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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/1342**of 24 June 2016****on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and Tuvalu on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 509/2014 of the European Parliament and of the Council ⁽¹⁾ transferred the reference to Tuvalu from Annex I to Annex II of Council Regulation (EC) No 539/2001 ⁽²⁾.
- (2) That reference to Tuvalu is accompanied by a footnote indicating that the exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Union.
- (3) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with Tuvalu for the conclusion of an agreement between the European Union and Tuvalu on the short-stay visa waiver (the 'Agreement').
- (4) Negotiations on the Agreement were opened on 19 November 2014 and were successfully finalised by the initialling thereof on 8 October 2015.
- (5) The Agreement should be signed and the declarations attached to the Agreement should be approved, on behalf of the Union. The Agreement should be applied on a provisional basis as from the day following the date of signature thereof, pending the completion of the procedures necessary for its conclusion.
- (6) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽³⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

⁽¹⁾ Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 149, 20.5.2014, p. 67).

⁽²⁾ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1).

⁽³⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽¹⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union and Tuvalu on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The declarations attached to this Decision shall be approved on behalf of the Union.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 4

The Agreement shall be applied on a provisional basis as from the day following the date of signature thereof ⁽²⁾, pending the completion of the procedures necessary for its conclusion.

Article 5

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

Done at Luxembourg, 24 June 2016.

For the Council

The President

A.G. KOENDERS

⁽¹⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽²⁾ The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT**between the European Union and Tuvalu on the short-stay visa waiver**

THE EUROPEAN UNION, hereinafter referred to as 'the Union' or 'the EU', and

TUVALU,

hereinafter referred to jointly as the 'Contracting Parties',

WITH A VIEW to further developing friendly relations between the Contracting Parties and desiring to facilitate travel by ensuring visa-free entry and short stay for their citizens,

HAVING REGARD to Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement ⁽¹⁾ by, *inter alia*, transferring 19 third countries, including Tuvalu, to the list of third countries whose nationals are exempt from the visa requirement for short stays in the Member States,

BEARING IN MIND that Article 1 of Regulation (EU) No 509/2014 states that for those 19 countries, the exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the Union,

DESIRING to safeguard the principle of equal treatment of all EU citizens,

TAKING INTO ACCOUNT that persons travelling for the purpose of carrying out a paid activity during their short stay are not covered by this Agreement and therefore for that category the relevant rules of Union law and national law of the Member States and the national law of Tuvalu on the visa obligation or exemption and on the access to employment continue to apply,

TAKING INTO ACCOUNT the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and confirming that the provisions of this Agreement do not apply to the United Kingdom and Ireland,

HAVE AGREED AS FOLLOWS:

*Article 1***Purpose**

This Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Tuvalu when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any 180-day period.

*Article 2***Definitions**

For the purpose of this Agreement:

- (a) 'Member State' shall mean any Member State of the Union, with the exception of the United Kingdom and Ireland;
- (b) 'a citizen of the Union' shall mean a national of a Member State as defined in point (a);
- (c) 'a citizen of Tuvalu' shall mean any person who holds the citizenship of Tuvalu;
- (d) 'Schengen area' shall mean the area without internal borders comprising the territories of the Member States as defined in point (a) applying the Schengen *acquis* in full.

⁽¹⁾ OJEU L 149, 20.5.2014, p. 67.

*Article 3***Scope of application**

1. Citizens of the Union holding a valid ordinary, diplomatic, service, official or special passport issued by a Member State may enter and stay without a visa in the territory of Tuvalu for the period of stay as defined in Article 4(1).

Citizens of Tuvalu holding a valid ordinary, diplomatic, service, official or special passport issued by Tuvalu may enter and stay without a visa in the territory of the Member States for the period of stay as defined in Article 4(2).

2. Paragraph 1 of this Article does not apply to persons travelling for the purpose of carrying out a paid activity.

For that category of persons, each Member State individually may decide to impose a visa requirement on the citizens of Tuvalu or to withdraw it in accordance with Article 4(3) of Council Regulation (EC) No 539/2001 ⁽¹⁾.

For that category of persons, Tuvalu may decide on the visa requirement or the visa waiver for the citizens of each Member State individually in accordance with its national law.

3. The visa waiver provided for by this Agreement shall apply without prejudice to the laws of the Contracting Parties relating to the conditions of entry and short stay. The Member States and Tuvalu reserve the right to refuse entry into and short stay in their territories if one or more of these conditions is not met.

