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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/1352

of 18 April 2017

amending Commission Delegated Regulation (EU) 2015/98 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of the Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 15(2) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 provides for the obligation to land all catches of species which are subject to catch limits and, in the Mediterranean, also catches of certain species which are subject to minimum sizes ('the landing obligation'). Article 15(1) of that Regulation covers fishing activities in Union waters or by Union fishing vessels outside Union waters in waters not subject to third countries' sovereignty or jurisdiction.
- (2) Council Regulation (EC) No 1386/2007 ⁽²⁾ lays down the conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO) ⁽³⁾, to which Union acceded in 1978. Certain NAFO Conservation and Enforcement Measures (NCEM) establish a discard obligation for catches and by-catches of certain species to which the landing obligation should apply.
- (3) Article 15(2) of Regulation (EU) No 1380/2013 empowers the Commission to adopt delegated acts for the purpose of implementing international obligations into Union law, including, in particular, derogations from the landing obligation.
- (4) Commission Delegated Regulation (EU) 2015/98 ⁽⁴⁾ provides for derogations from the landing obligation applicable from 1 January 2015 as regards catches and by-catches of capelin that have to be discarded under the NCEM.
- (5) From 1 January 2017 at the latest the landing obligation will apply to further species which define the fisheries, including species caught in the NAFO Regulatory Area.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 318, 5.12.2007, p. 1).

⁽³⁾ Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 378, 30.12.1978, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).

- (6) According to Article 5 of the NCEM, some stocks caught in the Regulatory Area of NAFO are subject to catch limits, with the exception of the Northern prawn stock in NAFO Division 3M where the management is carried out by effort allocation.
- (7) Article 6 of the NCEM establishes by-catch retention limits on board for the stocks subject to catch or effort limits when these stocks are fished as by-catch in other fisheries. Article 6(3)(d) of the NCEM, as implemented by Article 4(2) of Regulation (EC) No 1386/2007, states that where a ban on fishing applies, the retention on board of species classified as by-catch shall be limited to the maximum of 1 250 kg or 5 %, whichever is the greater.
- (8) Furthermore, Article 14 of the NCEM, as implemented by Article 10 of Regulation (EC) No 1386/2007, establishes that no vessel shall retain on board any fish smaller than the applicable minimum size and that such fish shall immediately be returned to the sea.
- (9) Annex I.A of the NCEM sets out an annual quota table for all NAFO stocks subject to catch limits.
- (10) Articles 5, 6 and 14 of the NCEM in combination create an obligation to discard catches made above the established catch or by-catch limits. With regard to Union vessels fishing in the NAFO Regulatory Area, the following NAFO fisheries are concerned: cod (in Divisions 2J3KL, 3M, 3NO), witch flounder (in Divisions 3L and 3NO), American plaice (in Divisions 3M and 3LNO), shortfin squid (in sub-areas 3 and 4), yellowtail flounder (in Divisions 3LNO), Greenland halibut (in Divisions 3LMNO), skates (in Divisions 3LNO), redfish (in Divisions 3LN, 3M, 3O and Subarea 2, Divisions 1F and 3K), white hake (in Divisions 3NO) and Northern prawn (in Divisions 3LNO). It is necessary to clarify the situations in which the landing obligation should not apply, in order to ensure compliance by the Union with its international obligations and create legal certainty for fishermen.
- (11) It is appropriate to rectify the designation of the NAFO Area to which the measures provided for by Delegated Regulation (EU) 2015/98 are intended to apply, by replacing the term 'NAFO Convention area' with 'NAFO Regulatory area' in that Regulation.
- (12) Delegated Regulation (EU) 2015/98 should therefore be amended accordingly.
- (13) In view of the timeframe laid down in Article 15(1) of Regulation (EU) No 1380/2013, this Regulation should enter into force immediately after the publication,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2015/98 is amended as follows:

- (1) Article 2 is amended as follows:

- (a) point 1 is replaced by the following:

‘(1) “NAFO Regulatory Area” means the Area defined in Article I(2) of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention).’;

- (b) point 2 is deleted;

- (2) Chapter III of Delegated Regulation (EU) 2015/98 is replaced by the following:

‘CHAPTER III

NAFO REGULATORY AREA

Article 6

Calculation of by-catch limits

1. The bycatch limits referred to in this Regulation apply to stocks (combination of species and Division) listed in Annex I.A of the NAFO Conservation and Enforcement Measures.
2. For each stock, the calculation of bycatch percentage referred to in this Regulation is based on the ratio between the catch of that stock retained on board and the total catch of all stocks retained on board.

