tender but are still in circulation after the cash changeover year, if not shown under liability item "Provisions". Net pension liabilities	Nominal value or (repo) cost Customer gold deposits Market value	Recommended Customer gold deposits: mandatory

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
10	13	Provisions	(a) For pensions, for foreign exchange rate, interest rate, credit and gold price risks, and for other purposes, e.g. expected future expenses, provisions for national euro area currency units that have ceased to be legal tender but are still in circulation after the cash changeover year if these banknotes are not shown under liability item 12.3 "Other liabilities/Sundry" The contributions from NCBs to the ECB in accordance with Article 48.2 of the Statute of the ESCB are consolidated with the respective amounts disclosed under asset item 9.1 "Participating interest in the ECB"^{*)}	(a) Cost/nominal value	Recommended
			(b) For counterparty or credit risks arising from monetary policy operations	(b) Nominal value (in proportion to the subscribed ECB capital key; based on a valuation at year-end by the Governing Council of the ECB)	Mandatory
11	14	Revaluation accounts	Revaluation accounts related to price movements for gold, for every type of euro-denominated securities, for every type of foreign currency-denominated securities, for options; market valuation differences related to interest rate risk derivatives; revaluation accounts related to foreign exchange rate movements for every currency net position held, including foreign exchange swaps/forwards and SDRs The contributions from NCBs in accordance with Article 48.2 of the Statute of the ESCB to the ECB are consolidated with the respective amounts disclosed under asset item 9.1 "Participating interest in the ECB"^{*)}	Revaluation difference between average cost and market value, foreign exchange translated at market rate	Mandatory
12	15	Capital and reserves			
12	15.1	Capital	Paid-up capital — the ECB's capital is consolidated with the capital shares of the NCBs	Nominal value	Mandatory

Balance sheet item ⁽¹⁾			Categorisation of contents of balance sheet items	Valuation principle	Scope of application ⁽²⁾
12	15.2	Reserves	Legal reserves and other reserves. Retained earnings The contributions from NCBs to the ECB in accordance with Article 48.2 of the Statute of the ESCB are consolidated with the respective amounts disclosed under asset item 9.1 "Participating interest in the ECB" ^{*)}	Nominal value	Mandatory
10	16	Profit for the year		Nominal value	Mandatory

(*) Items to be harmonised. See recital 5 of this Guideline.

(1) The numbering in the first column relates to the balance sheet formats given in Annexes V, VI and VII (weekly financial statements and consolidated annual balance sheet of the Eurosystem). The numbering in the second column relates to the balance sheet format given in Annex VIII (annual balance sheet of a central bank). The items marked with a "+" are consolidated in the Eurosystem's weekly financial statements.

(2) The composition and valuation rules listed in this Annex are considered mandatory for the ECB's accounts and for all material assets and liabilities in NCBs' accounts for Eurosystem purposes, i.e. material to the Eurosystem's operation.'

RULES OF PROCEDURE

AMENDMENT 1/2014 OF 15 DECEMBER 2014 TO THE RULES OF PROCEDURE OF THE SUPERVISORY BOARD OF THE EUROPEAN CENTRAL BANK

THE SUPERVISORY BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 26(12) thereof,

Having regard to Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank ⁽²⁾, and in particular Article 13d thereof,

Whereas:

- (1) Article 11.3 fourth sentence of the Rules of Procedure of the Supervisory Board of the European Central Bank ⁽³⁾ (hereinafter, the 'Rules of Procedure') provides for a review of the allocation of the national competent authorities to the four groups established in order to define representation in the Steering Committee of the Supervisory Board, as set out in the Annex to the Rules of Procedure, when a Member State adopts the euro.
- (2) The adoption of the euro by Lithuania on 1 January 2015 ⁽⁴⁾ resulting in the participation of the Lithuanian national competent authority in the Single Supervisory Mechanism means that the Lithuanian national competent authority needs to be included in one of the four groups referred to in recital 1, in accordance with the rules laid down in second and fifth sentences of Article 11.3 of the Rules of Procedure.
- (3) Therefore, the Rules of Procedure should be amended accordingly,

HAS ADOPTED THIS AMENDMENT TO THE RULES OF PROCEDURE:

Article 1

Amendment

The Annex to the Rules of Procedure is replaced by the Annex hereto.

Article 2

Entry into force

This amendment to the Rules of Procedure shall enter into force on 1 January 2015.

Done at Frankfurt am Main, 15 December 2014.

The Chair of the Supervisory Board

Danièle NOUY

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ OJ L 80, 18.3.2004, p. 33.

⁽³⁾ OJ L 182, 21.6.2014, p. 56.

⁽⁴⁾ Council Decision 2014/509/EU of 23 July 2014 on the adoption by Lithuania of the euro on 1 January 2015 (OJ L 228, 31.7.2014, p. 29).

ANNEX

‘ANNEX

ROTATION SYSTEM

For the purposes of Article 11.3, the following rotation system applies, on the basis of the data as at 31 December 2014:

Group	Participating Member State	Number of seats on the Steering Committee
1	DE FR	1
2	ES IT NL	1
3	BE IE EL LU AT PT FI	2
4	EE CY LV LT MT SI SK	1'

CORRIGENDA

Corrigendum to Commission Regulation (EU) No 517/2011 of 25 May 2011 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No 2160/2003 and Commission Regulation (EU) No 200/2010

(Official Journal of the European Union L 138 of 26 May 2011)

On page 46, in recitals 8 and 9, and on page 47, in the third subparagraph of Article 1(1)(b), in Article 3 'Amendment to Regulation (EC) No 2160/2003' and in Article 4 'Amendment to Regulation (EU) No 200/2010':

for: '1,4,[5],12:i:-',

read: '1,4,[5],12:i:-'.

Corrigendum to Commission Regulation (EU) No 1086/2011 of 27 October 2011 amending Annex II to Regulation (EC) No 2160/2003 of the European Parliament and of the Council and Annex I to Commission Regulation (EC) No 2073/2005 as regards *salmonella* in fresh poultry meat

(Official Journal of the European Union L 281 of 28 October 2011)

On page 8, recital 13 and on page 10, in the Annex, point (1), footnote 21 to the table:

for: '1,4,[5],12:i:-',

read: '1,4,[5],12:i:-'.

Corrigendum to Commission Regulation (EU) No 200/2012 of 8 March 2012 concerning a Union target for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in flocks of broilers, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council

(Official Journal of the European Union L 71 of 9 March 2012)

On page 32, in recital 8 (twice) and the second subparagraph of Article 1(1), and on page 35, in the Annex, point 4.2, first subparagraph, point (c):

for: '1,4,[5],12:i:-',

read: '1,4,[5],12:i:-'.

Corrigendum to Commission Regulation (EU) No 1190/2012 of 12 December 2012 concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council

(Official Journal of the European Union L 340 of 13 December 2012)

On page 30, recital 8 and Article 1(1), third subparagraph; on page 33, in the Annex, point 3.3, third paragraph and point 4.1, first paragraph; on page 34, point 4.2.1(c) and point 4.2.3, third paragraph:

for: '1,4,[5],12:i:-',

read: '1,4,[5],12:i:-'.

