

Official Journal of the European Union

L 178



English edition

Legislation

Volume 60

11 July 2017

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) 2017/1241 of 10 July 2017 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria** 1
- ★ **Commission Implementing Regulation (EU) 2017/1242 of 10 July 2017 amending Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross-compliance** 4

DECISIONS

- ★ **Council Decision (EU) 2017/1243 of 29 May 2017 on the position to be adopted on behalf of the European Union at the International Maritime Organization (IMO) during the 98th session of the Maritime Safety Committee and the 71st session of the Marine Environment Protection Committee, on the adoption of amendments to SOLAS Regulation II-1/23, SOLAS Regulation II-2/9.4.1.3, the 1994 and 2000 International High Speed Craft Codes, the International Life-saving Appliance Code and Appendix V to MARPOL Annex VI** 9
- ★ **Council Decision (EU, Euratom) 2017/1244, taken by common accord with the President of the Commission, of 7 July 2017 appointing a Member of the European Commission** 12
- ★ **Council Implementing Decision (CFSP) 2017/1245 of 10 July 2017 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria** 13
- ★ **Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español S.A. (notified under document C(2017) 4038)** 15

EN

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

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

Corrigenda

- ★ **Corrigendum to the Council Decision (EU) 2017/470 of 28 February 2017 on the signing, on behalf of the European Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, Switzerland, Norway and Turkey in the framework of the Generalised System of Preferences of the European Union (OJ L 73, 18.3.2017) 16**
- ★ **Corrigendum to the Council Decision (EU) 2017/471 of 28 February 2017 on the signing, on behalf of the European Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European Union, Switzerland, Norway and Turkey in the framework of the Generalised System of Preferences of the European Union (OJ L 73, 18.3.2017) 16**

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2017/1241**of 10 July 2017****implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 ⁽¹⁾, and in particular Article 32(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012.
- (2) One person should no longer be kept on the list of natural and legal persons, entities or bodies subject to restrictive measures in Annex II to Regulation (EU) No 36/2012 ('the list').
- (3) One entity should be added to the list of entities in Annex II to Regulation (EU) No 36/2012.
- (4) The information relating to one person set out in Annex II to Regulation (EU) No 36/2012 should also be updated.
- (5) Annex II to Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) No 36/2012 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 16, 19.1.2012, p. 1.

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

Done at Brussels, 10 July 2017.

For the Council

The President

M. MAASIKAS

ANNEX

Annex II to Regulation (EU) No 36/2012 is amended as follows:

1. In Part A ('Persons'), the listing for the following person and the related entry are deleted:

'202. Ahmad Barqawi (a.k.a. Ahmed Barqawi)'.

2. In Part A ('Persons'), the entry concerning the person listed below is replaced by the following:

	Name	Identifying information	Reasons	Date of listing
'203.	George Haswani (a.k.a. Heswani; Hasawani; Al Hasawani)	Address: Damascus Province, Yabroud, Al Jalaa St, Syria	Leading businessperson operating in Syria, with interests and/or activities in the engineering, construction and oil and gas sectors. He holds interests in and/or has significant influence in a number of companies and entities in Syria, in particular HESCO Engineering and Construction Company, a major engineering and construction company.	7.3.2015'

3. In Part B ('Entities'), the entry for the following entity is inserted:

	Name	Identifying information	Reasons	Date of listing
'71.	Abdulkarim Group (a.k.a. Al Karim for Trade and Industry/Al Karim Group)	5797 Damascus Syria	Abdulkarim Group is an internationally recognised Syrian conglomerate that is associated with Wael Abdulkarim, who is listed as a leading businessperson operating in Syria.	11.7.2017'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1242**of 10 July 2017****amending Implementing Regulation (EU) No 809/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross-compliance**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 62(2)(a) and (b) and Article 78(b) and (c) thereof,

Whereas:

- (1) Article 21 of Commission Implementing Regulation (EU) No 809/2014 ⁽²⁾ lays down the requirements pertaining to livestock aid applications and to payment claims under animal-related support measures. In the case of short production-cycle species with a high turnover of animals, the number of animals in respect of which a livestock payment claim under the measure provided for in Article 33 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽³⁾ is submitted, may change significantly throughout the claim year. This may lead to a substantial difference between the number of animals declared in the livestock payment claim and the number of animals that will eventually benefit from increased welfare conditions. As a consequence, the number of animals declared in the livestock payment claim turns out to be only indicative. In respect of those short production-cycle species, Member States should therefore be allowed to establish a system which allows a beneficiary to apply for support in respect of all animals which qualify for support at a date or during a period determined by the Member State. In the absence of a computerised database, it should be possible to establish the actual number of animals on the basis of slaughter certificates or other supporting documents submitted to the competent authority after the date of submission of the livestock payment claim.
- (2) The application of selection criteria is not obligatory for all measures or types of operations. Therefore, the administrative checks carried out on the applications for support should only include the verification of that element where necessary.
- (3) The verification of the reasonableness of the costs is made at the stage of the administrative checks relating to the application for support and on the basis of a defined evaluation system. Specific rules should however apply where the risk of unreasonable costs is low or where the content of the costs may not be defined before the implementation of the operation.
- (4) In accordance with Article 67(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽⁴⁾, the amount of the support may be established on the basis of standard scales of unit costs, lump sums or flat rates. In such cases, the administrative checks should not include the verification of the amount of the costs incurred and the payments made by the beneficiary.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

⁽³⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽⁴⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

- (5) The rules on checks which apply to financial instruments should be adapted in order to ensure consistency with the management and control rules laid down in Regulation (EU) No 1303/2013 and in Commission Delegated Regulation (EU) No 480/2014 ⁽¹⁾ and to take into account the specificities of support granted in the form of a financial instrument.
- (6) The expenditure subject to on-the-spot checks should not be the expenditure to be paid, but the expenditure claimed to the paying agency. Since the expenditure to be paid can only be determined after all checks have been completed, taking that expenditure as subject of checks would render the achievement of the control rate unpredictable. In addition, the expenditure subject to on-the-spot checks should not include expenditure made by the paying agency only for advance payments, since that expenditure does not correspond to expenditure incurred by the beneficiary. Furthermore, expenditure related to financial instruments should be counted towards the achievement of the minimum control rate only to the extent that it is actually checked by the competent authority. In order to ensure the fulfilment of the minimum control rate each calendar year, the checks should be performed by the date foreseen for the submission of the control data and control statistics laid down in Article 9 of Implementing Regulation (EU) No 809/2014.
- (7) In order not to duplicate checks unnecessarily, on-the-spot checks should only cover elements that have not yet been the subject of administrative checks.
- (8) In accordance with Articles 48 and 51 of Implementing Regulation (EU) No 809/2014, checks have to verify compliance with, inter alia, eligibility criteria, commitments and other obligations. Furthermore, according to Article 50(4)(a) of that Implementing Regulation, the sample of operations to be checked on-the-spot has to take into account the need to check an appropriate mix of types and sizes of operations. The measure-specific provisions on the subject matter or the intensity of the checks laid down in Articles 54 to 59 of Implementing Regulation (EU) No 809/2014 are therefore unnecessary.
- (9) As regards administrative penalties, in order to ensure equal treatment of the operations selected and the operations not selected for on-the-spot checks, the expenditure checked should, in both cases, be the expenditure claimed.
- (10) Implementing Regulation (EU) No 809/2014 should therefore be amended accordingly.
- (11) The amendments made by this Regulation should apply to applications for support or payment claims relating to claim years or premium periods starting from 1 January 2018. However, taking into account the difficulties encountered in the claim year 2015 by the Member States having to adapt their systems to the deadline of submitting the livestock payment claim laid down in Article 13 of Implementing Regulation (EU) No 809/2014, as well as to the system on reductions, exclusions and penalties provided for in Commission Delegated Regulation (EU) No 640/2014 ⁽²⁾, the provision allowing the actual number of animals of short production-cycle species to be established on the basis of slaughter certificates or other supporting documents submitted to the competent authority after the submission of the livestock payment claim should apply to livestock payment claims relating to claim years starting as from 1 January 2016.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Rural Development Committee,

⁽¹⁾ Commission Delegated Regulation (EU) No 480/2014 of 3 March 2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (OJ L 138, 13.5.2014, p. 5).