4. The visa waiver applies regardless of the mode of transport used to cross the borders of the Contracting Parties.

5. Issues not covered by this Agreement shall be governed by Union law, the national law of the Member States and by the national law of Tuvalu.

*Article 4***Duration of stay**

1. Citizens of the Union may stay in the territory of Tuvalu for a maximum period of 90 days in any 180-day period.

2. Citizens of Tuvalu may stay in the territory of the Member States fully applying the Schengen *acquis* for a maximum period of 90 days in any 180-day period. That period shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.

Citizens of Tuvalu may stay for a maximum period of 90 days in any 180-day period in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full, independently of the period of stay calculated for the territory of the Member States fully applying the Schengen *acquis*.

3. This Agreement does not affect the possibility for Tuvalu and the Member States to extend the period of stay beyond 90 days in accordance with their respective national laws and Union law.

*Article 5***Territorial application**

1. As regards the French Republic, this Agreement shall apply only to the European territory of the French Republic.

2. As regards the Kingdom of the Netherlands, this Agreement shall apply only to the European territory of the Kingdom of the Netherlands.

⁽¹⁾ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJEU L 81, 21.3.2001, p. 1).

*Article 6***Joint Committee for the management of the Agreement**

1. The Contracting Parties shall set up a Joint Committee of experts (hereinafter referred to as the 'Committee'), composed of representatives of the Union and representatives of Tuvalu. The Union shall be represented by the European Commission.
2. The Committee shall have, *inter alia*, the following tasks:
 - (a) monitoring the implementation of this Agreement;
 - (b) suggesting amendments or additions to this Agreement;
 - (c) settling disputes arising from the interpretation or application of this Agreement.
3. The Committee shall be convened whenever necessary, at the request of one of the Contracting Parties.
4. The Committee shall establish its rules of procedure.

*Article 7***Relationship of this Agreement to existing bilateral visa waiver agreements between the Member States and Tuvalu**

This Agreement shall take precedence over any bilateral agreements or arrangements concluded between individual Member States and Tuvalu, in so far as they cover issues falling within the scope hereof.

*Article 8***Final provisions**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective internal procedures and shall enter into force on the first day of the second month following the date of the later of the two notifications by which the Contracting Parties notify each other that those procedures have been completed.

This Agreement shall be applied on a provisional basis as from the day following the date of signature hereof.

2. This Agreement is concluded for an indefinite period, unless terminated in accordance with paragraph 5.
3. This Agreement may be amended by written agreement of the Contracting Parties. Amendments shall enter into force after the Contracting Parties have notified each other of the completion of their internal procedures necessary for this purpose.
4. Each Contracting Party may suspend in whole or in part this Agreement, in particular, for reasons of public policy, the protection of national security or the protection of public health, illegal immigration or upon the reintroduction of the visa requirement by either Contracting Party. The decision on suspension shall be notified to the other Contracting Party not later than two months before its planned entry into force. A Contracting Party that has suspended the application of this Agreement shall immediately inform the other Contracting Party should the reasons for that suspension cease to exist and shall lift that suspension.
5. Each Contracting Party may terminate this Agreement by giving written notice to the other Party. This Agreement shall cease to be in force 90 days thereafter.
6. Tuvalu may suspend or terminate this Agreement only in respect of all the Member States.
7. The Union may suspend or terminate this Agreement only in respect of all of its Member States.

Done in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Съставено в Брюксел на първи юли през две хиляди и шестнадесета година.

Hecho en Bruselas, el uno de julio de dos mil dieciséis.

V Bruselu dne prvního července dva tisíce šestnáct.

Udfærdiget i Bruxelles den første juli to tusind og seksten.

Geschehen zu Brüssel am ersten Juli zweitausendsechzehn.

Kahe tuhande kuueteistkümnenda aasta juulikuu esimesel päeval Brüsselis.

Έγινε στις Βρυξέλλες, την πρώτη Ιουλίου δύο χιλιάδες δεκαέξι.

Done at Brussels on the first day of July in the year two thousand and sixteen.

Fait à Bruxelles, le premier juillet deux mille seize.

Sastavljeno u Bruxellesu prvog srpnja godine dvije tisuće šesnaeste.

Fatto a Bruxelles, addì primo luglio duemilasedici.

Briselē, divi tūkstoši sešpadsmitā gada pirmajā jūlijā.

Priimta du tūkstančiai šešiolikų metų liepos pirmą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenhatodik év július havának első napján.

