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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ Notice concerning the entry into force of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part 1
- ★ Council Decision (EU) 2015/2169 of 1 October 2015 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part 2

REGULATIONS

- ★ Commission Delegated Regulation (EU) 2015/2170 of 24 November 2015 amending Directive 2014/24/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts ⁽¹⁾ 5
- ★ Commission Delegated Regulation (EU) 2015/2171 of 24 November 2015 amending Directive 2014/25/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts ⁽¹⁾ 7
- ★ Commission Delegated Regulation (EU) 2015/2172 of 24 November 2015 amending Directive 2014/23/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts ⁽¹⁾ 9
- ★ Commission Regulation (EU) 2015/2173 of 24 November 2015 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard 11 ⁽¹⁾ 11

⁽¹⁾ Text with EEA relevance

EN

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

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

- ★ **Commission Implementing Regulation (EU) 2015/2174 of 24 November 2015 on the indicative compendium of environmental goods and services, the format for data transmission for European environmental economic accounts and modalities, structure and periodicity of the quality reports pursuant to Regulation (EU) No 691/2011 of the European Parliament and of the Council on European environmental economic accounts ⁽¹⁾** 17

Commission Implementing Regulation (EU) 2015/2175 of 24 November 2015 establishing the standard import values for determining the entry price of certain fruit and vegetables 23

DECISIONS

- ★ **Council Decision (EU) 2015/2176 of 23 November 2015 on the position to be adopted on behalf of the European Union within the European Committee for drawing up standards in the field of inland navigation (CESNI) and at the plenary session of the Central Commission for the Navigation of the Rhine (CCNR) on the adoption of a standard concerning technical requirements for inland waterway vessels** 25
- ★ **Commission Implementing Decision (EU) 2015/2177 of 20 November 2015 exempting exploration for oil and gas in Portugal from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (notified under document C(2015) 8043) ⁽¹⁾** 27

Corrigenda

- ★ **Corrigendum to Commission Delegated Regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 12, 17.1.2015)** 31

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part

The Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽¹⁾, signed in Brussels on 6 October 2010, will enter into force on 13 December 2015.

⁽¹⁾ OJ L 127, 14.5.2011, p. 6.

COUNCIL DECISION (EU) 2015/2169**of 1 October 2015****on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91, 100(2), 167(3) and 207, in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 23 April 2007 the Council authorised the Commission to negotiate a free trade agreement with the Republic of Korea, hereinafter referred to as 'Korea', on behalf of the European Union and its Member States.
- (2) Those negotiations have been concluded and a Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, hereinafter referred to as 'the Agreement', was initialled on 15 October 2009.
- (3) In accordance with Council Decision 2011/265/EU of 16 September 2010 on the signing, on behalf of the European Union, and provisional application of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽¹⁾ the Agreement was signed on behalf of the Union on 6 October 2010, subject to its conclusion at a later date, and applied on a provisional basis.
- (4) The Agreement should be approved.
- (5) The Agreement does not affect the rights of investors of the Member States to benefit from any more favourable treatment provided for in any agreement related to investment to which a Member State and Korea are Parties.
- (6) Pursuant to Article 218(7) of the Treaty, it is appropriate for the Council to authorise the Commission to approve certain limited modifications to the Agreement. The Commission should be authorised to bring about the termination of the entitlement to co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation unless the Commission determines that the entitlement should be continued and this is approved by the Council pursuant to a specific procedure necessitated both by the sensitive nature of this element of the Agreement and by the fact that the Agreement is to be concluded by the Union and its Member States. In addition, the Commission should be authorised to approve modifications to be adopted by the Working Group on Geographical Indications pursuant to Article 10.25 of the Agreement.
- (7) It is appropriate to set out the relevant procedures for the protection of Geographical Indications which are given protection pursuant to the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽²⁾, is hereby approved on behalf of the Union.

⁽¹⁾ OJ L 127, 14.5.2011, p. 1.

⁽²⁾ The Agreement has been published in OJ L 127, 14.5.2011, p. 1, together with the decision on signature.

Article 2

The President of the Council shall designate the person(s) empowered to proceed on behalf of the Union to give the notification referred to in Article 15.10.2 of the Agreement, in order to express the consent of the Union to be bound by the Agreement.

Article 3

1. The Commission shall provide notice to Korea of the Union's intention not to extend the period of entitlement to co-production pursuant to Article 5 of the Protocol on Cultural Cooperation following the procedure set out in Article 5(8) of the said Protocol unless, on a proposal from the Commission, the Council agrees four months before the end of such period of entitlement to continue the entitlement. If the Council agrees to continue the entitlement this provision shall again become applicable at the end of the renewed period of entitlement. For the specific purposes of deciding on the continuation of the period of entitlement, the Council shall act by unanimity.

2. For the purposes of Article 10.25 of the Agreement, modifications of the Agreement through decisions of the Working Group on Geographical Indications shall be approved by the Commission on behalf of the Union. Where interested parties cannot reach agreement following objections relating to a Geographical Indication, the Commission shall adopt such a position on the basis of the procedure laid down in Article 15(2) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾. The period referred to in Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾ shall be set at one month.

Article 4

1. A name protected under Sub-Section C 'Geographical Indications' of Chapter Ten of the Agreement may be used by any operator marketing agricultural products, foodstuffs, wines, aromatised wines or spirits conforming to the corresponding specification.

2. The Member States and the institutions of the Union shall enforce the protection provided for in Articles 10.18 to 10.23 of the Agreement, including at the request of an interested party.

Article 5

The position to be taken by the Union in the Committee on Cultural Cooperation on decisions having legal effects shall be determined by the Council acting in accordance with the Treaty. The representatives of the Union in the Committee on Cultural Cooperation shall comprise senior officials of both the Commission and the Member States who have expertise and experience in cultural matters and practices, and who shall present the position of the Union in accordance with the Treaty.