⁽²⁾ Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance (OJ L 181, 20.6.2014, p. 48).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 809/2014 is amended as follows:

(1) In Article 21, the following paragraph 4a is inserted:

‘4a. For short production-cycle species supported under Article 33 of Regulation (EU) No 1305/2013 Member States may, in the absence of a computerised database, introduce procedures by which data contained in the slaughter certificates or in other supporting documents are to be used for the purposes of the livestock payment claim. Those data shall offer the level of assurance and implementation necessary for the proper management of the support measure involved at the level of individual animals.

The procedures referred to in the first subparagraph may consist of a system according to which a beneficiary applies for support in respect of all animals which, at a date or during a period determined by the Member State, qualify for support on the basis of the data contained in the slaughter certificates or in other supporting documents.

In that case, Member States shall take the necessary measures to guarantee that in accordance with the provisions applicable to the support measure in question, the date or the period referred to in the second subparagraph are clearly identified and known to the beneficiary.’

(2) Article 48 is amended as follows:

(a) Paragraph 2 is amended as follows:

(i) point (c) is replaced by the following:

‘(c) compliance with the selection criteria, where those criteria apply;’

(ii) point (e) is replaced by the following:

‘(e) for costs referred to in Article 67(1)(a) of Regulation (EU) No 1303/2013, excluding contributions in kind and depreciation, a verification of the reasonableness of the costs submitted. The costs shall be evaluated using a suitable evaluation system, such as reference costs, a comparison of different offers or an evaluation committee. For operations with a support rate up to 30 % or for operations supported under Article 35 of Regulation (EU) No 1305/2013, the verification of the reasonableness of the costs may be carried out at the stage of the administrative checks on payment claims. For operations with eligible costs up to EUR 5 000, the reasonableness of the costs may be established by a draft budget agreed *ex ante* by the managing authority.’

(b) In paragraph 3, points (a) and (b) are replaced by the following:

‘(a) the completed operation compared with the operation for which the application for support was granted;

(b) the costs incurred and the payments made, except where a form or method as referred to in Article 67(1)(b), (c) or (d) of Regulation (EU) No 1303/2013 is applied.’

(c) The following paragraph 6 is added:

‘6. As regards the financial instruments referred to in Article 38(1)(b) of Regulation (EU) No 1303/2013, paragraphs 1 to 5 of this Article shall neither apply to the contribution to the financial instrument nor to the support to the final recipient. However, Articles 58 and 59 of Regulation (EU) No 1306/2013 and Article 9 of Commission Delegated Regulation (EU) No 480/2014 (*) shall apply.

(*) Commission Delegated Regulation (EU) No 480/2014 of 3 March 2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (OJ L 138, 13.5.2014, p. 5).’

(3) Article 50 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) the first subparagraph is replaced by the following:

‘The expenditure covered by on-the-spot checks shall represent at least 5 % of the expenditure referred to in Article 46 and co-financed by the European Agricultural Fund for Rural Development (EAFRD) which is claimed to the paying agency each calendar year and which does not concern operations for which only advance payments have been claimed.’

(ii) the following third subparagraph is added:

‘As regards financial instruments, only the payments to the final recipients subject to on-the-spot checks shall be counted towards the expenditure covered by on-the-spot checks as referred to in the first subparagraph.’

(b) In paragraph 2, the first subparagraph is replaced by the following:

‘Only checks carried out until the date foreseen for submission of the control data and control statistics according to Article 9 shall be counted towards the achievement of the minimum level referred to in paragraph 1.’

(4) Article 51 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. On-the-spot checks shall verify that the operation has been implemented in accordance with the applicable rules and shall cover all the eligibility criteria, commitments and other obligations relating to the conditions for the granting of support, which can be checked at the time of the visit and have not been the subject of administrative checks. They shall ensure that the operation is eligible for an EAFRD support.’

(b) The following paragraph 5 is added:

‘5. As regards the financial instruments referred to in Article 38(1)(b) of Regulation (EU) No 1303/2013, paragraphs 1 to 4 of this Article shall neither apply to the contribution to the financial instrument nor to the support to the final recipient. However, Articles 58 and 59 of Regulation (EU) No 1306/2013 and Article 9 of Delegated Regulation (EU) No 480/2014 shall apply.’

(5) Articles 54 to 59 are deleted.

(6) In Article 60, the following paragraph 4 is added:

‘4. By way of derogation from Article 48(2)(e), in respect of operations implemented by a local action group and covering a group of projects under a common theme, the verification of the reasonableness of costs may be carried out at the stage of the administrative checks on payment claims concerning that group of projects.’