3. Limits and percentages referred to in this Regulation refer to catch weights retained on board at the time of inspection, and are calculated by Division on the basis of the fishing logbook figures. By derogation, the calculation of groundfish by-catch levels shall not include the catches of northern prawn in the total catch on board.

Article 6a

General derogations for the NAFO Regulatory area

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, fish caught in the NAFO Regulatory Area above catch limits allocated by a legally binding Union act shall not be retained on-board.

2. Article 4(2) of Regulation (EC) No 1386/2007, which prohibits to retain on board by-catch above 1 250 kg or 5 %, whichever is greater, of species for which the catch limit is set to 0 by a legally binding Union act, shall apply by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013.

3. Article 10 of Regulation (EC) No 1386/2007, which requires returning immediately to the sea any fish below the minimum sizes set out in Annex III of that Regulation, shall apply by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013.

Article 6b

Cod in NAFO Divisions 3NO

By way of derogation from Article 4(2) of Regulation (EC) No 1386/2007, as long as the catch limit is set to 0 by a legally binding Union act, cod caught as by-catch in NAFO Divisions 3NO above 1 000 kg or 4 %, whichever is greater, shall not be retained on-board.

Article 6c

American plaice in NAFO Divisions 3LNO

By way of derogation from Article 4(2) of Regulation (EC) No 1386/2007, as long as the catch limit is set to 0 by a legally binding Union act, American plaice caught as by-catch in NAFO Divisions 3LNO in a directed fishery for yellowtail flounder above 15 %, shall not be retained on board.

Article 6d

Yellowtail flounder in NAFO Divisions 3LNO

1. By way of derogation from Article 4(2) of Regulation (EC) No 1386/2007, as long as the catch limit is set to 0 by a legally binding Union act, yellowtail flounder caught as by-catch in NAFO Divisions 3LNO above 2 500 kg or 10 %, whichever is greater, shall not be retained on-board.

2. When the yellowtail flounder catch limit, assigned by NAFO to the Contracting Parties without a specific share of the stock, is exhausted, yellowtail flounder caught as by-catch above 1 250 kg or 5 %, whichever is greater, shall not be retained on-board.

Article 6e

Redfish in NAFO Division 3M

While the directed fishery for redfish in NAFO Division 3M is temporarily closed because 50 % of the annual catch limit has been reached, redfish caught as by-catch in NAFO Division 3M above 1 250 kg or 5 %, whichever is greater, shall not be retained on-board.'

Article 2

Entry into force

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

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

Done at Brussels, 18 April 2017.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2017/1353**of 19 May 2017****amending Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels**

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⁾, and in particular Article 100(3) thereof,

Whereas:

- (1) Croatia acceded to the European Union on 1 July 2013.
- (2) With a view to its accession to the European Union on 1 July 2013, Croatia requested that its national list of recognised wine grape varieties be added to the list of wine grape varieties that include a geographical indication and may appear on wine labels, a list which was contained in Annex II to Commission Regulation (EC) No 753/2002 ⁽²⁾ and is currently found in Annex XV to Commission Regulation (EC) No 607/2009 ⁽³⁾. In accordance with Regulation (EC) No 1234/2007 of the European Parliament and of the Council ⁽⁴⁾, the Commission informed Croatia that the national list of varieties need not be approved at EU level and that each Member State might decide on its own list. Likewise, the Commission informed Croatia that, in accordance with the practice followed in previous accessions and, in particular, with regard to Commission Regulation (EC) No 1429/2004 ⁽⁵⁾ amending Annex II to Regulation (EC) No 753/2002, the names of Croatian wine grape varieties would be added to Annex XV to Regulation (EC) No 607/2009 after Croatia's accession. On the basis of this information, Croatia withdrew this request from its negotiating position.
- (3) Annex XV to Regulation (EC) No 607/2009 was amended by Commission Regulation (EU) No 753/2013 ⁽⁶⁾ in order to include, in particular, the names of wine grape varieties used traditionally for the marketing of wines produced in the territory of Croatia that contain or consist of a designation of origin or geographical indication protected in the Union, so that they may continue to appear on the labels of Croatian wines covered by a protected designation of origin or protected geographical indication. In light of the sensitivity of the matter for Slovenia, the name of the 'Teran' wine grape variety, which is a homonym of the Slovenian Protected Designation of Origin 'Teran' (PDO-SI-A1581), has not been included in the Regulation pending the negotiation of a position between Croatia and Slovenia.
- (4) Croatia has limited its request to use the name of the 'Teran' wine grape variety to wines covered by the Protected Designation of Origin 'Hrvatska Istra' (PDO-HR-A1652). Despite the geographical limitation of the requested authorisation and the Commission's sustained efforts, it has not been possible to reach a compromise solution between Croatia and Slovenia.
- (5) In the absence of a negotiated solution, despite the Commission's efforts to reconcile the positions of Croatia and Slovenia, and following a verification of the information available to the Commission on existing labelling practices concerning the 'Teran' wine grape variety, the name of that variety should be entered in Part A of Annex XV to Regulation (EC) No 607/2009 in connection with the Protected Designation of Origin 'Hrvatska Istra'.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ L 118, 4.5.2002, p. 1).