Article 6

The applicable provision for the purposes of adopting the necessary implementing rules for the application of the rules contained in Annex II(a) of the Protocol concerning the Definition of 'Originating Products' and Methods of Administrative Cooperation of the Agreement is Article 247a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾.

Article 7

The Agreement shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

Article 8

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

Done at Luxembourg, 1 October 2015.

For the Council
The President
É. SCHNEIDER

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2015/2170

of 24 November 2015

amending Directive 2014/24/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC ⁽¹⁾ and in particular Article 6 thereof,

Whereas:

- (1) By Decision 94/800/EC ⁽²⁾ the Council concluded the Agreement on Government Procurement ('the Agreement') ⁽³⁾. The Agreement should be applied to any procurement contract with a value that reaches or exceeds the amounts ('thresholds') set in the Agreement and expressed as special drawing rights.
- (2) One of the objectives of Directive 2014/24/EU is to allow the contracting authorities which apply that Directive to comply at the same time with the obligations laid down in the Agreement. To achieve that, the thresholds laid down by that Directive for public contracts which are also covered by the Agreement should be aligned in order to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set out in the Agreement.
- (3) For reasons of coherence, it is appropriate to align also the thresholds in Directive 2014/24/EU which are not covered by the Agreement. Directive 2014/24/EU should therefore be amended accordingly.
- (4) As the calculation of the revised thresholds is required to be made on the basis of an average value of the euro for a certain period terminating on 31 August and the revised thresholds are to be published in the *Official Journal of the European Union* at the beginning of November, the urgency procedure should be applied when adopting this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Directive 2014/24/EU is amended as follows:

(1) Article 4 is amended as follows:

- (a) in point (a), the amount 'EUR 5 186 000' is replaced by 'EUR 5 225 000';
- (b) in point (b), the amount 'EUR 134 000' is replaced by 'EUR 135 000';
- (c) in point (c), the amount 'EUR 207 000' is replaced by 'EUR 209 000';

⁽¹⁾ OJ L 94, 28.3.2014, p. 65.

⁽²⁾ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

⁽³⁾ The Agreement is a plurilateral agreement within the framework of the World Trade Organisation. The aim of the Agreement is to mutually open government procurement markets among its parties.

(2) the first paragraph of Article 13 is amended as follows:

- (a) in point (a), the amount 'EUR 5 186 000' is replaced by 'EUR 5 225 000';
- (b) in point (b), the amount 'EUR 207 000' is replaced by 'EUR 209 000'.

Article 2

This Regulation shall enter into force on 1 January 2016.

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

Done at Brussels, 24 November 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2015/2171**of 24 November 2015****amending Directive 2014/25/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC ⁽¹⁾, and in particular Article 17 thereof,

Whereas:

- (1) By Decision 94/800/EC ⁽²⁾ the Council concluded the Agreement on Government Procurement ('the Agreement') ⁽³⁾. The Agreement should be applied to any procurement contract with a value that reaches or exceeds the amounts ('thresholds') set in the Agreement and expressed as special drawing rights.
- (2) One of the objectives of Directive 2014/25/EU is to allow the contracting entities which apply that Directive to comply at the same time with the obligations laid down in the Agreement. To achieve that, the thresholds laid down by that Directive for public contracts which are also covered by the Agreement should be aligned in order to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set out in the Agreement.
- (3) For reasons of coherence, it is appropriate to align also the thresholds in Directive 2014/25/EU which are not covered by the Agreement. Directive 2014/25/EU should therefore be amended accordingly.
- (4) As the calculation of the revised thresholds is required to be made on the basis of an average value of the euro for a certain period terminating on 31 August and the revised thresholds are to be published in the *Official Journal of the European Union* at the beginning of November, the urgency procedure should be applied when adopting this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 15 of Directive 2014/25/EU is amended as follows:

- (a) in point (a), the amount 'EUR 414 000' is replaced by 'EUR 418 000',
- (b) in point (b), the amount 'EUR 5 186 000' is replaced by 'EUR 5 225 000'.

Article 2

This Regulation shall enter into force on 1 January 2016.

⁽¹⁾ OJ L 94, 28.3.2014, p. 243.

⁽²⁾ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

⁽³⁾ The Agreement is a plurilateral agreement within the framework of the World Trade Organisation. The aim of the Agreement is to mutually open government procurement markets among its parties.

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

Done at Brussels, 24 November 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2015/2172**of 24 November 2015****amending Directive 2014/23/EU of the European Parliament and of the Council in respect of the application thresholds for the procedures for the award of contracts****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) By Decision 94/800/EC ⁽²⁾ the Council concluded the Agreement on Government Procurement ('the Agreement') ⁽³⁾. The Agreement should be applied to any procurement contract with a value that reaches or exceeds the amounts ('thresholds') set in the Agreement and expressed as special drawing rights.
- (2) One of the objectives of Directive 2014/23/EU is to allow the contracting entities and the contracting authorities which apply that Directive to comply at the same time with the obligations laid down in the Agreement. To achieve that, the thresholds laid down by that Directive for public contracts which are also covered by the Agreement should be aligned in order to ensure that they correspond to the euro equivalents, rounded down to the nearest thousand, of the thresholds set out in the Agreement.
- (3) For reasons of coherence, it is appropriate to align also the thresholds in Directive 2014/23/EU which are not covered by the Agreement. Directive 2014/23/EU should therefore be amended accordingly.
- (4) As the calculation of the revised thresholds is required to be made on the basis of an average value of the euro for a certain period terminating on 31 August and the revised thresholds are to be published in the *Official Journal of the European Union* at the beginning of November, the urgency procedure should be applied when adopting this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 8(1) of Directive 2014/23/EU, the amount 'EUR 5 186 000' is replaced by 'EUR 5 225 000'.