(7) Article 61 is amended as follows:

(a) In paragraph 1, the second sentence is deleted;

(b) Paragraph 2 is replaced by the following:

‘2. The competent authority shall ensure, via administrative checks and, if necessary, via in-situ visits to the intermediate financial institutions and to the beneficiary, that the payments to the intermediate financial institutions are in conformity with Union law and with the agreement concluded between the competent authority and the intermediate financial institution.’

(8) In Article 63, paragraph 2 is replaced by the following:

‘2. The administrative penalty referred to in paragraph 1 shall be applied *mutatis mutandis* to non-eligible expenditure identified during on-the-spot checks referred to in Article 49.’

Article 2

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

It shall apply to applications for support or payment claims relating to claim years or premium periods starting as from 1 January 2018.

However, point 1 of Article 1 shall apply to livestock payment claims relating to claim years starting as from 1 January 2016.

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

Done at Brussels, 10 July 2017.

For the Commission
The President
Jean-Claude JUNKER

DECISIONS

COUNCIL DECISION (EU) 2017/1243

of 29 May 2017

on the position to be adopted on behalf of the European Union at the International Maritime Organization (IMO) during the 98th session of the Maritime Safety Committee and the 71st session of the Marine Environment Protection Committee, on the adoption of amendments to SOLAS Regulation II-1/23, SOLAS Regulation II-2/9.4.1.3, the 1994 and 2000 International High Speed Craft Codes, the International Life-saving Appliance Code and Appendix V to MARPOL Annex VI

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the Union in the sector of maritime transport should aim at improving maritime safety and protecting the marine environment.
- (2) The Maritime Safety Committee ('MSC') of the International Maritime Organization ('IMO'), meeting at its 97th session, approved amendments to Regulation II-1/23 and Regulation II-2/9.4.1.3 of the International Convention for the Safety of Life at Sea ('SOLAS'), to the 1994 and 2000 International High Speed Craft Codes ('HSC Codes'), to the International Life-saving Appliance Code ('LSA Code') and to the Annex to Resolution MSC.81(70). Those amendments are expected to be adopted during the 98th session of the MSC, to be held in June 2017.
- (3) The Marine Environment Protection Committee ('MEPC') of the IMO, meeting at its 70th session, agreed on amendments to Appendix V to Annex VI to the International Convention for the Prevention of Pollution from Ships ('MARPOL Annex VI') as regards the information to be included in the Bunker Delivery Note ('BDN'). Those amendments are expected to be adopted during the 71st session of the MEPC, to be held in July 2017.
- (4) The MSC of the IMO, meeting at its 95th and 96th sessions, approved several draft amendments to SOLAS Regulation II-1 on subdivision and damage stability regulations. The position to be adopted on behalf of the Union regarding those amendments was determined in Council Decision (EU) 2016/2077 ⁽¹⁾.
- (5) The MSC of the IMO, meeting at its 97th session, agreed to hold the adoption of most of the draft amendments to SOLAS Regulation II-1 on subdivision and damage stability regulations in abeyance until its 98th session, and as regards the amendments to Regulation II-1/6, concerning the formula for the required subdivision index R, it agreed that any further modifications to Regulation II-1/6 should not lower the current safety level.
- (6) The position to be adopted on behalf of the Union as set out in Article 2(1)(a) and Article 2(2) of Decision (EU) 2016/2077 therefore remains applicable.
- (7) The MSC of the IMO, meeting at its 97th session, agreed to harmonise the text in Regulations II-1/22, II-1/23 and II-1/24 as regards the existence of multiple expressions for similar requirements, and to update existing cross

⁽¹⁾ Council Decision (EU) 2016/2077 of 17 October 2016 on the position to be adopted on behalf of the European Union at the International Maritime Organization (IMO) during the 70th session of the Marine Environment Protection Committee and the 97th session of the Maritime Safety Committee, on the adoption of amendments to MARPOL Annex VI, SOLAS Regulations II-1, SOLAS Regulations III/1.4, III/30 and III/37, SOLAS Regulations II-2/1 and II-2/10, SOLAS Regulation II-1/3-12, the STCW Convention and Code, the Fire Safety Systems Code and the 2011 Enhanced Survey Programme Code (OJ L 320, 26.11.2016, p. 36).

references, without altering the content of previously approved amendments. Regulation II-1/23 concerns special requirements for ro-ro passenger ships and is not covered by the position to be adopted on behalf of the Union as set out in Decision (EU) 2016/2077. Directive 2009/45/EC of the European Parliament and of the Council ⁽¹⁾ applies to passenger ships and high-speed passenger craft which are engaged on domestic voyages. Article 6(2)(a)(i) of that Directive provides that new passenger ships of Class A are to comply entirely with the requirements of the 1974 SOLAS Convention, as amended.