Magħmul fi Brussell, fl-ewwel jum ta' Lulju fis-sena elfejn u sittax.

Gedaan te Brussel, een juli tweeduizend zestien.

Sporządzono w Brukseli dnia pierwszego lipca roku dwa tysiące szesnastego.

Feito em Bruxelas, em um de julho de dois mil e dezasseis.

Întocmit la Bruxelles la întâi iulie două mii şaisprezece.

V Bruseli prvního júla dvetisícšestnáct.

V Bruslju, dne prvega julija leta dva tisoč šestnajst.

Tehty Brysselissä ensimmäisenä päivänä heinäkuuta vuonna kaksituhattakuusitoista.

Som skedde i Bryssel den första juli år tjugohundrasexton.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejską uniję
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



За Тувалу
 Por Tuvalu
 Za Tuvalu
 For Tuvalu
 Für Tuvalu
 Tuvalu nimel
 Για το Τουβαλού
 For Tuvalu
 Pour les Tuvalu
 Za Tuvalu
 Per Tuvalu
 Tuvalu vārdā –
 Tuvalu vardu
 Tuvalu részéről
 Għal Tuvalu
 Voor Tuvalu
 W imieniu Tuvalu
 Por Tuvalu
 Pentru Tuvalu
 Za Tuvalu
 Za Tuvalu
 Tuvalun puolesta
 För Tuvalu



JOINT DECLARATION WITH REGARD TO ICELAND, NORWAY, SWITZERLAND AND LIECHTENSTEIN

The Contracting Parties take note of the close relationship between the European Union and Norway, Iceland, Switzerland and Liechtenstein, particularly by virtue of the Agreements of 18 May 1999 and 26 October 2004 concerning the association of those countries with the implementation, application and development of the Schengen *acquis*.

In such circumstances it is desirable that the authorities of Norway, Iceland, Switzerland, and Liechtenstein, on the one hand, and Tuvalu, on the other hand, conclude, without delay, bilateral agreements on the short-stay visa waiver in terms similar to those of this Agreement.

JOINT DECLARATION ON THE INTERPRETATION OF THE CATEGORY OF PERSONS TRAVELLING FOR THE PURPOSE OF CARRYING OUT A PAID ACTIVITY AS PROVIDED FOR IN ARTICLE 3(2) OF THIS AGREEMENT

Desiring to ensure a common interpretation, the Contracting Parties agree that, for the purposes of this Agreement, the category of persons carrying out a paid activity covers persons entering for the purpose of carrying out a gainful occupation or remunerated activity in the territory of the other Contracting Party as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberations (without being employed in the country of the other Contracting Party),
- sportspersons or artists performing an activity on an ad-hoc basis,
- journalists sent by the media of their country of residence, and,
- intra-corporate trainees.

The implementation of this Declaration shall be monitored by the Joint Committee within its responsibility under Article 6 of this Agreement, which may propose modifications when, on the basis of the experiences of the Contracting Parties, it considers it necessary.

JOINT DECLARATION ON THE INTERPRETATION OF THE PERIOD OF 90 DAYS IN ANY 180-DAY PERIOD AS SET
OUT IN ARTICLE 4 OF THIS AGREEMENT

The Contracting Parties understand that the maximum period of 90 days in any 180-day period as provided for by Article 4 of this Agreement means either a continuous visit or several consecutive visits, the total duration of which does not exceed 90 days in any 180-day period.

The notion of 'any' implies the application of a moving 180-day reference period, looking backwards at each day of the stay into the last 180-day period, in order to verify if the 90 days in any 180-day period requirement continues to be fulfilled. *Inter alia*, it means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

JOINT DECLARATION ON INFORMING CITIZENS ABOUT THE VISA WAIVER AGREEMENT

Recognising the importance of transparency for the citizens of the European Union and the citizens of Tuvalu, the Contracting Parties agree to ensure full dissemination of information about the content and consequences of the visa waiver agreement and related issues, such as the entry conditions.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1343

of 5 August 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, 5 August 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	170,6
	ZZ	170,6
0707 00 05	TR	116,3
	ZZ	116,3
0709 93 10	TR	132,0
	ZZ	132,0
0805 50 10	AR	193,0
	CL	145,2
	MA	157,0
	TR	157,0
	UY	87,8
	ZA	176,7
	ZZ	152,8
	BR	163,2
	EG	220,8
	MA	180,8
0806 10 10	TR	167,5
	ZZ	183,1
0808 10 80	AR	115,5
	BR	102,1
	CL	137,5
	CN	137,7
	NZ	134,9
	PE	106,8
	US	143,6
	ZA	96,8
	ZZ	121,9
0808 30 90	AR	101,6
	CL	126,5
	NZ	141,8
	TR	149,7
	ZA	121,4
	ZZ	128,2
0809 29 00	CA	331,3
	TR	242,9
	ZZ	287,1
0809 30 10, 0809 30 90	TR	142,2
	ZZ	142,2