Article 2

This Regulation shall enter into force on 1 January 2016.

⁽¹⁾ OJ L 94, 28.3.2014, p. 1.

⁽²⁾ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

⁽³⁾ The Agreement is a plurilateral agreement within the framework of the World Trade Organisation. The aim of the Agreement is to mutually open government procurement markets among its parties.

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

Done at Brussels, 24 November 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION REGULATION (EU) 2015/2173**of 24 November 2015****amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard 11****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 6 May 2014, the International Accounting Standards Board published amendments to International Financial Reporting Standard (IFRS) 11 *Joint Arrangements* entitled *Accounting for Acquisitions of Interests in Joint Operations*. The amendments provide new guidance on the accounting treatment of an acquisition of an interest in a joint operation in which the activity of the joint operation constitutes a business.
- (3) The amendments to IFRS 11 contain some references to IFRS 9 that at present cannot be applied as IFRS 9 has not been adopted by the Union. Therefore, any reference to IFRS 9 as laid down in the Annex to this Regulation should be read as a reference to International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement*.
- (4) The consultation with the European Financial Reporting Advisory Group confirms that the amendments to IFRS 11 meet the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the Annex to Regulation (EC) No 1126/2008, International Financial Reporting Standard (IFRS) 11 *Joint Arrangements* is amended as set out in the Annex to this Regulation.
2. Any reference to IFRS 9 as laid down in the Annex to this Regulation shall be read as a reference to IAS 39 *Financial Instruments: Recognition and Measurement*.

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

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

Article 2

Each company shall apply the amendments referred to in Article 1, at the latest, as from the commencement date of its first financial year starting on or after 1 January 2016.

Article 3

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

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

Done at Brussels, 24 November 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Accounting for Acquisitions of Interests in Joint Operations

(Amendments to IFRS 11)

Amendments to IFRS 11 *Joint Arrangements*

Paragraph 21A is added. Paragraphs 20–21 have been included for ease of reference but are not amended.

Joint operations**20. A joint operator shall recognise in relation to its interest in a joint operation:**

- (a) its assets, including its share of any assets held jointly;
- (b) its liabilities, including its share of any liabilities incurred jointly;
- (c) its revenue from the sale of its share of the output arising from the joint operation;
- (d) its share of the revenue from the sale of the output by the joint operation; and
- (e) its expenses, including its share of any expenses incurred jointly.

21. A joint operator shall account for the assets, liabilities, revenues and expenses relating to its interest in a joint operation in accordance with the IFRSs applicable to the particular assets, liabilities, revenues and expenses.

21A When an entity acquires an interest in a joint operation in which the activity of the joint operation constitutes a business, as defined in IFRS 3, it shall apply, to the extent of its share in accordance with paragraph 20, all of the principles on business combinations accounting in IFRS 3, and other IFRSs, that do not conflict with the guidance in this IFRS and disclose the information that is required in those IFRSs in relation to business combinations. This applies to the acquisition of both the initial interest and additional interests in a joint operation in which the activity of the joint operation constitutes a business. The accounting for the acquisition of an interest in such a joint operation is specified in paragraphs B33A–B33D.

In Appendix B, the main heading before paragraph B34 is amended and paragraphs B33A–B33D and their related heading are added.

Financial statements of parties to a joint arrangement (paragraphs 21A–22)*Accounting for acquisitions of interests in joint operations*

B33A When an entity acquires an interest in a joint operation in which the activity of the joint operation constitutes a business, as defined in IFRS 3, it shall apply, to the extent of its share in accordance with paragraph 20, all of the principles on business combinations accounting in IFRS 3, and other IFRSs, that do not conflict with the guidance in this IFRS and disclose the information required by those IFRSs in relation to business combinations. The principles on business combinations accounting that do not conflict with the guidance in this IFRS include but are not limited to:

- (a) measuring identifiable assets and liabilities at fair value, other than items for which exceptions are given in IFRS 3 and other IFRSs;
- (b) recognising acquisition-related costs as expenses in the periods in which the costs are incurred and the services are received, with the exception that the costs to issue debt or equity securities are recognised in accordance with IAS 32 *Financial Instruments: Presentation* and IFRS 9 ⁽¹⁾;
- (c) recognising deferred tax assets and deferred tax liabilities that arise from the initial recognition of assets or liabilities, except for deferred tax liabilities that arise from the initial recognition of goodwill, as required by IFRS 3 and IAS 12 *Income Taxes* for business combinations;
- (d) recognising the excess of the consideration transferred over the net of the acquisition-date amounts of the identifiable assets acquired and the liabilities assumed, if any, as goodwill; and
- (e) testing for impairment a cash-generating unit to which goodwill has been allocated at least annually, and whenever there is an indication that the unit may be impaired, as required by IAS 36 *Impairment of Assets* for goodwill acquired in a business combination.

⁽¹⁾ If an entity applies these amendments but does not yet apply IFRS 9, the reference in these amendments to IFRS 9 shall be read as a reference to IAS 39 *Financial Instruments: Recognition and Measurement*.

B33B Paragraphs 21A and B33A also apply to the formation of a joint operation if, and only if, an existing business, as defined in IFRS 3, is contributed to the joint operation on its formation by one of the parties that participate in the joint operation. However, those paragraphs do not apply to the formation of a joint operation if all of the parties that participate in the joint operation only contribute assets or groups of assets that do not constitute businesses to the joint operation on its formation.

B33C A joint operator might increase its interest in a joint operation in which the activity of the joint operation constitutes a business, as defined in IFRS 3, by acquiring an additional interest in the joint operation. In such cases, previously held interests in the joint operation are not remeasured if the joint operator retains joint control.