- (8) The amendments to SOLAS Regulation II-2/9.4.1.3 clarify the requirements for the fire integrity of windows on passenger ships carrying not more than 36 passengers and special purpose ships with more than 60 (but not more than 240) persons on board. Ships carrying not more than 36 passengers should ensure the same level of safety as those carrying more than 36 passengers. Directive 2009/45/EC applies to passenger ships and high-speed passenger craft which are engaged on domestic voyages. Article 6(2)(a)(i) of that Directive provides that new passenger ships of Class A are to comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Part B.10.4 of Chapter II-2 of Annex I to that Directive stipulates that for passenger ships carrying not more than 36 passengers, special attention is to be given to the fire integrity of windows facing open or enclosed lifeboats and life-raft embarkation areas and to the fire integrity of windows situated below such areas in such a position that their failure during a fire would impede the launching of, or embarkation into, lifeboats or life-rafts.
- (9) The amendments to the HSC Codes clarify the application of paragraphs 8.10.1.4 to 8.10.1.6 of the HSC Codes concerning the exemption of carriage of rescue boats for high-speed craft of less than 20 m and less than 30 m in length, respectively. A high-speed craft of less than 30 m in length for the purposes of the 2000 HSC Code, or of less than 20 m in length for the purposes of the 1994 HSC Code, may be exempted from carrying a rescue boat, provided that the requirements of paragraph 8.10.1.6 of the HSC Codes are fulfilled, which includes a new point stating that it must be possible to recover a helpless person from water in a horizontal or near-horizontal body position. Directive 2009/45/EC applies to passenger ships and high-speed passenger craft which are engaged on domestic voyages. Article 6(2)(a)(i) of that Directive provides that new passenger ships of Class A are to comply entirely with the requirements of the 1974 SOLAS Convention, as amended.
- (10) The LSA Code provides international requirements for life-saving appliances that are covered by Chapter III of the 1974 SOLAS Convention, as amended. The amendments to paragraphs 6.1.1.5 and 6.1.1.6 of the LSA Code and to paragraph 8.1.1 of part 1 of the Annex to Resolution MSC.81(70) ensure consistency with the static tests and their proof loads that launching appliances, including their structural members and winches, have to withstand. Those amendments should be treated as minor corrections. Launching appliances and winches are listed in Commission Implementing Regulation (EU) 2017/306 ⁽²⁾, which refers to the LSA Code and to Resolution MSC.81(70) in relation to items MED/1.21, 1.23, 1.24 and 1.25 as regards launching appliances, and in relation to items MED/1.41a, 1.41b, 1.41c, 1.41d, 1.41e as regards winches. They therefore fall under the scope of Directive 2014/90/EU of the European Parliament and of the Council ⁽³⁾.
- (11) The amendments to Appendix V to MARPOL Annex VI clarify that ships that meet the MARPOL Annex VI requirements as regards the sulphur content of fuel in (sulphur) emission control areas ('(S)ECAs') through equivalent means (exhaust gas cleaning systems ('EGCS')), may permit the supplier, following the purchaser's notification, to declare in the BDN that the fuel is intended to be used by a ship which meets the sulphur requirements through equivalent means. In view of the increasing number of ships equipped with EGCS, the amendments to Appendix V to MARPOL Annex VI are necessary in order to align the standard text of the BDN with the fact that ships may continue to use fuels with a higher sulphur content even after the entry into force of the 0,10 % sulphur content requirements in (S)ECAs as of 1 January 2015. The MARPOL Annex VI requirements as regards the limitation of SO_x emissions are implemented in Union law by means of Directive (EU) 2016/802 of the European Parliament and of the Council ⁽⁴⁾. Article 6(9)(b) and (c) and Article 13(2)(a) of that Directive refer to the BDN as the principal mechanism for ensuring compliance with that Directive. Equivalent means of compliance are regarded as alternative emission abatement methods, as defined in Article 2(o) of that Directive, and may be used provided that the ships using the emission abatement method continuously achieve reductions of sulphur dioxide emissions that are at least equivalent to the reductions that would be achieved by using marine fuels that meet the requirements of that Directive.

