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EN

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I

(Legislative acts)

DECISIONS

DECISION (EU) 2016/1112 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 6 July 2016
providing further macro-financial assistance to Tunisia

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 212(2) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Relations between the European Union (the 'Union') and the Republic of Tunisia ('Tunisia') are developing within the framework of the European Neighbourhood Policy (ENP). Tunisia was the first Mediterranean country to sign an Association Agreement ⁽²⁾ with the Union on 17 July 1995, which came into force on 1 March 1998. Under that Agreement, Tunisia finalised dismantling tariffs for industrial products in 2008, thus making Tunisia the first Mediterranean country to enter into a free trade area with the Union. Bilateral political dialogue and economic cooperation have been further developed within the framework of ENP Action Plans, of which the most recent covers the period 2013-2017.
- (2) Following the revolution and the ousting of President Ben Ali on 14 January 2011, Tunisia's first free and democratic elections took place on 23 October 2011. A new constitution was adopted in January 2014, and parliamentary and presidential elections took place in the fourth quarter of 2014, with concerted efforts by the main political actors to proceed with reforms towards a fully-fledged democratic system.
- (3) In parallel with this political transition process, the Tunisian economy has suffered from continuous domestic unrest, regional instability (including the impact of the Libyan conflict) and a weak international environment (particularly in the Union, Tunisia's main trading partner). Those unfavourable developments have substantially weakened its growth performance, as well as its fiscal and balance of payments positions.
- (4) Since 2011, following the political changes in Tunisia, the Union has expressed its unequivocal commitment to supporting Tunisia in its economic and political reform process. It has increased its financial support to Tunisia, strengthening its cooperation in many fields, including civil society, the electoral system, security, regional development and social and economic reforms. In addition, it has offered the possibility of concluding a Deep and Comprehensive Free Trade Area agreement, the negotiations of which were launched in October 2014.

⁽¹⁾ Position of the European Parliament of 8 June 2016 (not yet published in the Official Journal) and decision of the Council of 24 June 2016.

⁽²⁾ Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part (OJ L 278, 21.10.2005, p. 9).

- (5) In this difficult economic and financial context, the Tunisian authorities and the International Monetary Fund (IMF) agreed, in April 2013, on a non-precautionary three-year Stand-By Arrangement of SDR 1 146 million (Special Drawing Rights) in support of Tunisia's economic adjustment and reform programme, which was subsequently extended until the end of 2015. In total, USD 1 500 million has been drawn under the IMF programme following six completed programme reviews.
- (6) In August 2013, Tunisia requested complementary macro-financial assistance from the Union. In response, a decision providing macro-financial assistance of EUR 300 million in the form of loans was adopted in May 2014 (MFA-I) ⁽¹⁾. The Memorandum of Understanding defining the policy conditions related to MFA-I entered into force on 4 March 2015. Following implementation of the agreed policy measures, the first tranche of MFA-I was disbursed on 7 May 2015 and the second tranche was disbursed on 1 December 2015.
- (7) The Union made EUR 524 million available in grants for the period 2011-2015 under its regular cooperation programme in support of Tunisia's economic and political reform agenda. In addition, EUR 155 million was allocated to Tunisia in 2011-2013 under the 'Support for partnership, reforms and inclusive growth' (SPRING) programme and EUR 122 million was allocated in 2014-2015 under the 'Umbrella' programme. Moreover, the European Investment Bank has provided loans in the amount of EUR 1 338 million since 2011.
- (8) In 2015, Tunisia's economy was significantly affected by several terrorist attacks which targeted key economic industries, such as tourism and transport, and aimed to disrupt the consolidation of its political transition. Those attacks have had a negative impact on the economic recovery Tunisia was beginning to experience. Together with persistent regional instability (including the reactivation of the Libyan conflict), and the still weak European and global economic environment, those events have exacerbated Tunisia's already weak balance of payments and fiscal positions. This has resulted in significant external and budgetary financial gaps.
- (9) In this challenging context, the Union has reaffirmed its commitment to supporting Tunisia in its economic and political reform process. In particular, this commitment was expressed in the conclusions of the meeting of the Association Council between the Union and Tunisia in March 2015, as well as following the June 2015 terrorist attack near Sousse, in the Council conclusions of 20 July 2015. Political and economic support from the Union for Tunisia's reform process is consistent with the Union's policy towards the Southern Mediterranean region, as set out in the context of the ENP.
- (10) Following the deterioration in Tunisia's economic and financial situation, the IMF and Tunisia have started discussions on a successor arrangement of a larger amount, which could take the form of an Extended Financing Facility ('IMF programme') and would likely cover a period of four years, starting in the spring of 2016. The new IMF programme would aim to alleviate Tunisia's short-term balance of payment difficulties while encouraging the implementation of strong adjustment measures.
- (11) In August 2015, in view of the worsening economic situation and outlook, Tunisia requested additional macro-financial assistance from the Union.
- (12) Given that Tunisia is a country covered by the ENP, it should be considered to be eligible to receive macro-financial assistance from the Union.
- (13) The Union's macro-financial assistance should be an exceptional financial instrument of untied and undesignated balance-of-payments support, which aims to address the beneficiary's immediate external financing needs and should underpin the implementation of a policy programme containing strong immediate adjustment and structural reform measures designed to improve the balance-of-payments position in the short term.
- (14) Given that there is still a significant residual external financing gap in Tunisia's balance of payments over and above the resources provided by the IMF and other multilateral institutions, the Union's macro-financial assistance to be provided to Tunisia is, in the current exceptional circumstances, considered to be an appropriate response to Tunisia's request to support economic stabilisation, in conjunction with the IMF programme. The Union's macro-financial assistance would support the economic stabilisation and the structural reform agenda of Tunisia, supplementing resources made available under the IMF's financial arrangement.

⁽¹⁾ Decision No 534/2014/EU of 15 May 2014 of the European Parliament and of the Council providing macro-financial assistance to the Republic of Tunisia (OJ L 151, 21.5.2014, p. 9).

- (15) The Union's macro-financial assistance should aim to support the restoration of a sustainable external financing situation for Tunisia thereby supporting its economic and social development.
- (16) The determination of the amount of the Union's macro-financial assistance is based on a complete quantitative assessment of Tunisia's residual external financing needs, and takes into account its capacity to finance itself with its own resources, in particular the international reserves at its disposal. The Union's macro-financial assistance should complement the programmes and resources provided by the IMF and the World Bank. The determination of the amount of the assistance also takes into account expected financial contributions from multilateral donors and the need to ensure fair burden sharing between the Union and other donors, as well as the pre-existing deployment of the Union's other external financing instruments in Tunisia and the added value of the overall Union involvement.
- (17) The Commission should ensure that the Union's macro-financial assistance is legally and substantially in line with the key principles, objectives and measures taken within the different areas of external action and other relevant Union policies.
- (18) The Union's macro-financial assistance should support the Union's external policy towards Tunisia. Commission services and the European External Action Service should work closely together throughout the macro-financial assistance operation in order to coordinate, and to ensure the consistency of, Union external policy.
- (19) The Union's macro-financial assistance should support Tunisia's commitment to values shared with the Union, including democracy, the rule of law, good governance, respect for human rights, sustainable development and poverty reduction, as well as its commitment to the principles of open, rule-based and fair trade.
- (20) A pre-condition for granting the Union's macro-financial assistance should be that Tunisia respects effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantees respect for human rights. In addition, the specific objectives of the Union's macro-financial assistance should strengthen the efficiency, transparency and accountability of the public finance management systems in Tunisia and should promote structural reforms aimed at supporting sustainable and inclusive growth, employment creation and fiscal consolidation. Both the fulfilment of the preconditions and the achievement of those objectives should be regularly monitored by the Commission and the European External Action Service.
- (21) In order to ensure that the Union's financial interests linked to the Union's macro-financial assistance are protected efficiently, Tunisia should take appropriate measures relating to the prevention of, and fight against, fraud, corruption and any other irregularities linked to the assistance. In addition, provision should be made for the Commission to carry out checks and for the Court of Auditors to carry out audits.
- (22) Release of the Union's macro-financial assistance is without prejudice to the powers of the European Parliament and of the Council, as budgetary authority.
- (23) The amounts of the provision required for macro-financial assistance should be consistent with the budgetary appropriations provided for in the multi-annual financial framework.
- (24) The Union's macro-financial assistance should be managed by the Commission. In order to ensure that the European Parliament and the Council are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to the assistance and provide them with relevant documents.
- (25) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (26) The Union's macro-financial assistance should be subject to economic policy conditions, to be laid down in a Memorandum of Understanding. In order to ensure uniform conditions of implementation and for reasons of

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

efficiency, the Commission should be empowered to negotiate such conditions with the Tunisian authorities under the supervision of the committee of representatives of the Member States in accordance with Regulation (EU) No 182/2011. Under that Regulation, the advisory procedure should, as a general rule, apply in all cases other than as provided for in that Regulation. Considering the potentially important impact of assistance of more than EUR 90 million, it is appropriate that the examination procedure be used for operations above that threshold. Considering the amount of the Union's macro-financial assistance to Tunisia, the examination procedure should apply to the adoption of the Memorandum of Understanding, and to any reduction, suspension or cancellation of the assistance,

HAVE ADOPTED THIS DECISION:

Article 1

1. The Union shall make macro-financial assistance of a maximum amount of EUR 500 million available to Tunisia (the 'Union's macro-financial assistance'), with a view to supporting Tunisia's economic stabilisation and a substantive reform agenda. The assistance shall contribute to covering Tunisia's balance of payments needs as identified in the IMF programme.
2. The full amount of the Union's macro-financial assistance shall be provided to Tunisia in the form of loans. The Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions and to on-lend them to Tunisia. The loans shall have a maximum average maturity of 15 years.
3. The release of the Union's macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and Tunisia, and with the key principles and objectives of economic reforms set out in the EU-Tunisia Association Agreement. The Commission shall regularly inform the European Parliament and the Council of developments regarding the Union's macro-financial assistance, including disbursements thereof, and shall provide those institutions with the relevant documents in due time.
4. The Union's macro-financial assistance shall be made available for a period of two and a half years, starting from the first day after the entry into force of the Memorandum of Understanding referred to in Article 3(1).
5. If the financing needs of Tunisia decrease fundamentally during the period of the disbursement of the Union's macro-financial assistance compared to the initial projections, the Commission, acting in accordance with the examination procedure referred to in Article 7(2), shall reduce the amount of the assistance or suspend or cancel it.