B33D Paragraphs 21A and B33A–B33C do not apply on the acquisition of an interest in a joint operation when the parties sharing joint control, including the entity acquiring the interest in the joint operation, are under the common control of the same ultimate controlling party or parties both before and after the acquisition, and that control is not transitory.

In Appendix C, paragraph C1AA and paragraph C14A and its related heading are added.

EFFECTIVE DATE

...

C1AA *Accounting for Acquisitions of Interests in Joint Operations* (Amendments to IFRS 11), issued in May 2014, amended the heading after paragraph B33 and added paragraphs 21A, B33A–B33D and C14A and their related headings. An entity shall apply those amendments prospectively in annual periods beginning on or after 1 January 2016. Earlier application is permitted. If an entity applies those amendments in an earlier period it shall disclose that fact.

...

Accounting for acquisitions of interests in joint operations

C14A *Accounting for Acquisitions of Interests in Joint Operations* (Amendments to IFRS 11), issued in May 2014, amended the heading after paragraph B33 and added paragraphs 21A, B33A–B33D, C1AA and their related headings. An entity shall apply those amendments prospectively for acquisitions of interests in joint operations in which the activities of the joint operations constitute businesses, as defined in IFRS 3, for those acquisitions occurring from the beginning of the first period in which it applies those amendments. Consequently, amounts recognised for acquisitions of interests in joint operations occurring in prior periods shall not be adjusted.

Consequential amendments to IFRS 1 *First-time Adoption of International Financial Reporting Standards*

Paragraph 39W is added.

EFFECTIVE DATE

...

39W *Accounting for Acquisitions of Interests in Joint Operations* (Amendments to IFRS 11), issued in May 2014, amended paragraph C5. An entity shall apply that amendment in annual periods beginning on or after 1 January 2016. If an entity applies related amendments to IFRS 11 from *Accounting for Acquisitions of Interests in Joint Operations* (Amendments to IFRS 11) in an earlier period, the amendment to paragraph C5 shall be applied in that earlier period.

In Appendix C, paragraph C5 is amended.

Appendix C**Exemptions for business combinations**

...

- C5 The exemption for past business combinations also applies to past acquisitions of investments in associates, interests in joint ventures and interests in joint operations in which the activity of the joint operation constitutes a business, as defined in IFRS 3. Furthermore, the date selected for paragraph C1 applies equally for all such acquisitions.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2174**of 24 November 2015****on the indicative compendium of environmental goods and services, the format for data transmission for European environmental economic accounts and modalities, structure and periodicity of the quality reports pursuant to Regulation (EU) No 691/2011 of the European Parliament and of the Council on European environmental economic accounts****(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 691/2011 of the European Parliament and of the Council of 6 July 2011 on European environmental economic accounts ⁽¹⁾, and in particular Articles 3(5), 6(2) and 7(3) thereof,

Whereas:

- (1) The European environmental economic accounts as established in Regulation (EU) No 691/2011 have a modular structure, and in particular there is a module for environmental goods and services sector accounts in Annex V.
- (2) The Commission should establish an indicative compendium of environmental goods and services and of the economic activities to be covered by Annex V by 31 December 2015.
- (3) In accordance to Article 6 of Regulation (EU) No 691/2011 Member States should transmit the statistical data in electronic form, in conformity with an appropriate technical format to be laid down by the Commission. The Statistical Data and Metadata Exchange (SDMX) initiative on statistical and technical standards for the exchange and sharing of data and metadata was launched by the Bank of International Settlements, the European Central Bank, the Commission (Eurostat), the International Monetary Fund, the Organisation for Economic Cooperation and Development (OECD), the United Nations and the World Bank. For the exchange of official statistics, SDMX provides statistical and technical standards. A technical format in accordance with these standards should therefore be introduced. Guidance on how to implement these formats in accordance with the requirements of this Regulation should be given to Member States. These guidelines should be established by the Commission (Eurostat) in close cooperation with Member States within the European Statistical System.
- (4) Applying a single standard for the exchange and transmission of data for the statistics covered by Regulation (EU) No 691/2011 would make a positive contribution to business process integration in this statistical area.
- (5) In accordance to Article 7(2) of Regulation (EU) No 691/2011 Member States should provide the Commission (Eurostat) with a report on the quality of the data transmitted.
- (6) In accordance to Article 7(3) of Regulation (EU) No 691/2011 the Commission should adopt implementing acts with a view to defining the modalities, structure and periodicity of the quality reports.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Indicative compendium of environmental goods and services and of economic activities**

The indicative compendium of environmental goods and services and of economic activities is established as set out in the Annex.

⁽¹⁾ OJ L 192, 22.7.2011, p. 1.

*Article 2***Technical format for data transmissions**

Member States shall provide data required by the Regulation (EU) No 691/2011 using SDMX compliant data formats. The Commission (Eurostat) shall make available detailed documentation in relation to these formats.

*Article 3***Modalities, structure and periodicity of the quality reports**

1. Every year Member States shall provide the Commission (Eurostat) with reports on the quality of the data transmitted under Regulation (EU) No 691/2011 with the same transmission deadlines as stipulated in Annexes I to VI, section 4 of that Regulation.
2. The quality reports shall include the following information:
 - (a) the quality of sources used for data transmitted under Regulation (EU) No 691/2011;
 - (b) the adjustments made to basic statistics to make the result align to the concepts and definitions of the accounts or for other methodological reasons;
 - (c) the estimation and compilation of data which cannot be derived directly from statistical sources;
 - (d) the breaks in time series resulting from changes in methodology or data sources and the steps taken to ensure time series are as comparable as possible.

Article 4

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, 24 November 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

In order to facilitate a uniform application of Annex V to Regulation (EU) No 691/2011, this Annex establishes an indicative compendium of environmental goods and services and of economic activities. The compendium consists of a list of environmental goods and services and a list of economic activities.