⁽³⁾ Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

⁽⁴⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁽⁵⁾ Commission Regulation (EC) No 1429/2004 of 9 August 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ L 263, 10.8.2004, p. 11).

⁽⁶⁾ Commission Implementing Regulation (EU) No 753/2013 of 2 August 2013 amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 210, 6.8.2013, p. 21).

- (6) However, due to Slovenia's concerns over the alleged risk of consumers being misled and in order to find a solution that might satisfy all the producers concerned and obtain the backing of the Member States in question, the Commission considers it appropriate to specify the conditions under which the name of the 'Teran' variety may appear in the labelling of products covered by the designation of origin in question, taking account of the conditions that Croatia itself plans to impose on its producers.
- (7) Regulation (EC) No 607/2009 should therefore be amended accordingly.
- (8) Croatia's entry in Part A of Annex XV to Regulation (EC) No 607/2009 as regards the use of the name of the 'Teran' wine grape variety should take effect on the date of Croatia's accession to the Union on 1 July 2013, since Croatia's request was made before that date, the traditional use of the wine grape variety name 'Teran' when marketing wines products produced on the territory of Croatia was a practice existing at the time of accession, and since the adoption of this Regulation was postponed solely pending a negotiated solution. For the same reasons, a transitional provision should be issued for wines produced before the entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

In Part A of Annex XV to Regulation (EC) No 607/2009, the following row 55 is added:

'55	Teran (SI)	Teran	Croatia ⁽³⁾
⁽³⁾ Solely for the "Hrvatska Istra" PDO (PDO-HR-A1652), on condition that "Hrvatska Istra" and "Teran" appear in the same visual field and that the font size of the name "Teran" is smaller than that of the words "Hrvatska Istra".			

Article 2

Wines with the protected designation of origin 'Hrvatska Istra' (PDO-HR-A1652), produced before the date of entry into force of this Regulation pursuant to the applicable legislation, may be marketed until stocks are exhausted, even if they do not comply with the labelling conditions provided for in row 55 of Part A of Annex XV to Regulation (EC) No 607/2009, as added by Article 1 of this Regulation.

Article 3

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

It shall apply from 1 July 2013.

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

Done at Brussels, 19 May 2017.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1354
of 20 July 2017
specifying how to present the information provided for in Article 10(10) of Directive 2014/53/EU
of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ⁽¹⁾, and in particular Articles 10(10) and 45(2), thereof,

Whereas:

- (1) Article 10(10) of Directive 2014/53/EU provides that in cases of restrictions on putting into service or of requirements for authorisation of use, information available on the packaging shall allow the identification of the Member States or the geographical area within a Member State where restrictions on putting into service or requirements for authorisation of use exist and that such information shall be completed in the instructions accompanying the radio equipment.
- (2) Pursuant to Article 10(10) of Directive 2014/53/EU the Commission may adopt implementing acts specifying how to present the information provided for in Article 10(10).
- (3) Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 45(2) of Directive 2014/53/EU.
- (4) The measures set out in this Regulation are in accordance with the opinion of the Telecommunication Conformity Assessment and Market Surveillance Committee, established in accordance with Article 45 of Directive 2014/53/EU,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation specifies how to present the information provided for in Article 10(10) of Directive 2014/53/EU and shall apply only to radio equipment which is subject to restrictions on putting into service or to requirements for authorisation of use in at least one Member State.