Article 2

1. A pre-condition for granting the Union's macro-financial assistance shall be that Tunisia respects effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantees respect for human rights.
2. The Commission and the European External Action Service shall monitor the fulfilment of the pre-condition set out in paragraph 1 throughout the life-cycle of the Union's macro-financial assistance.
3. Paragraphs 1 and 2 shall be applied in accordance with Council Decision 2010/427/EU ⁽¹⁾.

Article 3

1. The Commission, in accordance with the examination procedure referred to in Article 7(2), shall agree with the Tunisian authorities on clearly defined economic policy and financial conditions, focusing on structural reforms and

⁽¹⁾ Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

sound public finances, to which the Union's macro-financial assistance is to be subject, to be laid down in a Memorandum of Understanding (the 'Memorandum of Understanding'). The economic policy and financial conditions set out in the Memorandum of Understanding shall be consistent with the agreements or understandings referred to in Article 1(3), including the macroeconomic adjustment and structural reform programmes implemented by Tunisia with the support of the IMF.

2. The conditions referred to in paragraph 1 shall aim, in particular, at enhancing the efficiency, transparency and accountability of the public finance management systems in Tunisia, including for the use of the Union's macro-financial assistance. Progress in mutual market opening, the development of rules-based and fair trade and other priorities in the context of the Union's external policy shall also be duly taken into account when designing the policy measures. Progress in attaining those objectives shall be regularly monitored by the Commission.

3. The detailed financial terms of the Union's macro-financial assistance shall be laid down in a Loan Agreement to be concluded between the Commission and the Tunisian authorities.

4. The Commission shall verify at regular intervals that the conditions referred to in Article 4(3) continue to be met, including whether the economic policies of Tunisia are in accordance with the objectives of the Union's macro-financial assistance. In so doing, the Commission shall coordinate closely with the IMF and the World Bank, and, where necessary, with the European Parliament and the Council.

Article 4

1. Subject to the conditions in paragraph 3, the Union's macro-financial assistance shall be made available by the Commission in three loan instalments. The size of each instalment shall be laid down in the Memorandum of Understanding.

2. The amounts of the Union's macro-financial assistance shall be provisioned, where required, in accordance with Council Regulation (EC, Euratom) No 480/2009 ⁽¹⁾.

3. The Commission shall decide on the release of the instalments subject to the fulfilment of all of the following conditions:

- (a) the pre-condition set out in Article 2;
- (b) a continuous satisfactory track record of implementing a policy programme that contains strong adjustment and structural reform measures supported by a non-precautionary IMF credit arrangement; and
- (c) the satisfactory implementation of the economic policy and financial conditions agreed in the Memorandum of Understanding.

The release of the second instalment shall not, in principle, take place earlier than three months after the release of the first instalment. The release of the third instalment shall not, in principle, take place earlier than three months after the release of the second instalment.

4. Where the conditions in the first subparagraph of paragraph 3 are continuously not met, the Commission shall temporarily suspend or cancel the disbursement of the Union's macro-financial assistance. In such cases, it shall inform the European Parliament and the Council of the reasons for that suspension or cancellation.

5. The Union's macro-financial assistance shall be disbursed to the Central Bank of Tunisia. Subject to the provisions to be agreed in the Memorandum of Understanding, including a confirmation of residual budgetary financing needs, the Union funds may be transferred to the Tunisian Ministry of Finance as the final beneficiary.

⁽¹⁾ Council Regulation (EC, Euratom) No 480/2009 of 25 May 2009 establishing a Guarantee Fund for external actions (OJ L 145, 10.6.2009, p. 10).

Article 5

1. The borrowing and lending operations related to the Union's macro-financial assistance shall be carried out in euro using the same value date and shall not involve the Union in the transformation of maturities, or expose it to any exchange or interest rate risk, or to any other commercial risk.
2. Where the circumstances permit, and if Tunisia so requests, the Commission may take the steps necessary to ensure that an early repayment clause is included in the loan terms and conditions and that it is matched by a corresponding clause in the terms and conditions of the borrowing operations.
3. Where circumstances permit an improvement of the interest rate of the loan and if Tunisia so requests, the Commission may decide to refinance all or part of its initial borrowings or may restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with paragraphs 1 and 4 and shall not have the effect of extending the maturity of the borrowings concerned or of increasing the amount of capital outstanding at the date of the refinancing or restructuring.
4. All costs incurred by the Union which relate to the borrowing and lending operations under this Decision shall be borne by Tunisia.
5. The Commission shall inform the European Parliament and the Council of developments in the operations referred to in paragraphs 2 and 3.

Article 6

1. The Union's macro-financial assistance shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾ and Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾.
2. The implementation of the Union's macro-financial assistance shall be under direct management.
3. The Loan Agreement referred to in Article 3(3) shall contain provisions:
 - (a) ensuring that Tunisia regularly checks that financing provided from the budget of the Union has been properly used, takes appropriate measures to prevent irregularities and fraud, and, if necessary, takes legal action to recover any funds provided under this Decision that have been misappropriated;
 - (b) ensuring the protection of the Union's financial interests, in particular providing for specific measures in relation to the prevention of, and fight against, fraud, corruption and any other irregularities affecting the Union's macro-financial assistance, in accordance with Council Regulation (EC, Euratom) No 2988/95 ⁽³⁾, Council Regulation (Euratom, EC) No 2185/96 ⁽⁴⁾ and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁵⁾;
 - (c) expressly authorising the Commission, including the European Anti-Fraud Office, or its representatives to carry out checks, including on-the-spot checks and inspections;

⁽¹⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

⁽³⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽⁴⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission to protect the Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽⁵⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

- (d) expressly authorising the Commission and the Court of Auditors to perform audits during and after the availability period of the Union's macro-financial assistance, including document audits and on-the-spot audits, such as operational assessments;
 - (e) ensuring that the Union is entitled to early repayment of the loan where it has been established that, in relation to the management of the Union's macro-financial assistance, Tunisia has engaged in any act of fraud or corruption or any other illegal activity detrimental to the financial interests of the Union.
4. Before the implementation of the Union's macro-financial assistance, the Commission shall assess, by means of an operational assessment, the soundness of Tunisia's financial arrangements, the administrative procedures, and the internal and external control mechanisms which are relevant to the assistance.

Article 7

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 8

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Decision in the preceding year, including an evaluation of that implementation. The report shall:
 - (a) examine the progress made in implementing the Union's macro-financial assistance;
 - (b) assess the economic situation and prospects of Tunisia, as well as progress made in implementing the policy measures referred to in Article 3(1);
 - (c) indicate the connection between the economic policy conditions laid down in the Memorandum of Understanding, Tunisia's ongoing economic and fiscal performance and the Commission's decisions to release the instalments of the Union's macro-financial assistance.
2. Not later than two years after the expiry of the availability period referred to in Article 1(4), the Commission shall submit to the European Parliament and to the Council an *ex-post* evaluation report, assessing the results and efficiency of the completed Union's macro-financial assistance and the extent to which it has contributed to the aims of the assistance.

Article 9

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

Done at Strasbourg, 6 July 2016.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

I. KORČOK

Joint statement by the European Parliament and the Council

This Decision is adopted without prejudice to the Joint Declaration adopted together with Decision 778/2013/EU of the European Parliament and of the Council providing further macro-financial assistance to Georgia, which is to continue to be regarded as the basis for all decisions of the European Parliament and Council providing macro-financial assistance to third countries and territories.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1113

of 8 July 2016

amending for the 248th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaeda organisations

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 5 July 2016, the Sanctions Committee of the United Nations Security Council (UNSC) decided to remove one natural person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

⁽¹⁾ OJ L 139 29.5.2002, p. 9.

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

Done at Brussels, 8 July 2016.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

ANNEX

In Annex I to Regulation (EC) No 881/2002, the following entry under the heading 'Natural persons' is deleted:

'Daniel Martin Schneider (alias Abdullah). Address: Petrusstrasse 32, 66125 Herrensohr, Dudweiler, Saarbrücken, Germany (previous address). Date of birth: 9.9.1985. Place of birth: Neunkirchen (Saar), Germany. Nationality: German. Passport No: 2318047793 (German passport issued in Friedrichsthal, Germany, on 17.5.2006, expired on 16.5.2011). National identification No: 2318229333 (German Federal Identity Card issued in Friedrichsthal, Germany, on 17.5.2006, expired on 16.5.2011 (reported lost)). Other information: (a) Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group; (b) Associated with Fritz Martin Gelowicz and Adem Yilmaz; (c) In detention in Germany as of June 2010. Date of designation referred to in Article 2a (4) (b): 27.10.2008.'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1114**of 8 July 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 8 July 2016.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	164,5
	ZZ	164,5
0709 93 10	TR	134,9
	ZZ	134,9
0805 50 10	AR	171,5
	BO	220,8
	CL	193,0
	TR	134,0
	UY	128,6
	ZA	167,1
	ZZ	169,2
	AR	152,5
	BR	97,0
0808 10 80	CL	123,0
	CN	116,1
	NZ	146,7
	US	149,7
	UY	67,7
	ZA	107,7
	ZZ	120,1
	AR	123,6
	CL	118,4
	CN	91,9
0808 30 90	ZA	129,4
	ZZ	115,8
0809 10 00	TR	212,6
	ZZ	212,6
0809 29 00	TR	325,9
	ZZ	325,9
0809 30 10, 0809 30 90	TR	126,8
	ZZ	126,8

⁽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

COMMISSION IMPLEMENTING DECISION (EU) 2016/1115

of 7 July 2016

establishing a format for the submission by the European Chemicals Agency of information concerning the operation of the procedures pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals

(notified under document C(2016) 4141)

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 22(1) thereof,

After consulting the Committee established by Article 133 of 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 ⁽²⁾,

Whereas:

- (1) In order to ensure that the information provided to the Commission by the European Chemicals Agency pursuant to Article 22(1) of Regulation (EU) No 649/2012 is of an appropriate standard, it is necessary to lay down a format to be used for the provision of such information.
- (2) In order to ensure clarity and consistency, it is appropriate to specify the exact reporting periods for the provision of information by the European Chemicals Agency pursuant to Article 22(1) of Regulation (EU) No 649/2012,

HAS ADOPTED THIS DECISION:

Article 1

The format for submission by the European Chemicals Agency of the information required under Article 22(1) of Regulation (EU) No 649/2012 shall be a questionnaire as set out in the Annex to this Decision.