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

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/1344

of 4 August 2016

authorising the placing on the market of organic silicon (monomethylsilanetriol) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document C(2016) 4975)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 27 March 2013, the company LLR-G5 Ltd made a request to the competent authorities of Ireland to place organic silicon (monomethylsilanetriol) on the market as a novel food ingredient within the meaning of point (c) of Article 1(2) of Regulation (EC) No 258/97.
- (2) On 17 April 2013, the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that an additional assessment was required in line with Article 6(3) of the novel food Regulation (EC) No 258/97.
- (3) On 26 April 2013, the Commission forwarded the initial assessment report to the other Member States.
- (4) On 10 October 2013, the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for organic silicon (monomethylsilanetriol) as novel food ingredient in accordance with Regulation (EC) No 258/97.
- (5) On 9 March 2016, EFSA concluded in its opinion on the safety of organic silicon (monomethylsilanetriol, MMST) as a novel food ingredient for use as a source of silicon in food supplements and bioavailability of orthosilicic acid from the source ⁽²⁾, that organic silicon (monomethylsilanetriol) is safe under the proposed conditions of use.
- (6) That opinion gives sufficient grounds to establish that organic silicon (monomethylsilanetriol) as a novel food ingredient complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.
- (7) Directive 2002/46/EC of the European Parliament and of the Council ⁽³⁾ lays down requirements on food supplements. The use of organic silicon (monomethylsilanetriol) should be authorised without prejudice to the requirements of this legislation.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ EFSA Journal 2016;14(4):4436

⁽³⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

HAS ADOPTED THIS DECISION:

Article 1

Organic silicon (monomethylsilanetriol) as specified in the Annex to this Decision may be placed on the market in the Union as a novel food ingredient to be used in food supplements in liquid form intended for the adult population with a maximum dose of 10,40 mg silicon per day as recommended by the manufacturer without prejudice to the specific provisions of Directive 2002/46/EC.

Article 2

The designation of organic silicon (monomethylsilanetriol) authorised by this Decision for the labelling of the foodstuffs shall be 'organic silicon (monomethylsilanetriol)'.

Article 3

This Decision is addressed to LLR-G5 Ltd, Golden Mile Industrial Park, Breaffy Road, Castlebar, Co. Mayo, F23 VX58, Ireland.

Done at Brussels, 4 August 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

SPECIFICATION OF ORGANIC SILICON (MONOMETHYLSILANETRIOL)

Identity of organic silicon (monomethylsilanetriol)

Chemical name	Silanetriol, 1-methyl-
Chemical formula	$\text{CH}_6\text{O}_3\text{Si}$
Molecular weight	94,14 g/mol
CAS No	2445-53-6

Organic silicon (monomethylsilanetriol) preparation (aqueous solution)

Parameters	Specification value
Acidity (pH)	6,4-6,8
Silicon	100-150 mg Si/l
Lead	Not more than 1 µg/l
Mercury	Not more than 1 µg/l
Cadmium	Not more than 1 µg/l
Arsenic	Not more than 3 µg/l
Methanol	Not more than 5 mg/kg (residual presence)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1345**of 4 August 2016****on minimum data quality standards for fingerprint records within the second generation Schengen Information System (SIS II)***(notified under document C(2016) 4988)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽¹⁾, and in particular point (a) of Article 22 thereof,

Having regard to Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽²⁾, and in particular point (a) of Article 22 thereof,

Whereas:

- (1) The second generation Schengen Information System (SIS II) started operation on 9 April 2013 when Regulation (EC) No 1987/2006 and Decision 2007/533/JHA became applicable.
- (2) SIS II enables competent authorities, such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects. For alerts on persons the minimum data-set is name, sex, a reference to the decision giving rise to the alert, and the action to be taken. In addition, when available, photographs and fingerprints are to be added.
- (3) SIS II enables to store and process fingerprints in order to confirm the identity of the persons located as a result of an alphanumeric search. In addition, the inclusion of an Automated Fingerprint Identification System (AFIS) in SIS II should allow the identification of persons on the basis of their fingerprints.
- (4) Quality, accuracy and completeness of fingerprint records are key success factors for SIS II to reach its full potential. Due to the increasing input and processing of fingerprint records in SIS II, and the upcoming inclusion of an AFIS in SIS II, it is necessary to define the minimum data quality standards for fingerprint records used for biometric identification and verification.
- (5) Further specifications should be developed at a later stage when the detailed technical specifications of the future Automated Fingerprint Identification System (AFIS) is defined.
- (6) The SIS II fingerprint input format, which should be based on a National Institute of Standards and Technology standard, is not part of this decision. It should be defined in the Interface Control Document.
- (7) Provisions on the protection of personal data and security of data in SIS II are set out in Regulation (EC) No 1987/2006 and Decision 2007/533/JHA which equally apply for the processing of fingerprints in SIS II.

⁽¹⁾ OJ L 381, 28.12.2006, p. 4.

⁽²⁾ OJ L 205, 7.8.2007, p. 63.

In particular, any processing of fingerprints is confined to processing operation authorised under Articles 22(c) of Regulation (EC) No 1987/2006 and Decision 2007/533/JHA. The processing of fingerprints within SIS II must also comply with applicable national provisions on data protection implementing Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾ which will be replaced by Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁾, and Council Framework Decision 2008/977/JHA ⁽³⁾ which will be replaced by Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾.

- (8) Given that Regulation (EC) No 1987/2006 builds upon the Schengen *acquis*, Denmark, in accordance with Article 5 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, notified by letter of 15 June 2007 the transposition of this *acquis* into its national law. Denmark participates in Decision 2007/533/JHA. It is therefore bound to implement this Decision.
- (9) The United Kingdom does not take part in Regulation (EC) No 1987/2006 as a consequence of which it cannot search and enter alerts on refusal of entry or stay regarding third country nationals. The United Kingdom is taking part in this Decision to the extent that it does not concern the alerts based on Articles 24 and 25 of Regulation (EC) No 1987/2006, in accordance with Article 5(1) of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 8(2) of Council Decision 2000/365/EC ⁽⁵⁾.
- (10) Ireland does not take part in Regulation (EC) No 1987/2006 as a consequence of which it cannot search and enter alerts on refusal of entry or stay regarding third country nationals. Ireland is taking part in this Decision to the extent that it does not concern the alerts based on Articles 24 and 25 of Regulation (EC) No 1987/2006, in accordance with Article 5(1) of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 6(2) of Council Decision 2002/192/EC ⁽⁶⁾.
- (11) This Decision constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession.
- (12) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC ⁽⁸⁾.
- (13) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽³⁾ Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350, 30.12.2008, p. 60).

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

⁽⁵⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽⁶⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽⁷⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁸⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾, which falls within the area referred to in Article 1, point G of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽²⁾ and with Article 3 of Council Decision 2008/149/JHA ⁽³⁾.

- (14) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁴⁾, which fall within the area referred to in Article 1, point G, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/349/EU ⁽⁵⁾ and Article 3 of Council Decision 2011/350/EU ⁽⁶⁾.
- (15) The European Data Protection Supervisor delivered an opinion on 27 June 2016.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 51 of Regulation (EC) No 1987/2006 and Article 67 of Decision 2007/533/JHA,

HAS ADOPTED THIS DECISION:

Article 1

1. The minimum data quality standards set out in the Annex shall apply to all fingerprint records used within SIS II.
2. The fingerprint input format used within SIS II, which does not comply with the standards set out in the Annex, shall be rejected by the Central System of SIS II (CS-SIS) and shall not be used or stored.
3. Compliant fingerprint input format that contains fingerprints below the quality threshold shall not be inserted into the Automated Fingerprint Identification System to permit searching. These files shall be stored in SIS II and may be used only to confirm a person's identity in accordance with Articles 22(b) of Regulation (EC) No 1987/2006 and Decision 2007/533/JHA.

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽³⁾ Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 50).

⁽⁴⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁵⁾ Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).

⁽⁶⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 August 2016.

For the Commission
Dimitris AVRAMOPOULOS
Member of the Commission

ANNEX

1. OBJECTIVE

This annex sets forth minimum requirements relating to standards and input formats which are to be met when capturing and transmitting biometric (fingerprint) data to SIS II.