The goods, services and economic activities should be nationally relevant. The following aspects may be used to assess national relevance:

- (a) the production of the goods and services and the economic activities are statistically significant in the country,
- (b) data sources to estimate the goods, services and economic activities exist.

The indicative compendium is not exhaustive and it does not exclude the existence of other nationally relevant environmental goods, services and economic activities.

Environmental goods and services

- Organic agricultural (plant and livestock) and aquaculture products and supporting services;
- Fuel wood; other wood when complying with sustainability measures;
- Rehabilitation of mining sites services;
- Drainage water capturing services to prevent groundwater contamination;
- Electric and more resource-efficient transport equipment; exhaust pipes and their parts (also particles filters);
- Instruments, machinery and apparatus for analysis of pollutants, filtering or purifying gases and liquid;
- Septic tanks, perforated buckets and similar articles used to filter water at the entrance to drains; pumps for use in wastewater treatment, vehicles for wastewater collection and sewer cleaning, activated carbon for water-filtering purposes;
- Tubes and pipes for wastewater treatment plants as well as for water management;
- Sacks and bags for replacing plastic bags; bins, boxes, containers and other receptacles for storing and transporting waste; boards, blocks and similar articles of vegetable fibre, straw or wood waste, agglomerated with mineral binders; incinerators and machinery for waste treatment (e.g. used at landfilling sites);
- Lead containers for radioactive waste;
- Maintenance and repair services for reducing water losses;
- Specific equipment for the production of energy from renewable sources: e.g. storage systems for biogas, wood-fired boilers and other appliances, solar panels and photovoltaic cells, hydraulic turbines and water wheels, wind turbines;
- Biofuels;
- Charcoal when complying with sustainability measures;
- Goods for thermal and noise insulation mainly in buildings: e.g. cork products, windows with three insulating layers, insulation materials for facades, roofs and other elements of buildings such as materials made of glass fibre, rock wool, cellulose, polymers and polyurethane and others;
- Reconditioned wooden containers;
- Specific equipment produced for environmental protection and resource management products: e.g. thermostats for heating and cooling regulation, thermostatic valves, heat pumps, condensing boilers, solar water heaters;

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- Discharge lamps as low pressure lamps (e.g. compact fluorescent lamps) and the most efficient domestic appliances;
 - Reclaimed rubber in primary forms or in plates, sheets or strip, bio-plastic sacks and bags;
 - Machinery for metal recovery;
 - Maintenance, repair and installation services for environmental goods;
 - Electricity, gas and heat from renewable sources;
 - Desalinated water and collected rainwater; maintenance of water mains for reducing water losses;
 - Sewerage services: e.g. collecting, transporting and treating wastewater, operation, maintenance and cleaning of sewer systems;
 - Collection, treatment and disposal services for non-hazardous and hazardous waste;
 - Nuclear waste treatment and disposal services;
 - Materials recovery services; secondary raw materials;
 - Remediation and clean-up services for soil, groundwater and surface water;
 - Remediation and clean-up services for air;
 - Other remediation and specialised pollution control services;
 - Low energy consumption and passive buildings and energetic refurbishment of existing buildings;
 - Maintenance and repair of water networks services;
 - Wastewater and waste treatment plants and sewage systems;
 - Renewable energy power plants including installation of photovoltaic panels;
 - Noise insulation works;
 - Engineering and architectural services for low energy consumption and passive buildings and energetic refurbishment of existing buildings;
 - Engineering and architectural services for renewable energy projects;
 - Engineering and architectural services for water, wastewater and waste management projects;
 - Technical inspection services of road transport vehicles regarding air emissions;
 - R & D services for environmental protection and resource management;
 - Environmental consulting services;
 - Public litter and collection of garbage from the street;
 - Administration services for environmental protection and resource management purposes;
 - Training services in environmental protection and resource management;
 - Environmental services furnished by membership organisation;
 - Nature reserve services including wildlife preservation.

Environmental economic activities

- Organic agricultural (plant and livestock) and aquaculture activities and supporting services;
- Fuel wood; other wood production when complying with sustainability measures;
- Rehabilitation of mining sites;
- Capturing drainage water to prevent groundwater contamination;
- Manufacture of electric and more resource-efficient transport equipment; exhaust pipes and their parts (also particles filters);
- Manufacture of instruments, machinery and apparatus for analysis of pollutants, filtering or purifying gases and liquid;
- Manufacture of septic tanks, perforated buckets and similar articles used to filter water at the entrance to drains; pumps for use in wastewater treatment, vehicles for wastewater collection and sewer cleaning, activated carbon for water-filtering purposes;
- Manufacture of tubes and pipes for wastewater treatment plants as well as for water management;
- Manufacture of sacks and bags for replacing plastic bags; bins, boxes, containers and other receptacles for storing and transporting waste; boards, blocks and similar articles of vegetable fibre, straw or wood waste, agglomerated with mineral binders; incinerators and machinery for waste treatment (e.g. used at landfilling sites);
- Manufacture of lead containers for radioactive waste;
- Maintenance and repair activities for reducing water losses;
- Manufacture of specific equipment for the production of energy from renewable sources: e.g. storage systems for biogas, wood-fired boilers and other appliances, solar panels and photovoltaic cells, hydraulic turbines and water wheels, wind turbines;
- Manufacture of biofuels;
- Manufacture of charcoal complying with sustainability measures;
- Manufacture of goods for thermal and noise insulation mainly in buildings: e.g. cork products, windows with three insulating layers, insulation materials for facades, roofs and other elements of buildings such as materials made of glass fibre, rock wool, cellulose, polymers and polyurethane and others;
- Reconditioning of wooden containers;
- Manufacture of specific equipment produced for environmental protection and resource management: e.g. thermostats for heating and cooling regulation, thermostatic valves, heat pumps, condensing boilers, solar water heaters;
- Manufacture of discharge lamps as low pressure lamps (e.g. compact fluorescent lamps) and the most efficient domestic appliances;
- Manufacture of reclaimed rubber in primary forms or in plates, sheets or strip, bio-plastic sacks and bags;
- Manufacture of machinery for metal recovery;
- Maintenance, repair and installation activities for environmental goods;
- Production of electricity, gas and heat from renewable sources;
- Desalination of water and collection of rainwater; maintenance of water mains for reducing water losses;