Article 2

The first report to be submitted by the European Chemicals Agency pursuant to Article 22(1) of Regulation (EU) No 649/2012 shall cover the calendar years 2014, 2015 and 2016.

⁽¹⁾ OJ L 201, 27.7.2012, p. 60.

⁽²⁾ OJ L 396, 30.12.2006, p. 1.

Article 3

This Decision is addressed to the European Chemicals Agency.

Done at Brussels, 7 July 2016.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

QUESTIONNAIRE

Section 1: General information

1. Organisation:

2. Period covered:

Section 2: Information on the Agency

3. Human resources in the Agency (in full-time equivalent) working on the implementation of Regulation (EU) No 649/2012:

4. Is the Agency staff also involved in the implementation of other EU/international chemical legislation/conventions/programme?

☐ Yes

☐ No

If yes, please specify which legislation and describe the issues/topics on which staff working on Regulation (EU) No 649/2012 collaborates with staff working on a different piece of legislation:

5. Is the Agency's workload in line with the predicted workload?

☐ Yes

☐ No

Additional information:

Section 3: Support to exporters and importers

6. In which of the following activities has the Agency set support and communication activities in place in order to assist exporters and importers in complying with Regulation (EU) No 649/2012?

☐ Technical and scientific guidance

☐ Web pages on Regulation (EU) No 649/2012 and ePIC

☐ Internal messaging in ePIC

☐ Awareness-raising campaign

☐ Social media

☐ Visits to operator establishments

☐ Support to individual companies

☐ Workshops, webinars and similar training events

☐ IT user manuals, factsheets and Q&A (frequently asked questions)

☐ Others

Additional information, if relevant:

-
7. Does the Agency consider that these support and communication activities have improved the compliance of exporters and importers with Regulation (EU) No 649/2012?

- ☐ Yes
☐ No

Additional information:

-
8. What is the nature of the most frequent requests for support coming from exporters and importers?

- ☐ Chemicals subject to Regulation (EU) No 649/2012 and other scope-related issues
☐ Activation of reference identification numbers and related issues (e.g. export notification and explicit consent/waiver)
☐ Article 10 of Regulation (EU) No 649/2012 on reporting
☐ ePIC functionality
☐ Others

Additional information, including the number of requests received and an indication on the distribution of the questions across the topics.

9. Estimated amount of time spent on such support (expressed as a percentage of the total number of full-time equivalents):

Section 4: Coordination between the Agency and the Commission/Designated National Authorities (DNAs)

10. Is the Agency satisfied with the collaboration with the Commission?

- ☐ Yes
☐ No

Additional information:

11. Areas in which collaboration could be improved, if any:

- ☐ Article 6(1)(e) of Regulation (EU) No 649/2012 on drafting of decision guidance documents and other technical documents related to the implementation of the Convention
☐ Preparation of notifications of final regulatory action to the Rotterdam Convention Secretariat
☐ Technical preparation of meetings (e.g. DNA meetings, Chemical Review Committee, Conference of the Parties to the Rotterdam Convention)
☐ Participation in meetings (e.g. DNA meetings, Chemical Review Committee, Conference of the Parties to the Rotterdam Convention)
☐ Article 6(1)(f) of Regulation (EU) No 649/2012 on providing technical and scientific input in order to ensure the effective implementation of the Regulation
☐ Providing technical and scientific input and assistance concerning the Commission's role as common DNA of the Union
☐ Article 8(5) of Regulation (EU) No 649/2012 on export in case of an emergency situation
☐ Article 14(6) and (7) of Regulation (EU) No 649/2012 on decisions that the export can proceed in the absence of an explicit consent
☐ Article 20 of Regulation (EU) No 649/2012 on exchange of information
☐ Article 21 of Regulation (EU) No 649/2012 on technical assistance

☐ Article 23 of Regulation (EU) No 649/2012 on updating annexes

☐ Other

Additional information:

12. Is the Agency satisfied with the collaboration with the DNAs?

☐ Yes

☐ No

Additional information:

13. Areas in which collaboration could be improved, if any:

☐ Article 8(2) of Regulation (EU) No 649/2012 on the timelines for processing export notifications

☐ Article 8(5) of Regulation (EU) No 649/2012 on export in case of an emergency situation

☐ Article 8(7) of Regulation (EU) No 649/2012 on additional information to provide on request concerning the exported chemical

☐ Article 14(6) of Regulation (EU) No 649/2012 on substances that cannot be exported unless certain conditions are fulfilled

☐ Article 14(6) and (7) of Regulation (EU) No 649/2012 on decisions that the export can proceed in the absence of an explicit consent

☐ Other

Additional information:

Section 5: Export notifications forwarded to Parties to the Rotterdam Convention and other countries

14. How many export notifications and related tasks have been handled by the Agency per year (i.e. the year in which the export took place)?

	Year 1	Year 2	Year 3
Export notifications handled			
Export notifications forwarded			
Acknowledgments of receipt received			
Export notifications forwarded a second time			

15. What are the information requirements requested in the export notification form where exporters experience difficulties?

☐ Identity of the substance to be exported

☐ Identity of the mixture to be exported

☐ Identity of the article to be exported

☐ Information concerning the export

☐ Information on hazards and/or risks of the chemical and precautionary measures

☐ Summary of physico-chemical, toxicological and ecotoxicological properties

☐ Information on final regulatory action taken by the exporting country

☐ Additional information provided by the exporting Party

☐ Availability of CN codes or CUS codes

- ☐ Intended use of the chemical in the importing country
☐ Summary of and reasons for the final regulatory action and date of entry into force
☐ Others
☐ Not applicable

Additional information:

16. What is the number of export notifications sent back to the exporter for the reasons mentioned in the table below?

Reason/Number per year	Year 1	Year 2	Year 3
Re-submission requested			
Rejected			

If relevant, please specify the most frequent reasons for requesting re-submission and for rejecting export notifications:

Reasons for requesting re-submission of export notifications:

Reasons for rejecting export notifications:

17. Has the Agency noticed that the DNAs have experienced difficulties in coping with the time frame to forward the notifications to the Agency?

- ☐ Yes
☐ No

If yes, how many notifications were received late during the reporting period and which percentage of the total number of notifications did this represent:

Year	No of late notifications	% of total yearly No of notifications
Year 1		
Year 2		
Year 3		
Total		

Additional information:

18. Has the Agency experienced difficulties in coping with the time frame to process and forward the notifications to the importing (non-EU) country?

- ☐ Yes
☐ No

If yes, how many notifications were processed late during the reporting period and which percentage of the total number of notifications did this represent:

Year	No of late notifications	% of total yearly No of notifications
Year 1		
Year 2		
Year 3		
Total		

Article 8(5) of Regulation (EU) No 649/2012 on export of a chemical relating to an emergency situation

19. Has the Agency experienced difficulties when processing an export notification submitted under the emergency situation procedure?

- ☐ Yes
☐ No
☐ No such export notification has been received

Additional information:

Article 8(7) of Regulation (EU) No 649/2012 on available additional information concerning exported chemicals

20. Was the Agency requested to provide additional information concerning exported chemicals to importing parties and other countries?

- ☐ Yes
☐ No

If yes, which type of information was requested:

Section 6: Export notifications from Parties and other countries

Article 9(1) of Regulation (EU) No 649/2012 on export notifications received by the Agency from the authorities in non-EU countries

21. How many export notifications did the Agency receive from non-EU countries in the reporting period?

	Notifications received
Year 1	
Year 2	
Year 3	
Total	

22. How many acknowledgements of receipt for export notifications from non-EU countries did the Agency send in the reporting period?

	Acknowledgements sent
Year 1	
Year 2	
Year 3	
Total	

Section 7: Information on export and import of chemicals

Reporting of Designated National Authorities to the Agency (Article 10 of Regulation (EU) No 649/2012)

23. Did the Agency experience delays from Designated National Authorities in receiving the aggregated national reports on the quantity of the chemicals (as a substance and as contained in mixtures or in articles) exported to/imported from each Party or other country during the preceding year?

- ☐ Yes
☐ No

Additional information:

24. Other than the above, did the Agency experience any issues with the Designated National Authorities in relation to the reporting exercise under Article 10 of Regulation (EU) No 649/2012?

☐ Yes

☐ No

Additional information:

Section 8: Obligations in relation to export of chemicals other than export notification

Substances that cannot be exported unless certain conditions are fulfilled (Article 14(6) of Regulation (EU) No 649/2012)

25. Has the Agency experienced difficulties in relation to its involvement in the explicit consent procedure (e.g. in validating the explicit consent metadata inserted by the Designated National Authorities)?

☐ Yes

☐ No

Additional information:

DNA's decision (in consultation with the Commission supported by the Agency) that export may proceed 60 days after an explicit consent request was made (Article 14(7) of Regulation (EU) No 649/2012)

26. Has the Agency experienced difficulties in processing export notifications subject to the procedure under Article 14(7) of Regulation (EU) No 649/2012 or in assisting the Commission in the implementation of this provision?

☐ Yes

☐ No

Additional information:

Explicit consent reminders (Article 14(6) of Regulation (EU) No 649/2012)

27. How many reminders for explicit consent requests did the Agency send pursuant to the third subparagraph of Article 14(6) of Regulation (EU) No 649/2012?

	First reminder	Second reminder
Year 1		
Year 2		
Year 3		
Total		

Validity of explicit consent (Article 14(8) of Regulation (EU) no 649/2012)

28. Has the Agency experienced difficulties in handling cases where the export was allowed to proceed pursuant to the second subparagraph pending a reply to a new request for explicit consent pursuant to point (a) of the first subparagraph of Article 14(8) of Regulation (EU) No 649/2012?