⁽¹⁾ Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2017/306 of 6 February 2017 indicating design, construction and performance requirements and testing standards for marine equipment (OJ L 48, 24.2.2017, p. 1).

⁽³⁾ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

⁽⁴⁾ Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58).

- (12) The Union is not a member of the IMO, nor is it a contracting party to the relevant conventions and codes. The Council should therefore authorise the Member States to express the position of the Union and to express their consent to be bound by those amendments, to the extent that those amendments fall under the exclusive competence of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union at the 98th session of the IMO Maritime Safety Committee shall be to agree to the adoption of the following amendments:

- (a) the amendments to SOLAS Regulation II-1/23, as laid down in Annex 1 to IMO document MSC 97/WP.5, subject to the modifications proposed in IMO documents MSC 97/3/5 and MSC 97/3/4;
- (b) the amendments to SOLAS Regulation II-2/9.4.1.3, as laid down in Annex 13 to IMO document MSC 97/22/Add.1;
- (c) the amendments to the HSC Codes, as laid down in Annexes 15 and 16 to IMO document MSC 97/22/Add.1;
- (d) the amendments to the LSA Code and to the Annex to Resolution MSC.81(70), as laid down in Annex 17 to IMO document MSC 97/22/Add.1 and in Annex 1 to IMO document MSC 98/3/1.

Article 2

The position to be adopted on behalf of the Union at the 71st session of the IMO Marine Environment Protection Committee shall be to agree to the adoption of the amendments to Appendix V to MARPOL Annex VI, as laid down in Annex 7 to IMO document MEPC 70/18/Add.1.

Article 3

- 1. The positions to be adopted on behalf of the Union as set out in Articles 1 and 2 shall be expressed by the Member States, which are members of the IMO, acting jointly in the interests of the Union.
- 2. Minor changes to the positions referred to in Articles 1 and 2 may be agreed upon without further decision of the Council.

Article 4

Member States are hereby authorised to give their consent to be bound, in the interests of the Union, by the amendments referred to in Articles 1 and 2, to the extent that those amendments fall under the exclusive competence of the Union.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 May 2017.

For the Council
The President
C. CARDONA

**COUNCIL DECISION (EU, Euratom) 2017/1244,
taken by common accord with the President of the Commission,
of 7 July 2017
appointing a Member of the European Commission**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the second paragraph of Article 246 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 23 October 2014 the European Council adopted Decision 2014/749/EU ⁽²⁾ appointing the European Commission for the period until 31 October 2019.
- (2) In a letter dated 28 October 2016, Mr Jean-Claude JUNCKER, President of the Commission, informed the Council that Ms Kristalina GEORGIEVA had resigned from her post as a Vice-President and Member of the Commission with effect from 1 January 2017.
- (3) In accordance with the second paragraph of Article 246 of the Treaty on the Functioning of the European Union, a vacancy caused by resignation is to be filled for the remainder of the Member's term of office by a new Member of the same nationality.
- (4) A new Member of the Commission should therefore be appointed,

HAS ADOPTED THIS DECISION:

Article 1

By common accord with Mr Jean-Claude JUNCKER, President of the Commission, the Council appoints Ms Mariya GABRIEL as Member of the Commission for the remainder of the term of office, which runs until 31 October 2019.

Article 2

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

Done at Brussels, 7 July 2017.

For the Council
The President
M. MAASIKAS

⁽¹⁾ Opinion of 4 July 2017 (not yet published in the Official Journal).

⁽²⁾ OJ L 311, 31.10.2014, p. 36.

COUNCIL IMPLEMENTING DECISION (CFSP) 2017/1245
of 10 July 2017
implementing Decision 2013/255/CFSP concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria ⁽¹⁾ and in particular Article 30(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 May 2013, the Council adopted Decision 2013/255/CFSP concerning restrictive measures against Syria.
- (2) One person should no longer be kept on the list of natural and legal persons, entities or bodies subject to restrictive measures in Annex I to Decision 2013/255/CFSP ('the list').
- (3) One entity should be added to the list of entities in Annex I to Decision 2013/255/CFSP.
- (4) The information relating to one person set out in Annex I to Decision 2013/255/CFSP should also be updated.
- (5) Annex I to Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2013/255/CFSP is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 10 July 2017.