- Provision of sewerage services: e.g. collecting, transporting and treating wastewater, operation, maintenance and cleaning of sewer systems;
 - Provision of collection, treatment and disposal services for non-hazardous and hazardous waste;
 - Provision of nuclear waste treatment and disposal services;
 - Provision of materials recovery services; production of secondary raw materials;
 - Provision of remediation and clean-up services for soil, groundwater and surface water;
 - Provision of remediation and clean-up services for air;
 - Provision of other remediation and specialised pollution control services;
 - Constructing low energy consumption and passive buildings and energetic refurbishment of existing buildings;
 - Maintenance and repair of water networks;
 - Construction work for wastewater and waste treatment plants and sewage systems;
 - Construction work for renewable energy power plants including installation of photovoltaic panels;
 - Noise insulation works;
 - Engineering and architectural services for low energy consumption and passive buildings and energetic refurbishment of existing buildings;
 - Engineering and architectural services for renewable energy projects;
 - Engineering and architectural services for water, wastewater and waste management projects;
 - Technical inspection services of road transport vehicles regarding air emissions;
 - R & D services for environmental protection and resource management;
 - Environmental consulting services;
 - Public litter and collection of garbage from the street;
 - Administration services for environmental protection and resource management purposes;
 - Training services in environmental protection and resource management;
 - Environmental services furnished by membership organisation;
 - Nature reserve services including wildlife preservation.
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COMMISSION IMPLEMENTING REGULATION (EU) 2015/2175**of 24 November 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, 24 November 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	AL	66,1
	MA	79,5
	ZZ	72,8
0707 00 05	AL	78,9
	MA	96,4
	TR	143,5
	ZZ	106,3
0709 93 10	AL	59,9
	MA	69,6
	TR	167,3
	ZZ	98,9
0805 20 10	MA	87,2
	ZZ	87,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	TR	60,8
	ZZ	60,8
0805 50 10	AR	61,0
	TR	97,2
	ZZ	79,1
0808 10 80	AU	166,8
	CA	159,7
	CL	85,1
	MK	36,9
	NZ	173,1
	US	107,0
	ZA	166,3
	ZZ	127,8
	BA	88,1
0808 30 90	CN	64,0
	TR	124,6
	ZZ	92,2

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

DECISIONS

COUNCIL DECISION (EU) 2015/2176

of 23 November 2015

on the position to be adopted on behalf of the European Union within the European Committee for drawing up standards in the field of inland navigation (CESNI) and at the plenary session of the Central Commission for the Navigation of the Rhine (CCNR) on the adoption of a standard concerning technical requirements for inland waterway vessels

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the Union in the sector of inland navigation should aim to ensure uniformity in the development of technical requirements for inland waterway vessels to be applied in the Union.
- (2) The European Committee for drawing up standards in the field of inland navigation (CESNI) was established on 3 June 2015 in the framework of the Central Commission for the Navigation of the Rhine (CCNR) in order to develop technical standards for inland waterways in various fields, in particular as regards vessels, information technology and crew.
- (3) CESNI is expected to adopt a standard concerning technical requirements for inland waterway vessels ('the standard') at its meeting on 26 November 2015. The plenary session of the CCNR will amend its legislative framework, the Rhine Vessel Inspection Regulations ('the RVIR'), to refer to the standard, making it mandatory in the framework of the application of the Revised Convention for Rhine navigation.
- (4) The standard lays down the uniform technical requirements necessary to ensure the safety of inland waterway vessels. It includes provisions regarding shipbuilding, fitting out and equipment for inland waterway vessels, special provisions regarding specific categories of vessels such as passenger vessels, pushed convoys and container vessels, provisions regarding vessel identification, model of certificates and register, transitional provisions as well as instructions for the application of the standard. Directive 2006/87/EC of the European Parliament and of the Council ⁽¹⁾ ensures that Union inland navigation certificates are issued for crafts which are compliant with the technical requirements for inland waterway vessels laid down in Annex II to that Directive for which equivalence with the technical requirements laid down in the application of the Revised Convention for Rhine Navigation has been established. Moreover, on 10 September 2013, the Commission adopted a proposal for a Directive of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Directive 2006/87/EC, which takes into account the developments arising in this field from the work of international organisations, in particular that of the CCNR in the application of technical requirements for inland waterway vessels.
- (5) Therefore, the standard concerning technical requirements for inland waterway vessels to be adopted under the auspices of the CCNR will affect Directive 2006/87/EC, as well as the foreseeable development of the *acquis* in this area.

⁽¹⁾ Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1).

- (6) The revision of the RVIR, which is intended to facilitate a direct reference to the standard, has not been finalised within the CCNR. However, in order to take account of the standard even before the direct reference can be included in the RVIR, it is appropriate to include individual provisions, including those relating to liquefied natural gas (LNG), in the RVIR.
- (7) The Union is neither a member of the CCNR nor of CESNI. It is therefore necessary for the Council to authorise the Member States to express the position of the Union as regards the standard within those bodies,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the European Union at the meeting of CESNI on 26 November 2015 shall be to agree to the adoption of the European Standard laying down Technical Requirements for Inland Navigation vessels (ES-TRIN) 2015/1.
2. The position to be adopted on behalf of the European Union at the meeting of the plenary session of the CCNR on 3 December 2015 shall be to support only those individual amendments to the RVIR that are in conformity with the ES-TRIN 2015/1. This includes, in particular, the adoption of provisions on LNG vessel propulsion.