☐ Yes

☐ No

Additional information:

Section 9: Exchange of information

Exchange of information

29. In the context of Article 20(1) of Regulation (EU) No 649/2012, has the Agency received any requests for providing information of scientific, technical, economic or legal nature concerning the chemicals subject to the regulation?

☐ Yes

☐ No

If yes, please provide more details:

Reporting on the information transmitted

30. Did the Agency experience difficulties in collecting the information from the Commission and the Member States on the data transmitted?

☐ Yes

☐ No

If yes, please provide more details:

31. Did the Agency experience difficulties in compiling the report in accordance with Article 20(4) of Regulation (EU) No 649/2012?

☐ Yes

☐ No

If yes, please provide more details:

Section 10: Technical assistance

Cooperation

32. Has the Agency been involved in cooperation with developing countries, countries with economies in transition and non-governmental organisations to improve the proper management of chemicals and in particular to implement the Rotterdam Convention?

☐ Yes

☐ No

If yes, what type of cooperation:

☐ Technical information

☐ Technical expertise for the identification of hazardous pesticides formulations

☐ Technical expertise for the preparation of notifications to the Secretariat

☐ Other

If other, please specify.

Please specify the countries benefiting from this cooperation:

Additional information:

Capacity building

33. Has the Agency participated in projects/international activities related to capacity building in chemicals management or supported non-governmental organisations involved in such activities?

☐ Yes

☐ No

If yes, please describe these activities:

Section 11: Enforcement of Regulation (EU) No 649/2012

Role of the Forum for Exchange of Information on Enforcement ('the Forum'; Article 18(2) of Regulation (EU) No 649/2012)

34. Is there a regular exchange of information within the Forum on coordination of enforcement of Regulation (EU) No 649/2012?

☐ Yes

☐ No

If yes, please specify the topics discussed.

Additional information:

35. Has the Forum coordinated enforcement of Regulation (EU) No 649/2012 in this reporting period?

☐ Yes

☐ No

If yes, please describe these activities:

36. How could the activities of the Forum with regard to the enforcement of Regulation (EU) No 649/2012 be improved?

Involvement of the Agency in enforcement activities

37. Has the Agency been involved in any enforcement activities related to Regulation (EU) No 649/2012 other than those handled by the Forum?

☐ Yes

☐ No

If yes, please describe these activities:

Section 12: IT-related aspects

The electronic system for implementation of Regulation (EU) No 649/2012 (ePIC)

38. How many external organisations/users are using ePIC for each of the following categories?

— Industry:

— Designated National Authorities:

— Commission:

— Customs:

— National Enforcement Authorities:

39. Which new/enhanced features have been included in ePIC compared to the previous reporting period:

Additional information:

40. How many releases of the system were delivered in the reporting period:

41. Please provide details on the availability of the system to external users:

42. High-level summary of feedback received by the Agency on ePIC from the following user communities:

— Industry:

— Designated National Authorities:

- Commission:
- National Enforcement Authorities:
- Customs:

43. Please specify identified improvement needs for the IT system, if any:

Data dissemination

44. Which data originating from implementation of Regulation (EU) No 649/2012 is made publicly available on the Agency's website:

45. Which new data has been made available since the last reporting period:

46. Has the Agency received any feedback on the data relating to implementation of Regulation (EU) No 649/2012 made available on its website?

☐ Yes

☐ No

If yes, please provide a high-level summary of this feedback:

Section 13: Additional comments

47. Please provide any other information or comments related to the operation of the procedures under Regulation (EU) No 649/2012 that you consider relevant within the framework of the reporting pursuant to Article 22 of that Regulation.

COMMISSION IMPLEMENTING DECISION (EU) 2016/1116**of 7 July 2016****amending Implementing Decisions (EU) 2015/1500 and (EU) 2015/2055 on protective measures and vaccination against lumpy skin disease in Greece***(notified under document C(2016) 4157)***(Only the Greek 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 Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

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

Having regard to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease ⁽³⁾, and in particular Article 19(1)(a), (3)(a) and (6) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽⁴⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Directive 92/119/EEC lays down general control measures to be applied in the event of an outbreak of certain animal diseases, including lumpy skin disease (LSD). These control measures include the establishment of protection and surveillance zones around the infected holding, and they also provide for emergency vaccination in the case of an outbreak of LSD as a supplement to other control measures.
- (2) Commission Implementing Decision (EU) 2015/1500 ⁽⁵⁾ lays down certain protective animal health control measures in relation to the confirmation of LSD in Greece in 2015. Those measures include the establishment of a restricted zone which is described in the Annex to that Implementing Decision, and which includes the area where LSD was confirmed and the protection and surveillance zones established by Greece in accordance with Directive 92/119/EEC.
- (3) Following the evolution of the epidemiological situation in Greece, the Commission adopted Commission Implementing Decision (EU) 2015/2055 ⁽⁶⁾. That Implementing Decision provides that Greece may carry out emergency vaccination of bovine animals kept on holdings in the vaccination zone as set out in Annex I to that Implementing Decision. Implementing Decision (EU) 2015/2055 also amended certain provisions of Implementing Decision (EU) 2015/1500, including the extension of the restricted zone in order to include not only the regional unit of Evros, but also the regional units of Rodopi, Xanthi, Kavala and Limnos.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁴⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁵⁾ Commission Implementing Decision (EU) 2015/1500 of 7 September 2015 concerning certain protective measures against lumpy skin disease in Greece and repealing Implementing Decision (EU) 2015/1423 (OJ L 234, 8.9.2015, p. 19).

⁽⁶⁾ Commission Implementing Decision (EU) 2015/2055 of 10 November 2015 laying down the conditions for setting out the programme for emergency vaccination of bovine animals against lumpy skin disease in Greece and amending Implementing Decision (EU) 2015/1500 (OJ L 300, 17.11.2015, p. 31).

- (4) Implementing Decisions (EU) 2015/1500 and (EU) 2015/2055 were subsequently amended by Commission Implementing Decision (EU) 2015/2311 ⁽¹⁾, in order to extend the restricted zone set out in the Annex to Implementing Decision (EU) 2015/1500, as well as the vaccination zone as set out in Annex I to Implementing Decision (EU) 2015/2055, following confirmation of additional outbreaks of LSD in the regional unit of Chalkidiki and the receipt of notification from Greece of its intention to carry out vaccination against LSD in the regional units of Chalkidiki, Thessaloniki, Kilkis, Drama and Serres.
- (5) Since 6 April 2016, Greece has reported new outbreaks of LSD in the restricted zone as set out in the Annex to Implementing Decision (EU) 2015/1500 and the vaccination zone as set out in Annex I to Implementing Decision (EU) 2015/2055. There have also been reported outbreaks of LSD in Bulgaria since 13 April 2016, and the former Yugoslav Republic of Macedonia since 21 April 2016.
- (6) On 9 May 2016, Greece notified the Commission of its intention to carry out vaccination in the regional units of Pella, Pieria and Imathia as a precautionary measure due to the development of the epidemiological situation as regards LSD. On 1 June 2016 Greece notified again the Commission on their intention to carry out vaccination in the regional units of Florina, Kastoria and Kozani as an additional precautionary measure due to the development of the epidemiological situation as regards LSD. Such vaccination requires an enlargement of the restricted zone set out in the Annex to Implementing Decision (EU) 2015/1500, as well as the vaccination zone as set out in Annex I to Implementing Decision (EU) 2015/2055. Implementing Decisions (EU) 2015/1500 and (EU) 2015/2055 should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2015/1500 is replaced by the text set out in Annex I to this Decision

Article 2

Annex I to Implementing Decision (EU) 2015/2055 is replaced by the text set out in Annex II to this Decision

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 7 July 2016

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

⁽¹⁾ Commission Implementing Decision (EU) 2015/2311 of 9 December 2015 amending Implementing Decisions (EU) 2015/1500 and (EU) 2015/2055 on protective measures against lumpy skin disease in Greece (OJ L 326, 11.12.2015, p. 65).

ANNEX I

The Annex to Implementing Decision (EU) 2015/1500 is replaced by the following:

'ANNEX

RESTRICTED ZONES REFERRED TO IN ARTICLE 2(b)

The following regional units in Greece:

- Regional unit of Evros
 - Regional unit of Rodopi
 - Regional unit of Xanthi
 - Regional unit of Kavala
 - Regional unit of Drama
 - Regional unit of Serres
 - Regional unit of Chalkidiki
 - Regional unit of Thessaloniki
 - Regional unit of Kilikis
 - Regional unit of Pieria
 - Regional unit of Imathia
 - Regional unit of Pella
 - Regional unit of Florina
 - Regional unit of Kastoria
 - Regional unit of Kozani
 - Regional unit of Limnos.'
-

ANNEX II

Annex I to Implementing Decision (EU) 2015/2055 is replaced by the following:

'ANNEX I

The following regional units in Greece:

- Regional unit of Evros
 - Regional unit of Rodopi
 - Regional unit of Xanthi
 - Regional unit of Kavala
 - Regional unit of Drama
 - Regional unit of Serres
 - Regional unit of Chalkidiki
 - Regional unit of Thessaloniki
 - Regional unit of Kilikis
 - Regional unit of Pieria
 - Regional unit of Imathia
 - Regional unit of Pella
 - Regional unit of Florina
 - Regional unit of Kastoria
 - Regional unit of Kozani
 - Regional unit of Limnos.'
-

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2016/1117

of 15 June 2016

addressed to the Hellenic Republic on the specific urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No 604/2013 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The transfer of applicants for international protection to Greece under Regulation (EU) No 604/2013 of the European Parliament and of the Council ⁽¹⁾ (hereafter 'the Dublin Regulation') has been suspended by Member States since 2011, following two judgments of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) ⁽²⁾, which identified systemic deficiencies in the Greek asylum system, resulting in a violation of the fundamental rights of applicants for international protection transferred from other Member States to Greece under Council Regulation (EC) No 343/2003 ⁽³⁾.
- (2) The Committee of Ministers of the Council of Europe has been monitoring the situation in Greece since the *M.S.S v Belgium and Greece* judgment was delivered by the ECHR in 2011 on the basis of progress reports that Greece is required to submit as evidence of the execution of the judgment and on the basis of evidence from NGOs and international organisations, such as the United Nations High Commissioner for Refugees (UNHCR), that operate in Greece.
- (3) As a result of the *M.S.S* judgment, Greece committed to reform its asylum system on the basis of a national Action Plan on Asylum Reform and Migration Management presented in August 2010 and revised in January 2013 (hereafter 'the Greek Action Plan'). On 1 October 2015, Greece presented a Roadmap on the implementation of the relocation scheme and hotspots to the Council, which also outlines certain actions to be prioritised to ensure implementation of agreed pending actions in the areas of asylum and reception.
- (4) On 10 February 2016, the Commission addressed a first Recommendation to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under the Dublin Regulation (hereafter 'the first Recommendation') ⁽⁴⁾. Since then, there have been continuous efforts by the Greek authorities, assisted by the Commission, the European Asylum Support Office (EASO), Member States and international and non-governmental organisations (NGOs) to improve the functioning of the asylum system, in line with the seven points included in the first Recommendation.
- (5) At the same time, the current refugee and migration crisis continued to place enormous pressure on the Greek asylum and migration systems as the main country of first entry from the Eastern Mediterranean route. Between January and April 2016, over 157 000 irregular migrants arrived in Greece. Shortly after the Commission's first

⁽¹⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

⁽²⁾ *M.S.S v Belgium and Greece* (No 30696/09) and *NS v Secretary of State for the Home Department* C-411/10 & C-493/10.