Article 2

1. If radio equipment is subject to restrictions on putting into service or to requirements for authorisation of use, as provided for in Article 10(10) of Directive 2014/53/EU, the packaging of the radio equipment shall indicate visibly and legibly:

- (a) a pictogram, as set out in Annex I; or
- (b) the words 'Restrictions or Requirements in', in a language easily understood by end-users as determined by the Member State concerned, followed by the abbreviations of the Member States, as prescribed in Annex II, where such restrictions or requirements exist.

2. If radio equipment is subject to restrictions on putting into service or to requirements for authorisation of use, as provided for in Article 10(10) of Directive 2014/53/EU, the instructions accompanying the radio equipment shall indicate, in a language easily understood by end-users as determined by the Member State concerned, the list of the Member States and geographical areas within the Member States where such restrictions or requirements exist, as well as the types of restrictions or requirements applicable in each Member State and each geographical area within a Member State.

⁽¹⁾ OJ L 153, 22.5.2014, p. 62.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*, and it shall apply as of 9 August 2018.

Radio equipment, which is placed on the market after 8 August 2017 and is in conformity with this Regulation, shall be deemed to be in conformity with Article 10(10) of Directive 2014/53/EU.

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

Done at Brussels, 20 July 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

Pictogram

1. The pictogram shall be in the form of a table.
2. The pictogram shall include the following sign:



3. The pictogram shall also mention, below or next to the sign indicated in paragraph 2, the abbreviations of the Member States, as prescribed in Annex II, where any restrictions on putting into service or any requirements for authorisation of use exist.
4. The pictogram and its contents may take different variations (e.g. colour, solid or hollow, line thickness), provided that they remain visible and legible.
5. Examples of pictogram:



ES	LU	RO
CZ	FR	HU
SI	DK	HR

	BG	EE	BE
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ANNEX II

Abbreviations

The abbreviations for Member States shall be as follows:

Belgium (BE), Bulgaria (BG), Czech Republic (CZ), Denmark (DK), Germany (DE), Estonia (EE), Ireland (IE), Greece (EL), Spain (ES), France (FR), Croatia (HR), Italy (IT), Cyprus (CY), Latvia (LV), Lithuania (LT), Luxembourg (LU), Hungary (HU), Malta (MT), Netherlands (NL), Austria (AT), Poland (PL), Portugal (PT), Romania (RO), Slovenia (SI), Slovakia (SK), Finland (FI), Sweden (SE) and United Kingdom (UK).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1355**of 20 July 2017****on the minimum selling price for skimmed milk powder for the 11th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

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) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 11th partial invitation to tender, a minimum selling price should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 11th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 18 July 2017, a minimum selling price has not been fixed.

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, 20 July 2017.

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

*Director-General
Directorate-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1356

of 18 July 2017

on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta), and repealing Decision (CFSP) 2017/321 (ATALANTA/2/2017)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ('EU Force Commander').
- (2) On 21 February 2017, the PSC adopted Decision (CFSP) 2017/321 ⁽²⁾ appointing Rear Admiral Rafael FERNÁNDEZ-PINTADO MUÑOZ-ROJAS as EU Force Commander.
- (3) The EU Operation Commander has recommended the appointment of Rear Admiral Fabio GREGORI as the new EU Force Commander to succeed Rear Admiral Rafael FERNÁNDEZ-PINTADO MUÑOZ-ROJAS as from 27 July 2017.
- (4) On 27 June 2017, the EU Military Committee supported that recommendation.
- (5) Decision (CFSP) 2017/321 should therefore be repealed.
- (6) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Rear Admiral Fabio GREGORI is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) as from 27 July 2017.

Article 2

Decision (CFSP) 2017/321 is repealed.

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ Political and Security Committee Decision (CFSP) 2017/321 of 21 February 2017 on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision (CFSP) 2016/940 (ATALANTA/1/2017) (OJ L 47, 24.2.2017, p. 11).

Article 3

This Decision shall enter into force on 27 July 2017.

Done at Brussels, 18 July 2017.