2. FILE AND COMPRESSION FORMAT

The input format of fingerprint images (and their accompanying alphanumeric data) shall be compliant with the ANSI/NIST ⁽¹⁾ binary format. The SIS II fingerprint input format shall be based on a NIST standard and shall become part of the SIS II Interface Control Document (SIS II ICD). Only the specific SIS NIST (based on one specific version of the ANSI/NIST format) definition shall be used and enforced.

3. DEVICES

The CS-SIS AFIS shall be compatible and interoperable with data captured using live-scan devices at the national level which are capable of capturing and segmenting up to 10 individual fingerprints; rolled, flat or both.

The CS-SIS AFIS shall be compatible and interoperable with 'inked' fingerprints, acquired before the date of this Decision; rolled, flat or both, which were then digitally scanned at the relevant quality and resolution.

3.1. Image format and Resolution

The Central System of SIS II (CS-SIS) shall receive fingerprint images of a nominal resolution of either 1 000 dpi or of 500 dpi with 256 grey levels.

500 dpi images shall be sent using the WSQ format while 1 000 dpi images must be in JPEG2000 (JP2).

4. REQUIREMENTS

The following requirements, for use with live-scan and paper-scan devices, must be met:

4.1. Quality

The CS-SIS AFIS shall establish quality thresholds for accepting fingerprints. A check on quality must be performed locally by Member States prior to sending the images to SIS II, which must meet the specifications that will be defined in accordance with Article 51 of Regulation (EC) No 1987/2006 and Article 67 of Decision 2007/533/JHA.

Fingerprint images that do not meet the quality threshold determined by the CS-SIS AFIS shall not be inserted for automated searching, but shall be stored in SIS to confirm the identity of a person pursuant to point (b) of Article 22 of Regulation (EC) No 1987/2006 and point (b) of Article 22 of Decision 2007/533/JHA.

If a non-compliant SIS NIST file is rejected, an automatic message shall be sent to the Member State explaining the issue.

If the SIS NIST file is compliant with the ICD, but the content is of insufficient quality for identification purposes in the AFIS, an automatic message shall be sent to the Member State clarifying that the fingerprints cannot be used for identification purposes (enrolment or search). This mechanism provides the opportunity for the Member State to re-capture the prints and send a new set to the central system.

The quality threshold may be modified in the future.

The management authority shall provide, maintain and update a tool for checking quality and deliver it to the Member States in order to ensure the same level of quality check and to avoid low-quality data.

⁽¹⁾ American National Standard for Information Systems / National Institute of Standards and Technology.

5. USE OF FINGERPRINTS FOR STORING AND INSERTING

CS-SIS AFIS shall insert into the biometric database the fingerprint images above the quality threshold with at most one image per finger type (NIST identification 1 to 10), therefore meaning between 1 to 10 flat prints and 1 to 10 rolled fingerprints. Each fingerprint image shall be correctly labelled as to which finger it relates. Missing or bandaged fingerprints shall always be identified accordingly as specified by the SIS II ICD in compliance with the NIST standard. All fingerprint images shall be retained by CS-SIS, allowing rejected fingerprints to be used for verification purposes. As an exception, partial (low quality) fingerprint images may be used for storing and inserting where this concerns missing persons.

6. USE OF FINGERPRINTS FOR BIOMETRIC IDENTIFICATIONS AND SEARCHES

CS-SIS AFIS shall perform biometric searches (biometric identifications) using the fingerprint images above the quality threshold and with at most one image per finger type (NIST identification 1 to 10). Each fingerprint image shall be correctly labelled as to which finger it relates. Missing or bandaged fingerprints shall always be identified accordingly as specified by the SIS II ICD in compliance with the NIST standard.

7. USE OF FINGERPRINTS FOR BIOMETRIC VERIFICATIONS

CS-SIS AFIS shall be able to perform biometric verifications with any number of flat or rolled fingerprints between 1 and 10. Each NIST file shall contain at most one image per finger type (NIST identification 1 to 10). The use of 'permutations' ⁽¹⁾ shall be performed for verifications by CS-SIS AFIS regardless of the fingerprint labelling. Missing or bandaged fingerprints shall always be identified accordingly as specified by the SIS II ICD in compliance with the NIST standard.

⁽¹⁾ Permutations instruct CS-SIS AFIS to perform repetitive verification between the source fingerprint(s) and all candidate fingerprints available (mostly 10) until either a positive verification takes place or all candidate fingerprints have been searched without producing a positive verification.

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