For the Council
The President
M. MAASIKA

⁽¹⁾ OJ L 147, 1.6.2013, p. 14.

ANNEX

Annex I to Decision 2013/255/CFSP is amended as follows:

1. In Part A ('Persons'), the listing for the following person and the related entry are deleted:

'202. Ahmad Barqawi (a.k.a. Ahmed Barqawi)'.

2. In Part A ('Persons'), the entry concerning the person listed below is replaced by the following:

	Name	Identifying information	Reasons	Date of listing
'203.	George Haswani (a.k.a. Heswani; Hasawani; Al Hasawani)	Address: Damascus Province, Yabroud, Al Jalaa St, Syria	Leading businessperson operating in Syria, with interests and/or activities in the engineering, construction and oil and gas sectors. He holds interests in and/or has significant influence in a number of companies and entities in Syria, in particular HESCO Engineering and Construction Company, a major engineering and construction company.	7.3.2015'

3. In Part B ('Entities'), the entry for the following entity is inserted:

	Name	Identifying information	Reasons	Date of listing
'71.	Abdulkarim Group (a.k.a. Al Karim for Trade and Industry/Al Karim Group)	5797 Damascus Syria	Abdulkarim Group is an internationally recognised Syrian conglomerate that is associated with Wael Abdulkarim, who is listed as a leading businessperson operating in Syria.	11.7.2017'

COMMISSION DECISION (EU) 2017/1246
of 7 June 2017
endorsing the resolution scheme for Banco Popular Español S.A.
(notified under document C(2017) 4038)
(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to the Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ⁽¹⁾, and in particular the second subparagraph of Article 18(7) thereof,

Whereas:

- (1) On 7 June 2017 at 05:13 the Single Resolution Board (SRB) transmitted a resolution scheme for Banco Popular Español S.A. to the Commission in accordance with Article 18(7) of Regulation (EU) No 806/2014.
- (2) The SRB, in the resolution scheme, states that all conditions for resolution set out in the first subparagraph of Article 18(1) of Regulation (EU) No 806/2014 are met with respect to Banco Popular Español S.A., and assesses why resolution action is necessary in the public interest.
- (3) The resolution scheme, in accordance with Article 18(6) of Regulation (EU) No 806/2014, places Banco Popular Español S.A. under resolution and determines the application of the sale of business tool to the institution under resolution. The resolution scheme also provides reasons for why all those elements are adequate.
- (4) The Commission agrees with the resolution scheme. In particular, it agrees with the reasons provided by the SRB of why resolution is necessary in the public interest in accordance with Article 5 of Regulation (EU) No 806/2014.
- (5) The resolution scheme as submitted by the SRB should therefore be endorsed,

HAS ADOPTED THIS DECISION:

Article 1

The resolution scheme for Banco Popular Español S.A. is endorsed.

Article 2

This Decision is addressed to the Single Resolution Board.

Done at Brussels, 7 June 2017.

For the Commission
Valdis DOMBROVSKIS
Vice-President

⁽¹⁾ OJ L 225, 30.7.2014, p. 1.

CORRIGENDA**Corrigendum to the Council Decision (EU) 2017/470 of 28 February 2017 on the signing, on behalf of the European Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, Switzerland, Norway and Turkey in the framework of the Generalised System of Preferences of the European Union**

(Official Journal of the European Union L 73 of 18 March 2017)

On the contents page, in the title on page 1, and on page 2, recital 7 and Article 1:

- for:* ‘... Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, Switzerland, Norway and Turkey in the framework of the Generalised System of Preferences of the European Union’,
- read:* ‘... Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences’.
-

Corrigendum to the Council Decision (EU) 2017/471 of 28 February 2017 on the signing, on behalf of the European Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European Union, Switzerland, Norway and Turkey in the framework of the Generalised System of Preferences of the European Union

(Official Journal of the European Union L 73 of 18 March 2017)

On the contents page, in the title on page 3, and on page 4, recital 7 and Article 1:

- for:* ‘... Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European Union, Switzerland, Norway and Turkey in the framework of the Generalised System of Preferences of the European Union’,
- read:* ‘... Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences’.
-