⁽³⁾ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50, 25.2.2003, p. 1).

⁽⁴⁾ Commission Recommendation of 10 February 2016 addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No 604/2013 — C(2016) 871 final.

Recommendation to Greece, the EU-Turkey Statement was agreed by the members of the European Council and the Turkish Government in March 2016. This statement has led to a significant decrease in the number of daily arrivals to Greece from Turkey, while also placing new responsibilities on the Greek authorities ⁽¹⁾. The situation in Greece has also changed significantly following the de facto closure of the Western Balkans route, preventing third-country nationals from onward travel. As a result, approximately 57 000 irregular third-country nationals have become stranded in Greece ⁽²⁾. At the same time, the relocation schemes have not yet been implemented satisfactorily by all Member States and have yet to relieve Greece of the pressure it is facing ⁽³⁾.

- (6) A so-called 'pre-registration' exercise began on 8 June 2016 to register all those irregular third-country nationals who want to apply for asylum that arrived in Greece before 20 March 2016 and who did not make any attempt to regularise their stay with the Greek authorities ⁽⁴⁾. This exercise is being carried out by the Greek Asylum Service in conjunction with EASO, the UNHCR and the International Organisation for Migration (IOM), and supported by the Commission. The pre-registration exercise will last until end of July 2016 and it is anticipated that some 50 000 applicants are likely to claim asylum who will need to be accommodated in Greece to await a decision on their case as regards either eligibility for international protection, relocation or transfer to another Member State under the Dublin Regulation. The exercise is expected to facilitate and accelerate the formal lodging of applications for international protection with the Asylum Service, once they have already been pre-registered. Under the new system, teams will be deployed to the open reception facilities to register people directly in the accommodation sites. At the end of the registration, people will be issued with an official asylum seeker card. The expected increase in asylum applications following this pre-registration exercise is likely to result in at least four times as many asylum applications in 2016 as were received in 2015 (13 197).
- (7) Despite the continuous steps taken by Greece to improve its asylum system, there is still a significant amount of progress that needs to be achieved before a resumption of transfers under the Dublin Regulation can be envisaged. This recommendation sets out the main areas of reform that still need to be addressed by the Greek authorities to remedy the shortfalls in the asylum system as outlined in the judgments referred to above, to ensure the reinstatement of transfers under the Dublin Regulation.
- (8) On 7 March 2016, the Commission received a first progress report from Greece that outlined some of the improvements made on the issues specified in the Commission's first Recommendation. By letters dated 18 May and 8 of June 2016, the Greek authorities provided additional information.
- (9) The Commission has noted that progress has been made to reform the Greek national law and ensure that the new legal provisions of the recast Asylum Procedures Directive 2013/32/EU of the European Parliament and of the Council ⁽⁵⁾ ('Asylum Procedures') and some of the recast Directive 2013/33/EU of the European Parliament and of the Council ⁽⁶⁾ ('Reception Conditions') have been transposed. A new law (Law 4375/2016) was adopted by the Greek Parliament on 3 April 2016, but not all provisions have entered into force ⁽⁷⁾.
- (10) Following the European Leaders' Summit of 25 October 2015, Greece committed to increase its reception capacity for applicants for international protection and irregular migrants to 30 000 places by the end of 2015 and the UNHCR committed to provide rent subsidies and host family programmes for at least 20 000 more persons through a separate scheme run by them. Greece has made progress to establish a number of emergency reception facilities and according to the daily information released by the Greek authorities on 10 June 2016

⁽¹⁾ EU-Turkey Statement, 18 March 2016.

⁽²⁾ <http://www.media.gov.gr/index.php>, accessed on 10 June 2016.

⁽³⁾ Communication from the Commission to the European Parliament, the European Council and the Council, Fourth Report on Relocation and Resettlement, COM(2016) 416 final, 15 June 2016.

⁽⁴⁾ http://asylo.gov.gr/en/?page_id=1278

⁽⁵⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

⁽⁶⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

⁽⁷⁾ 'Law 4375/2016 on the Structure and Operation of the Asylum Service, The Appeals' Authority and the Reception and Identification Service, the establishment of a General Secretariat for Reception, the transposition into Greek legislation of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and other provisions', available at: <http://www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/o-prosf-pap.pdf>

Several implementing acts in the form of Ministerial or Co-Ministerial Decisions need to be adopted in order for the Greek authorities to be able to implement the Law in its entirety.

there are over 50 000 temporary emergency reception facilities and permanent reception places available for both irregular migrants and applicants for international protection in Greece ⁽¹⁾.

- (11) Although Greece has significantly increased its overall reception capacity for both irregular migrants and applicants for international protection, the majority of these facilities are only temporary emergency facilities and some provide only the most basic reception conditions for those who are accommodated there, such as food, water, sanitation and basic medical care whilst others do not even cater for the most basic needs ⁽²⁾. Whilst this may be sufficient for a very short period until individuals can be moved to better facilities, these conditions and facilities still fall far short of the requirements stipulated in Directive 2013/33/EU for applicants for international protection. It is therefore essential that Greece progressively establishes, as a matter of urgency, adequate dedicated permanent open reception capacity for asylum applicants, which are of an appropriate standard, and that it maintains a sufficient capacity in terms of temporary facilities to accommodate any shortfall in capacity resulting from unexpected inflows.
- (12) In January 2016, a Delegation Agreement for a total of EUR 80 million was signed between the Commission and the UNHCR in order to establish the 20 000 places in open accommodation primarily for the benefit of applicants for international protection eligible for relocation ⁽³⁾. Such places will initially be established under a rental apartment scheme to be managed by UNHCR. While these places are currently being established, a revision of the Delegation Agreement is being discussed, in order to allow for the establishment of approximately 6 000 places in relocation centres instead of apartments, and to confirm that the target group to be accommodated can also include asylum seekers who will not be relocated or those who could be transferred to Greece in the future under the Dublin Regulation. According to UNHCR data as of 6 June 2016, 6 385 reception places for applicants for relocation have been established, the majority of which are in hotels and apartments ⁽⁴⁾.
- (13) Substantial improvements have been noted for the establishment of the Regional Asylum Offices. Greece's law provides for the establishment of Regional Asylum Offices in the regions of Attica, Thessaloniki, Thrace, Epirus, Thessaly, Western Greece, Crete, Lesbos, Chios, Samos, Leros and Rhodes ⁽⁵⁾. So far eight Regional Offices have become operational in the regions of Attica, Thrace, Thessaloniki, Lesbos, Samos, Chios and Rhodes. An additional Regional Asylum Office is due to be opened in the region of Attica (Piraeus) in the coming months. A further four Regional Asylum Offices are due to become operational in 2016 in the area of Kos, Leros, Crete (Heraklio) and Western Greece (Patra) with the latter office expected to be operation very shortly. This leaves the planned Regional Asylum Offices to be established in the region of Thessaly (Volos) and Epirus (Ioannina). Furthermore, two additional asylum units in Chios and Kos have been established, bringing the total number of asylum units to five (Amygdaleza, Xanthi, Patra, Chios and Kos). A Relocation Unit in Alimos has also been set up and is expected to be operational in July 2016.
- (14) In their first report, the Greek authorities also reported that they were in the process of recruiting more staff for the Asylum Service to increase its processing capacity. There are 370 members of staff currently working in the Asylum Service, which is double the capacity of the number of human resources that were available in 2015. One third is fixed-term contract staff, funded from different EU and EEA funding sources. The Greek Parliament has approved a further 300 posts for permanent members of staff to be hired over the forthcoming months ⁽⁶⁾. This is in addition to the fixed-term staff hired by the UNHCR and the Member State experts deployed via EASO to the Greek Asylum Service for a fixed period. However, it is clear that the current and planned staffing levels for the Asylum Service still fall far short of what is required to process the current and likely future case-load in an adequate manner. Greece should ensure that the Asylum Service is further reinforced with substantially more staff and material resources for it to be able to process the increase in asylum applications. To that end, a needs assessment should be carried out that takes into account the number of asylum applications that is likely to be

⁽¹⁾ <http://www.media.gov.gr/index.php>

<http://rse-smi.maps.arcgis.com/apps/MapSeries/index.html?appid=d5f377f7f6f2418b8ebadaae638df2e1>

These temporary emergency and permanent facilities are established on the Aegean islands in the hotspots as well as on the mainland. As of 2 June 2016, there are currently only 1 108 permanent accommodation places that exclusively host applicants for international protection and unaccompanied minors.

⁽²⁾ <http://www.unhcr.org/news/briefing/2016/5/57480cb89/greece-unhcr-concerned-conditions-new-refugee-sites-urges-alternatives.html>

⁽³⁾ While priority will be given to applicants eligible for relocation, the activities will also benefit applicants for international protection who are awaiting to be reunified with family members under the Dublin Regulation in another EU Member State and persons seeking asylum in Greece, particularly of vulnerable categories including unaccompanied and separated children, persons with disabilities, elderly, single parents, chronically ill, pregnant women, etc.