The position to be adopted on behalf of the European Union at a subsequent meeting of the plenary session of the CCNR shall be to agree to amend the RVIR with a view to referring to the ES-TRIN 2015/1 once the necessary revision of the RVIR has taken place.

Article 2

1. The position of the Union as set out in Article 1(1) shall be expressed by the Member States, acting jointly in the interest of the Union.
2. The position of the Union as set out in Article 1(2) shall be expressed by the Member States which are members of the CCNR, acting jointly in the interest of the Union.

Article 3

Minor changes to the positions set out in Article 1 may be agreed upon without further decision of the Council.

Article 4

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

Done at Brussels, 23 November 2015.

For the Council
The President
C. MEISCH

COMMISSION IMPLEMENTING DECISION (EU) 2015/2177**of 20 November 2015****exempting exploration for oil and gas in Portugal from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors***(notified under document C(2015) 8043)***(Only the Portuguese text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 30(4),

Having regard to the request submitted by Eni Portugal BV by email of 28 July 2015,

Whereas:

I. FACTS

- (1) On 28 July 2015, Eni Portugal BV (hereinafter ‘the applicant’) submitted an formal request to the Commission pursuant to Article 35(1) of Directive 2014/25/EU of the European Parliament and of the Council ⁽²⁾, transmitted to the Commission by e-mail. The request was accompanied by a reasoned and substantiated position of 16 July 2015 adopted by Portuguese Competition Authority. Pursuant to the request, the Commission was asked to establish that the provisions of Directive 2004/17/EC, and the procurement procedures provided for in that Directive, did not apply to exploration for oil and gas in Portugal.

II. LEGAL FRAMEWORK

- (2) Until repealed, Directive 2004/17/EC applies to the award of contracts for the pursuit of exploration for oil and gas, unless this activity is exempted pursuant to Article 30 of that Directive. From a procedural point of view, however, the provisions of the Directive 2014/25/EU apply to requests for exemption, as the material conditions for granting an exemption remain unchanged as to substance.
- (3) According to Article 30 of Directive 2004/17/EC, contracts intended to enable one of the activities referred to in Articles 3 to 7 of that Directive are not subject to that Directive if, in the Member State in which it is performed, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access to a given market is deemed to be unrestricted if the Member State has implemented and applied Union legislation relating to the opening of the relevant market as set out in Annex XI to Directive 2004/17/EC. Pursuant to Point G of that Annex XI, Directive 94/22/EC of the European Parliament and of the Council ⁽³⁾ constitutes relevant Union legislation relating to the opening of the market for the exploration for and extraction of oil or gas.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.

⁽²⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁽³⁾ Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons (OJ L 164, 30.6.1994, p. 3).

- (4) Portugal has transposed ⁽⁴⁾ and applied Directive 94/22/EC. Therefore, access to the market for the exploration for and extraction of oil or gas is deemed not to be restricted in accordance with the first subparagraph of Article 30(3) of Directive 2004/17/EC.
- (5) For the purposes of assessing whether the relevant activity is subject to direct competition in the markets concerned by this Decision, the market share of the main players and the degree of concentration of those markets is to be taken into account.
- (6) This Decision is without prejudice to the application of the rules on competition.

III. ASSESSMENT

- (7) The applicant is a contracting entity in the meaning of Article 2(2)(b) of Directive 2004/17/EC. The applicant cannot be qualified as contracting authority or a public undertaking. It pursues an activity exploration for oil and gas referred to in Article 7 of Directive 2004/17/EC. In addition, it operates on the basis of special rights acquired on 18 December 2014. These special rights comprise of concession contracts for blocks 'Santola', 'Lavagante' and 'Gamba' acquired by the applicant. The initial concession contracts were signed on 1 February 2007 between the Portuguese State on the one hand, and the Harman Resources Ltd (80 %) Petróleos de Portugal — Petrogal, SA (Galp) (10 %) and Partex Oil and Gas (Holdings) Corporation (10 %) on the other. On 25 March 2010, the concession contracts were assigned to Petrobras International Baspetro BV (50 %) and Petróleos de Portugal — Petrogal SA (Galp) (50 %). Finally, by amendment executed on 18 December 2014, said contractual positions were assigned to Eni Portugal BV (70 %) and Petróleos de Portugal — Petrogal, SA (Galp) (30 %).
- (8) The request is limited to the exploration for oil and gas. Eni Portugal BV and Petróleos de Portugal — Petrogal, SA (Galp) form together a joint-venture whereby the applicant is the project operator and is in charge of exploration, appraisal, development, production and decommissioning operations. The applicant is responsible for all procurement required for the development of the exploration for and production activities.
- (9) According to established Commission practice ⁽⁵⁾, exploration for oil and natural gas should be regarded as constituting one relevant product market, since it is not possible from the outset to determine whether the exploration will result in finding oil or natural gas. Moreover, in accordance with such practice, the geographical scope of that market should be considered to be worldwide. Given that there is no indication that the definition of the geographical scope of the market would be different in this case, it should be maintained for the purposes of this Decision.
- (10) The market shares of operators active in exploration can be measured by reference to three variables: capital expenditure, proven reserves and expected production.
- (11) The use of capital expenditure to measure the market shares of operators on the exploration market has, however, been considered unsuitable because of the extent of the differences between the required levels of investment that may be necessary in different geographic areas. The two other parameters, namely proven reserves and expected production, have typically been applied to assess the market shares of economic operators within this sector ⁽⁶⁾.

⁽⁴⁾ Decree-Law no. 109/94, of April 26th (Decreto-Lei n.º 109/94 de 26 de Abril); Ministerial Order no. 790/94, September 5th (Portaria n.º 790/94 de 5 de Setembro).