⁽⁴⁾ <http://data.unhcr.org/mediterranean/country.php?id=83>

⁽⁵⁾ Article 3(3) of Law 4375/2016.

⁽⁶⁾ In accordance with Article 2(3) and (4) of Law 4375/2016, which provides for the number of staff to be hired for the Asylum Service.

handled by the Greek Asylum Service at any one time and the number of available staff required or likely to be required to process those applications.

- (15) The new Appeal Authority and Appeals Committees established by the recently adopted legislation (Law 4375/2016) should be progressively established and fully in place by the end of 2016. Given the likely significant increase in the number of applications that will be made in Greece in the coming months, a fully staffed Appeals Authority, capable of handling an expected significant increase in the number of appeals, is essential. Access to an effective remedy in Greece was a particular criticism of the M.S.S judgment, thus it is imperative that where in the future a reinstatement of transfers under the Dublin Regulation may occur, asylum applicants must be able to have an effective recourse to a judicial remedy against a negative decision on their claim.
- (16) In the interim, the old 'Backlog' Appeal Committees that were established to hear asylum appeals from Greece's backlog of cases have been given an additional mandate. For a transitional period, these 'Backlog' Appeal Committees intend to hear, in addition to substantive appeals on first instance decisions, the appeals against the decisions based on grounds of admissibility as part of the EU-Turkey Statement.
- (17) More progress has been made on the long-standing backlog of appeals under the 'old procedure' regulated by Presidential Decree 114/2010. The current backlog stands at approximately 13 975 cases (from a total of approximately 51 000 cases that were considered as part of the backlog at the beginning of 2013). The Greek authorities have committed to grant a permit for humanitarian purposes to persons whose application for asylum has been pending for a considerable time and who are eligible to acquire a residence permit on humanitarian or other exceptional grounds, according to the Greek Law 4375/2016. It is anticipated that approximately 10 000 backlog cases will be closed through the implementation of this measure. The residence permit will be issued for a period of two years and can be renewed ⁽¹⁾. It will accord the same rights and benefits as those granted subsidiary protection status in Greece ⁽²⁾. Greece should continue its progress with clearing the backlog of pending appeals in this regard, ensuring that applicants with an outstanding appeal have an opportunity to exercise their right to an effective remedy.
- (18) The provision of free legal aid has been included in the new law (Law 4375/2016) for applicants at the appeal stage; however, until now, no free legal aid is being given in practice by the Greek authorities. A Ministerial Decision implementing the provision for legal aid under Law 4375/2016 is being finalised and the Greek authorities launched on 8 June 2016 a call for proposals for the provision of free legal aid and representation at the appeals stage for 6 750 eligible applicants under their national programme under the Asylum Migration and Integration Fund (AMIF) to support a roster of attorneys for legal aid ⁽³⁾. This call will end on 24 June 2016. Additionally, a grant agreement was awarded to the UNHCR under EU emergency assistance funding for the total amount of EUR 30 million. This funding will, amongst other things, be used by the UNHCR to provide free legal assistance to applicants for international protection at the appeals stage for a period of up to four months until the Greek authorities are expected to put in place their own free legal aid scheme. Greece should take the necessary steps to guarantee the right to free legal aid in the asylum procedure without delay.
- (19) The new Law 4375/2016 provides for a new Directorate for Reception and a Directorate for Social Integration that both include specialised departments for the reception and integration of unaccompanied minors, including the provision of a representative. Despite this, implementing measures still need to be adopted by the Greek authorities to ensure that appropriate procedural guarantees and reception conditions are provided in practice to unaccompanied minors. While a Ministerial Decision concerning the age assessment of unaccompanied minors seeking asylum has already been adopted by the Greek government ⁽⁴⁾, a further Presidential Decree that should include provisions for an efficient guardianship system still needs to be adopted.
- (20) As of June 2016, the total number of available reception facilities for unaccompanied minors in Greece is 585 places. These facilities are currently full and there is a waiting list for 625 unaccompanied minors who need to be placed in appropriate facilities. According to the letter sent by the Greek authorities to the Commission on 8 June 2016, Greece intends to establish a further 800 reception places for unaccompanied minors by end of July 2016. Greece needs to ensure that an appropriate number of reception facilities for unaccompanied minors are in place to deal with the demand for such accommodation.

⁽¹⁾ Article 22(3), Law 4375/2016.

⁽²⁾ Article 28, Presidential Decree 114/2010.

⁽³⁾ <http://asylo.gov.gr/?p=2802>

⁽⁴⁾ Ministerial Decision 1982/16.2.2016 (Official Gazette, B' 335).

- (21) There are growing concerns from NGOs that many children in Greece are unable to access education and that the situation for unaccompanied minors is in general precarious, with some citing that children are still held in detention until appropriate accommodation can be found for them.
- (22) The European Commission has provided substantial funding to Greece to support the country in its efforts to bring its asylum management system up to EU standards.
- (23) Since the beginning of 2015, a total of EUR 262 million in emergency assistance has been awarded through Home Affairs Funds (AMIF and Internal Security Fund (ISF)) to Greece, either directly to the Greek authorities or through Union Agencies and international organisations operating in Greece, of which some EUR 81 million was awarded in May 2016. On 20 May 2016, EUR 56 million in emergency funding was awarded to the Greek authorities (EUR 13 million), to IOM (EUR 13 million) and to UNHCR (EUR 30 million), to increase the capacities of the Greek authorities to register newly arriving migrants and to process their asylum claims, create better conditions for vulnerable migrants and strengthen the registration and asylum process with additional human resources, ensure better IT infrastructure, increase availability of interpreters and ensure better access to information. On 24 May 2016 the Commission awarded EUR 25 million in emergency funding (AMIF) to the EASO to enhance its capacity to further support the Greek authorities. This funding will contribute to the implementation of the emergency response plan developed together by the Commission, the Greek authorities and relevant stakeholders to address the ongoing humanitarian situation on the ground and the implementation of the EU-Turkey Statement of 18 March.
- (24) This emergency assistance comes on top of the EUR 509 million allocated to Greece for the period 2014-2020 through its national programmes under the AMIF and ISF Funds, thus making Greece the first beneficiary of EU Home Affairs funds amongst EU Member States.
- (25) Greece should ensure that such financial resources are fully used in the most efficient and effective manner and without further delay. For that purpose, the ongoing revision of Greece's national programmes under the Home Affairs funds (AMIF, ISF) to adjust them to the new priorities should be urgently completed. Likewise, the process of transfer of the authority responsible for the management of those funds to the same Ministry managing also the structural funds, should be completed as a matter of urgency in order to ensure a more efficient use of available resources. Greece should notably complete a number of practical implementation issues (staffing, management and control, audit opinion, formal notification) so that the new Responsible Authority can become operational before July 2016.
- (26) As acknowledged in the Commission's Communication of 4 March 2016 on the 'Back to Schengen' ⁽¹⁾, ensuring a fully functioning Dublin system is an indispensable part of the wider efforts needed to stabilise the asylum, migration and border policy. These efforts should lead to a return to a normal functioning of the Schengen area, at the latest by December 2016. It is therefore important that Greece takes as a matter of urgency the outstanding actions identified in this recommendation so as to ensure that a resumption of transfers to Greece under the Dublin Regulation can take place within the same time-frame, and at the latest by December 2016. At the same time, reforming the Dublin rules as proposed by the Commission ⁽²⁾, based on the objective of solidarity and fair burden-sharing between Member States, should be a priority.
- (27) Regular reporting by Greece on the progress being made in implementing these actions, as well as other relevant elements including any forthcoming reports from UNCHR and other relevant organisations, should clarify the assessment of whether the conditions are such as to allow for Member States to resume individual transfers to Greece under the Dublin Regulation, bearing in mind that the volume of transfers and the categories of persons to be transferred should correspond to the specific progress made. Greece should provide an updated report covering the periods April to June 2016 where no monthly report was received for the next reporting period in June 2016.
- (28) The Commission envisages taking stock of progress made and updating as appropriate its specific recommendations in September 2016.

⁽¹⁾ Communication from the Commission to The European Parliament, The European Council and The Council, 'Back to Schengen — A Roadmap', COM(2016) 120 final, 4 March 2016.

⁽²⁾ COM(2016) 270 final.

- (29) Any resumption of Dublin transfers to Greece should also take into account that Greece still needs to deal with a potentially large number of new asylum applicants, notably as a result of the implementation of the so-called pre-registration exercise, and it should be avoided that an unsustainable burden is placed on Greece.
- (30) The responsibility for deciding on such resumption of transfers in individual cases lies exclusively with Member States' authorities under the control of the courts, which may make preliminary references to the European Court of Justice on the interpretation of the Dublin Regulation.

HAS ADOPTED THIS RECOMMENDATION:

RECEPTION CONDITIONS AND FACILITIES

- (1) Greece should ensure that the reception facilities are sufficient and that the reception conditions in all reception facilities for applicants for international protection meet the standards set out in EU law, notably Directive 2013/33/EU. In particular Greece should as a minimum:
 - (a) establish an appropriate number of permanent open reception facilities that corresponds to the number of applicants for international protection it receives, or is likely to receive, and that are capable of accommodating all applicants for international protection and their dependants in adequate conditions for the duration of the asylum process;
 - (b) ensure that an appropriate number of temporary open reception facilities is available, or can be made available at short notice, to allow for the accommodation of unexpected inflows of applicants for international protection, and that are capable of accommodating all such applicants for international protection and their dependants in adequate conditions;
 - (c) ensure that these facilities have separate open accommodation places for single men, single women, families and vulnerable persons, particularly unaccompanied minors that can guarantee privacy and family unity;
 - (d) ensure that unaccompanied asylum seeking minors are immediately placed in suitable accommodation and are not kept in sub-standard conditions in detention. Greece should urgently create the necessary accommodation places for unaccompanied minors and ensure those facilities are sustained;
 - (e) ensure that accommodation is maintained and that various contractual services such as cleaning, sanitation and catering, is adequately funded to avoid an interruption of services;
 - (f) ensure that all temporary facilities in Greece are upgraded to provide for all of the above where asylum applicants are accommodated and remain in Greece for the duration of the asylum procedure.

Reception conditions in all reception facilities should also:

- (g) make sure that applicants receive the necessary healthcare, which shall include at least emergency healthcare and essential treatment of illnesses and of serious mental disorders;
- (h) give minors effective access to the state education system for the duration of the asylum procedure, including language classes so no child is left without an education.

The Greek authorities should carry out a needs assessment in terms of total reception capacity required, and the nature of that capacity, and continuously update this assessment in the light of new developments. This needs assessment should continuously inform the capacities established in line with recommendations 1(a) and (b) above. The Greek authorities should also ensure continuous management and coordination of all facilities, and ensure that the responsible ministries have adequate resources for this purpose.

ACCESS TO AND RESOURCES FOR THE FIRST INSTANCE ASYLUM PROCEDURE

- (2) Greece should continue its efforts to ensure that all applicants for international protection have effective access to the asylum procedure by:
 - (a) proceeding as a matter of urgency with the recruitment of staff to ensure that the Asylum Service is sufficiently staffed to allow for all offices to be fully operational and capable of processing all asylum applications in a timely manner. This requires to swiftly put in place a recruitment procedure for a very significant increase in case handlers and other relevant staff for the Asylum Service;

- (b) opening as a matter of urgency additional Regional Asylum Offices in the region of Attica (Piraeus), Kos, Leros, Crete (Heraklio) and Western Greece (Patra) and Thessaly and Epirus (Volos and Ioannina);
- (c) ensuring an effective case management procedure to guarantee that cases are handled in a well-organised manner and increase the authorities' ability to measure current performance, detect potential bottlenecks, and plan upcoming resource requirements;
- (d) ensure that the Asylum Service has an adequate number of administrative support staff for each office that can book interviews, make appointments for registration, book interpreters and manage the overall workflow of each office for a well-functioning asylum process;

The Greek Asylum Service should identify, on the basis of a full and continuous assessment, how many members of staff it is likely to require to process the intake of asylum applications within the six month deadline specified in Directive 2013/32/EU. This needs assessment should be continuously updated and should include information on the number of staff to be recruited in line with recommendation 2(a) above.

APPEALS AUTHORITY

- (3) Greece should ensure that the new Appeals Authority is instituted without delay and that it has an appropriate number of Appeal Committees to take decisions on applications for international protection, and that these are adequately staffed to deal with all pending and likely future appeals. In particular Greece should:
 - (a) ensure a sufficient number of human resources and of committees the Appeals Authority will need to hear appeals made by applicants and keep this assessment continuously updated;
 - (b) proceed urgently with the appointment of all necessary staff for the Appeals Authority and Committees, including the number of support staff for each Committee;
 - (c) bring the Appeals Authority and Committees into operation as a matter of urgency;
 - (d) clear all pending requests for judicial review of administrative decisions that are currently outstanding as soon as possible and in any event by the end of 2016;

The Greek authorities should identify, on the basis of a full and continuous needs assessment, the number of Appeals Committees under the new Appeals Authority it will need to hear all appeals submitted by applicants for international protection and the number of human resources to continue the smooth-functioning of those Committees in line with recommendation 3(a) and (b) above.

LEGAL AID

- (4) Greece should ensure that access to free legal aid is effective in practice and that all asylum applicants are provided with the necessary legal assistance for judicial review of administrative decisions on applications for international protection. In particular, Greece should:
 - (a) swiftly adopt and effectively implement a Ministerial Decision for the provision of free legal aid services;
 - (b) allocate the necessary funding from the national AMIF programme for the provision of legal aid and swiftly establish a contract for a register of lawyers who can provide these services to applicants at the appeal stage in Greece.

TREATMENT OF UNACCOMPANIED MINORS AND VULNERABLE PERSONS DURING THE ASYLUM PROCEDURE

- (5) Greece should ensure the establishment of appropriate structures for the identification and treatment of vulnerable applicants, including unaccompanied minors. In particular Greece should:
 - (a) urgently put in place a suitable guardianship procedure by adopting the necessary Presidential Decree for implementing the relevant provisions under Law 4375/2016;

- (b) establish and recruit the necessary staff for the Directorate for Reception and the Department for the protection of unaccompanied minors to provide the necessary guarantees under the asylum acquis for family tracing, and legal representation;
- (c) ensure the procedures for identifying applicants with special procedural and reception needs are implemented in practice so that these applicants are provided with the necessary psychosocial support, particularly where they may have been victims of sexual violence and exploitation or trafficking.

USE OF EU FUNDING UNDER NATIONAL PROGRAMMES

- (6) Greece should ensure that the substantial EU funding being provided is fully used, notably by mobilising without further delay the resources available under its AMIF and ISF national programmes and exploring complementary funding from Structural Funds. In this context, Greece should urgently complete the ongoing revision of the national programmes, to better adjust them to the new priorities, as well as ensure that the new authority responsible for the management of the Home Affairs Funds becomes immediately operational.

REPORTING ON ACTIONS TAKEN

- (7) Greece is requested to provide, by 30 June, a report covering the progress in implementing this Recommendation and the Recommendation of 10 February. Thereafter, Greece should report to the Commission by the end of each month on its progress in implementing the measures identified in this Recommendation. The reports should also include a description of how the Greek authorities have, or plan to, put in place the necessary human and material resources referred to in paragraphs 1 to 5 of this recommendation. These reports should also include a description of the continuous needs assessments referred to in paragraphs 1 to 3 of this recommendation, on the basis of which the planned and implemented measures are or have been based. Each report should also include the following information:
 - (a) the total current and planned permanent and temporary reception capacity for hosting applicants for international protection and the nature of that capacity;
 - (b) the total number of current and planned staff for processing asylum applications registered with the Asylum Service and for the Directorate for Reception; and
 - (c) the total current and planned number of staff and the number of Committees which the Appeals Authority has progressively made operational.

Done at Brussels, 15 June 2016.

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE

of 10 June 2016

concerning the charging system applicable to vehicles in Switzerland as from 1 January 2017
[2016/1118]

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by road and rail ⁽¹⁾ ('the Agreement'), and in particular Article 51(2) thereof,

Whereas:

- (1) In accordance with Article 40 of the Agreement, Switzerland has since 1 January 2001 levied a non-discriminatory charge on vehicles for the costs to which they give rise ('performance-based charge on heavy goods vehicle traffic'). This charge is differentiated according to three categories of emission standards (EURO classes).
- (2) To this end, Article 40(2) and (4) of the Agreement stipulates the weighted average of the charges, the maximum charge for the most polluting category of vehicles and the maximum difference in charge from one category to another.
- (3) Considering the modernisation of the vehicle fleet operating in Switzerland, which means that more and more vehicles comply with the most recent EURO standards, it is necessary for the Community/Switzerland Inland Transport Committee to adapt the distribution of the EURO standard categories between the three categories of charge.
- (4) The 10 % rebate on the charge applying to the category provided for in Decision No 1/2011 of the Community/Switzerland Inland Transport Committee of 10 June 2011 ⁽²⁾ for vehicles of emission classes EURO II and EURO III that are retrofitted with an approved particulate filter system should be maintained,

HAS DECIDED AS FOLLOWS:

Article 1

The performance-based charge on heavy goods vehicle traffic for vehicles with an actual total laden weight of not more than 40 tonnes and travelling a distance of 300 km shall be:

- CHF 372,00 for charge category 1
- CHF 322,80 for charge category 2
- CHF 273,60 for charge category 3.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ OJ L 193, 23.7.2011, p. 52.

Article 2

Charge category 1 shall apply to vehicles of emission class EURO III and to all vehicles put into circulation before the EURO III standard entered into force.

Charge category 2 shall apply to vehicles of emission classes EURO IV and EURO V.

Charge category 3 shall apply to vehicles of emission class EURO VI.

Article 3

The 10 % rebate on the charge in relation to the relevant category, granted to vehicles of emission classes EURO II and EURO III that are retrofitted with an approved particulate filter system, as provided for by Article 1 of Decision No 1/2011 of the Community/Switzerland Inland Transport Committee, shall apply.

Article 4

This Decision shall enter into force on 1 January 2017.

Done at Berne, 10 June 2016.

For the Swiss Confederation

The President

Peter FÜGLISTALER

For the European Union

*The Head of the Delegation of the European
Union*

Fotis KARAMITSOS

**DECISION No 2/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT
COMMITTEE**

of 10 June 2016

**amending Annex 1 to the Agreement between the European Community and the Swiss
Confederation on the carriage of goods and passengers by rail and road [2016/1119]**

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road (hereinafter 'the Agreement'), and in particular Article 52(4) thereof,

Whereas:

- (1) The first indent of Article 52(4) of the Agreement provides for the Joint Committee to adopt decisions revising Annex 1.
- (2) Annex 1 was last amended by Decision 1/2015 of the Joint Committee of 16 December 2015 ⁽¹⁾.
- (3) New legal acts of the European Union have been adopted in the areas covered by the Agreement. The text of Annex 1 should be amended to take account of the changes in the relevant European Union legislation. For the sake of legal clarity and simplification, it is preferable to replace Annex 1 to the Agreement by the Annex to this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Annex 1 to the Agreement is replaced by the text of the Annex to this Decision.

Article 2

For the purposes of Directive 2007/59/EC of the European Parliament and of the Council ⁽²⁾, the train driver's licence and the complementary certificate issued in accordance with Article 4(1)(a) and (b) of the Directive shall be mutually recognised.

Article 3

In accordance with Article 22(1) of Directive 2007/59/EC, the competent authorities of the Swiss Confederation and of the Member States of the European Union shall keep registers of licences and shall provide, on reasoned request, information on the status of such licences. Upon reasoned request, this information shall also be made available to any employer of drivers.

Article 4

This Decision shall enter into force on 1 July 2016.

Done at Berne, 10 June 2016.

For the Swiss Confederation

The President

Peter FÜGLISTALER

For the European Union

The Head of the European Union Delegation

Fotis KARAMITSOS

⁽¹⁾ OJ L 23, 29.1.2016, p. 82 (corrigendum OJ L 33, 10.2.2016, p. 38).