⁽⁵⁾ See Commission Decision 2004/284/EC of 29 September 1999 declaring a concentration compatible with the common market and the EEA Agreement (Case No IV/M/1383 — Exxon/Mobil) (OJ L 103, 7.4.2004, p. 1); Commission Decision 2001/45/EC of 29 September 1999 declaring concentration to be compatible with the common market and the EEA Agreement (Case No IV M.1532 — BP Amoco/Arco) (OJ L 18, 19.1.2001, p. 1); Commission Decision of 6 March 2002 declaring a concentration compatible with the common market (Case No COMP/M.2681 CONOCO/PHILIPS PETROLEUM) (OJ C 79, 3.4.2002, p. 12); Commission Decision of 20 November 2003 declaring concentration to be compatible with the common market (Case No COMP/M.3294 EXXONMOBIL/BEB) (OJ C 8, 13.1.2004, p. 7); Commission Decision of 3 May 2007 declaring concentration to be compatible with the common market (Case No COMP/M.4545 STATOIL/HYDRO) (OJ C 130, 12.6.2007, p. 8); Commission Decision of 19 November 2007 declaring a concentration to be compatible with the common market (Case No COMP/M/4934 — KAZMUNAIGAZ/ROMPETROL) (OJ C 31, 5.2.2008, p. 2).

⁽⁶⁾ See in particular points 25 and 27 of Decision 2004/284/EC and subsequent decisions, inter alia, Case No COMP/M.4545 — STATOIL/HYDRO.

- (12) In 2014, the worldwide proven and probable oil and gas reserves amounted to 209 934 817 170 standard cubic meters oil equivalent ⁽⁷⁾. In Portugal, the total number of exploration concessions amounted to 12 ⁽⁸⁾ and the number of exploration wells drilled in Portugal was 0 in 2014. There are currently no proven oil and gas reserves in Portugal.
- (13) The applicant has not produced any oil or natural gas in Portugal or any other country in the past 3 financial years; however the estimation is such that exploration can lead to a possible discovery of hydrocarbon of around [... standard cubic meters] in the deep water exploration areas of Portugal where permits were assigned ⁽⁹⁾. In 2014, the parent company Eni SpA had a share of 0,9 % in the worldwide market for proved and probable reserves for exploration of oil and gas ⁽¹⁰⁾.
- (14) The exploration market is not highly concentrated. Apart from state-owned companies, the market is characterised by the presence of majors, such as ExxonMobil, Chevron, Shell, BP and Total. In 2014, on the worldwide market for the exploration of oil and natural gas, the majors hold respective shares of 2,8 % (ExxonMobil), 2,1 % (Chevron), 1,9 % (Shell), 1,4 % (BP), 1,4 % (Total). As regards the state-owned companies, their respective shares in the worldwide market for the exploration of oil and natural gas are 13,6 % (Saudi Aramco), 7,4 % (Gazprom), 4,8 % (Qatar Petroleum), 4,7 % (National Iranian Oil Company) ⁽¹¹⁾. Eni SpA holds a market share of 0,9 % of the worldwide proven and probable oil and natural gas reserves. As regards the EU territory, Eni SpA holds a market share of 4 % of proven and probable oil and natural gas reserves ⁽¹²⁾. These elements are an indication of direct exposure to competition.

IV. CONCLUSION

- (15) On the basis of the considerations set out in recitals 1 to 14, the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in Portugal.
- (16) Since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable the exploration for oil and natural gas to be carried out in Portugal, nor when design contests are organised for the pursuit of such an activity in that geographic area.
- (17) This Decision is based on the legal and factual situation as of 29 July 2015 to 11 September 2015 as it appears from the information submitted by the applicant. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met.
- (18) The measures provided for in this Decision are in accordance with the opinion of the Advisory Committee for Public Contracts,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable the exploration for oil and natural gas to be carried out in Portugal.

⁽⁷⁾ According to Wood Mackenzie quoted by the applicant.

⁽⁸⁾ These include the deep offshore blocks, the Barreiro concession and, in addition, the 'Caranguejo' and 'Sapateira' blocks in the Algarve Basin, which have already been granted but the concession contracts have not yet been signed.

⁽⁹⁾ [... confidential information].

⁽¹⁰⁾ See footnote 7.

⁽¹¹⁾ See footnote 7.

⁽¹²⁾ See footnote 7.

Article 2

This Decision is addressed to Portuguese Republic.

Done at Brussels, 20 November 2015.

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

CORRIGENDA**Corrigendum to Commission Delegated Regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)**

(Official Journal of the European Union L 12 of 17 January 2015)

On page 1, in the table of contents, Title I:

for: 'VALUATION AND RISK-BASED CAPITAL REQUIREMENTS (PILLAR I), ENHANCED GOVERNANCE (PILLAR II) AND INCREASED TRANSPARENCY (PILLAR III)',

read: 'VALUATION AND RISK-BASED CAPITAL REQUIREMENTS (PILLAR I), ENHANCED GOVERNANCE (PILLAR II) AND INCREASED TRANSPARENCY (PILLAR III)';

on page 3, in the table of contents, Section 5, Chapter IX of Title I:

for: 'Renumeration',

read: 'Remuneration';

on page 20, in Title I:

for: 'VALUATION AND RISK-BASED CAPITAL REQUIREMENTS (PILLAR I), ENHANCED GOVERNANCE (PILLAR II) AND INCREASED TRANSPARENCY (PILLAR III)',

read: 'VALUATION AND RISK-BASED CAPITAL REQUIREMENTS (PILLAR I), ENHANCED GOVERNANCE (PILLAR II) AND INCREASED TRANSPARENCY (PILLAR III)';

on page 170, in Article 272(5):

for: 'estate',

read: 'state';

on page 173, in the title of Section 5:

for: 'Renumeration',

read: 'Remuneration'.