⁽²⁾ Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51).

ANNEX

‘ANNEX 1

APPLICABLE PROVISIONS

In accordance with Article 52(6) of this Agreement, Switzerland shall apply legal provisions equivalent to the following:

RELEVANT PROVISIONS OF UNION LAW

SECTION 1 — ADMISSION TO THE OCCUPATION

- Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (codified version) (OJ L 33, 4.2.2006, p. 82).
- Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).
- Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72), as last amended by Council Regulation (EC) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement,

- (a) the European Union and the Swiss Confederation shall exempt from the obligation to hold a driver attestation all citizens of the Swiss Confederation, of a EU Member State and of a Member State of the European Economic Area;
 - (b) the Swiss Confederation may not exempt citizens of States other than those mentioned in point (a) from the obligation to hold a driver attestation without prior consultation with and approval by the European Union;
 - (c) the provisions of Chapter III to Regulation (EC) No 1072/2009 (on cabotage) shall not apply.
- Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement, the provisions of Chapter V to Regulation (EC) No 1073/2009 (on cabotage) shall not apply.

- Commission Decision 2009/992/EU of 17 December 2009 on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, p. 36).
- Commission Regulation (EU) No 1213/2010 of 16 December 2010 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (OJ L 335, 18.12.2010, p. 21).
- Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).

SECTION 2 — SOCIAL STANDARDS

- Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8), as last amended by Commission Regulation (EC) No 1161/2014 of 30 October 2014 (OJ L 311, 31.10.2014, p. 19).

- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).
- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1), as amended by Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 88).
- Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35), as last amended by Commission Directive 2009/5/EC of 30 January 2009 (OJ L 29, 31.1.2009, p. 45).
- Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).

SECTION 3 — TECHNICAL STANDARDS

Motorised vehicles

- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last amended by Commission Directive 2007/34/EC of 14 June 2007 (OJ L 155, 15.6.2007, p. 49).
- Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last amended by Commission Directive 2001/27/EC of 10 April 2001 (OJ L 107, 18.4.2001, p. 10).
- Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (OJ L 373, 31.12.1991, p. 26), as last amended by Commission Implementing Directive 2014/37/EU of 27 February 2014 (OJ L 59, 28.2.2014, p. 32).
- Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ L 129, 14.5.1992, p. 154), as amended by Directive 2004/11/EC of the European Parliament and of the Council of 11 February 2004 (OJ L 44, 14.2.2004, p. 19).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).
- Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).

- Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).
- Directive 2005/55/EEC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).
- Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (recast) (OJ L 141, 6.6.2009, p. 12).
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as last amended by Commission Regulation (EU) No 133/2014 of 31 January 2014 (OJ L 47, 18.2.2014, p. 1).
- Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as last amended by Commission Regulation (EU) No 627/2014 of 12 June 2014 (OJ L 174, 13.6.2014, p. 28).

Transportation of dangerous goods

- Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35), as last amended by Council Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 162, 21.6.2008, p. 11).
- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Directive 2014/103/EU of 21 November 2014 (OJ L 335, 22.11.2014, p. 15).

For the purposes of this Agreement the following derogations to Directive 2008/68/EC shall apply in Switzerland:

1. Road transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

RO — a — CH — 1

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex I, Section I.1, to this Directive: points 1.1.3.6 and 6.8.

Content of the Annex to the Directive: Exemptions related to the quantities transported per transport unit; regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 may benefit from the exemptions in point 1.1.3.6 ADR.

Initial reference to the national legislation: Appendix 1, points 1.1.3.6.3(b) and 6.14, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2023.

RO — a — CH — 2

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods as defined in point 1.1.3.6.

Reference to Annex I, Section I.1, to this Directive: points 1.1.3.6 and 5.4.1.

Content of the Annex to the Directive: Requirement to have a transport document.

Content of the national legislation: The transport of uncleaned empty containers belonging to Transport Category 4 and filled or empty gas cylinders for breathing apparatuses for use by emergency services or as diving equipment, in quantities not exceeding the limits set in point 1.1.3.6, is not subject to the obligation to carry the transport document provided for in point 5.4.1.

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3(c) of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2023.

RO — a — CH — 3

Subject: Transport of uncleaned empty tanks by companies servicing storage facilities for liquids hazardous to water.

Reference to Annex I, Section I.1, to this Directive: points 6.5, 6.8, 8.2 and 9.

Content of the Annex to the Directive: Construction, equipping and inspection of tanks and vehicles; driver training.

Content of the national legislation: Vehicles and uncleaned empty tanks/containers used by companies servicing storage facilities for liquids hazardous to water to contain liquids while stationary tanks are being serviced are not subject to the construction, equipping and inspection regulations or to the labelling and orange-plate identification regulations stipulated by the ADR. They are subject to particular labelling and identification regulations, and the driver of the vehicle is not obliged to have undertaken the training described in point 8.2.

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3.10, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2023.

Derogations for Switzerland under Article 6(2)(b)(i) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

RO — bi — CH — 1

Subject: Transport of domestic waste containing dangerous goods to waste disposal installations.

Reference to Annex I, Section I.1, to this Directive: points 2, 4.1.10, 5.2 and 5.4.

Content of the Annex to the Directive: Classification, combined packaging, marking and labelling, documentation.

Content of the national legislation: The rules include provisions relating to the simplified classification of domestic waste containing (domestic) dangerous goods by an expert recognised by the competent authority, to the use of appropriate receptacles and to driver training. Domestic waste which cannot be classified by the expert may be transported to a treatment centre in small quantities identified by package and by transport unit.

Initial reference to the national legislation: Appendix 1, point 1.1.3.7, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: These rules may only be applied to the transport of domestic waste containing dangerous goods between public treatment sites and waste disposal installations.

Date of expiration: 1 January 2023.

RO — bi — CH — 2

Subject: Return transport of fireworks.

Reference to Annex I, Section I.1, to this Directive: points 2.1.2 and 5.4.

Content of the Annex to the Directive: Classification and documentation.

Content of the national legislation: With the aim of facilitating the return transport of fireworks with UN numbers 0335, 0336 and 0337 from retailers to suppliers, exemptions regarding the indication of the net mass and product classification in the transport document are provided for.

Initial reference to the national legislation: Appendix 1, point 1.1.3.8, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: Detailed checking of the exact contents of each item of unsold product in each package is practically impossible for products intended for retail trade.

Date of expiration: 1 January 2023.

RO — bi — CH — 3

Subject: ADR training certificate for journeys undertaken with the purpose of transporting vehicles which have broken down, journeys related to repairs, journeys made to the examination of tank vehicles/tanks, and journeys with tank vehicles made by experts responsible for the examination of the vehicle in question.

Reference to Annex I, Section I.1, to this Directive: point 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: ADR training and certificates are not required for journeys undertaken with the purpose of transporting vehicles that have broken down or test drives related to repairs, journeys with tank vehicles made to the examination of the tank vehicle or its tank, and journeys made by experts responsible for the examination of tank vehicles.

Initial reference to the national legislation: Instructions of 30 September 2008 of the Federal Department of Environment, Transport, Energy and Communication (DETEC) on the carriage of dangerous goods by road.

Comments: In some cases, vehicles which have broken down or are undergoing repairs and tank vehicles being prepared for technical inspection or being checked at the time of the inspection still contain dangerous goods.

The requirements in points 1.3 and 8.2.3 are still applicable.

Date of expiration: 1 January 2023.

2. Railway transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

RA — a — CH — 1

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex II, Section II.1, to this Directive: point 6.8.

Content of the Annex to the Directive: Regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 are authorised.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6) and Appendix 1, Chapter 6.14, of the Ordinance relating to the carriage of dangerous goods by road (SDR, RS 741.621).

Date of expiration: 1 January 2023.

RA — a — CH — 2

Subject: Transport document.

Reference to Annex II, Section II.1, to this Directive: point 5.4.1.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: Use of a collective term in the transport document and an annexed list containing the information prescribed as stipulated above.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6).

Date of expiration: 1 January 2023.

- Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).

SECTION 4 — ACCESS AND TRANSIT RIGHTS WITH REGARD TO RAILWAYS

- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).
- Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).

- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2014/88/EU of 9 July 2014 (OJ L 201, 10.7.2014, p. 9).
- Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51), as amended by Commission Directive 2014/82/EU of 24 June 2014 (OJ L 184, 25.6.2014, p. 11).
- Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).
- Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).
- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2014/38/EU of 10 March 2014 (OJ L 70, 11.3.2014, p. 20).
- Commission Regulation (EC) No 352/2009 of 24 April 2009 on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council (OJ L 108, 29.4.2009, p. 4).
- Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council (OJ L 13, 19.1.2010, p. 1).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).
- Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).
- Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).
- Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).
- Commission Decision 2011/275/EU of 26 April 2011 concerning a technical specification for interoperability relating to the 'infrastructure' subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 53), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of the entity in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as last amended by Commission Regulation (EU) 2015/302 of 25 February 2015 (OJ L 55, 26.2.2015, p. 2).
- Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ L 264, 8.10.2011, p. 32).

- Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 36).
- Commission Decision 2012/88/EU of 25 January 2012 on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system (OJ L 51, 23.2.2012, p. 1), as last amended by Commission Decision (EU) 2015/14 of 5 January 2015 (OJ L 3, 7.1.2015, p. 44).
- Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1), as amended by Commission Decision 2013/710/EU of 2 December 2013 (OJ L 323, 4.12.2013, p. 35).
- Commission Regulation (EU) No 1077/2012 of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation (OJ L 320, 17.11.2012, p. 3).
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).
- Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1), as amended by Commission Regulation (EU) No 1236/2013 (OJ L 322, 3.12.2013, p. 23).
- Commission Implementing Decision 2014/880/EU of 26 November 2014 on the common specifications of the register of railway infrastructure and repealing Implementing Decision 2011/633/EU (OJ L 356, 12.12.2014, p. 489).
- Commission Regulation (EC) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).
- Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179).
- Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).
- Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394).
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).
- Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438).
- Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3).
- Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ L 148, 13.6.2015, p. 17).

SECTION 5 — OTHER FIELDS

- Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).
 - Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).
 - Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).'
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