For the Political and Security Committee
The Chairperson
W. STEVENS

COMMISSION IMPLEMENTING DECISION (EU) 2017/1357**of 19 July 2017**

on the publication with a restriction in the *Official Journal of the European Union* of the reference of standard EN 60335-2-9:2003, as last amended by A13:2010, on particular requirements for grills, toasters and similar portable cooking appliances under Regulation (EU) No 1025/2012 of the European Parliament and of the Council

(notified under document C(2017) 3168)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular point (a) of Article 11(1) thereof,

Having regard to the opinion of the committee established by Article 22(1) of Regulation (EU) No 1025/2012,

Whereas:

- (1) Where a harmonised standard, the reference to which has been published in the *Official Journal of the European Union*, covers one or more elements of the safety objectives set out in Annex I to Directive 2014/35/EU of the European Parliament and of the Council ⁽²⁾, electrical equipment designed for use within certain voltage limits built in accordance with that standard is presumed to meet the elements concerned of those safety objectives.
- (2) In June 2014 and July 2014, Germany and Norway, respectively, lodged a formal objection in respect of standard EN 60335-2-9:2003, 'Household and similar electrical appliances — Safety — Part 2-9: Particular requirements for grills, toasters and similar portable cooking appliances', as last amended by A13:2010.
- (3) The formal objections of Germany and Norway stated that Section 11 'Heating' of the standard includes insufficient provisions regarding temperature limits of accessible non-functional surfaces. In particular, the standard allows several exclusions to the temperature limits, authorising the manufacturer to double or not to apply the temperature limit values depending on the size, design or the surface part of the appliance, and requiring at most a warning notice or label. In this respect, Section 7.1 of the standard only requires a warning to be put on the surface with the highest temperature within the parts exceeding the limit values. The colours of the warning label may differ from international warning colours which may confuse the users. Additionally, as a result of the ambiguity of the requirements under the standard, the standard can be interpreted as making it possible to omit the measurement of the temperature rises in certain parts of a given product, which may lead to the disregard of or doubling of the temperature limit values applicable under the standard with regard to the entire product. As a result, the risk of burning for persons and domestic animals is still present and the standard as such should not give the presumption of conformity with Directive 2014/35/EU.
- (4) Having examined standard EN 60335-2-9:2003, as last amended by A13:2010, in the Low Voltage Directive Working Party, which is a group of sectoral experts, together with Member States and stakeholders, the Commission together with the majority of experts from Member States agreed with the arguments presented by Germany and Norway. Consequently, it was concluded that the standard fails to meet the safety objectives laid down in point 1(c) of Annex I to Directive 2014/35/EU, in conjunction with point 2(b) of that Annex.
- (5) Taking into consideration the safety aspects to be improved and pending a suitable revision of the standard, the reference of standard EN 60335-2-9:2003, as last amended by A13:2010, should be published in the *Official Journal of the European Union* and accompanied by an appropriate restriction, as a result of which the reliance on the specific parts of the standard covered by the restriction would not give the presumption of conformity,

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).

HAS ADOPTED THIS DECISION:

Article 1

The reference of standard EN 60335-2-9:2003, 'Household and similar electrical appliances — Safety – Part 2-9: Particular requirements for grills, toasters and similar portable cooking appliances', as last amended by A13:2010 shall be published in the *Official Journal of the European Union* with a restriction as set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 July 2017.

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

ANNEX

Publication of titles and references of a harmonised standard for the purpose of Directive 2014/35/EU

European standardisation organisation	Reference and title of the harmonised standard
Cenelec ⁽¹⁾	EN 60335-2-9:2003 Household and similar electrical appliances — Safety – Part 2-9: Particular requirements for grills, toasters and similar portable cooking appliances as amended by: EN 60335-2-9:2003/A1:2004 EN 60335-2-9:2003/A2:2006 EN 60335-2-9:2003/A12:2007 EN 60335-2-9:2003/A13:2010

Restriction:

The application of the following parts of standard EN 60335-2-9:2003, as last amended by A13:2010, does not confer a presumption of conformity to the safety objectives laid down in point 1(c) of Annex I to Directive 2014/35/EU, in conjunction with point 2(b) of that Annex:

- footnote b of Table Z101 in Section 11,
- the parts of Section 7.1 which refer to footnote b of Table Z101,
- the parts of Section 11.Z10x which refer to ventilation openings.

⁽¹⁾ Cenelec: Avenue Marnix 17, 1000 Brussels, Belgium. Tel.+32 25196871; fax +32 25196919 (<http://www.cenelec.eu>).

COMMISSION IMPLEMENTING DECISION (EU) 2017/1358
of 20 July 2017
on the identification of ICT Technical Specifications for referencing in public procurement
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾ and in particular Article 13(1) thereof,

After consulting the European multi-stakeholder platform on ICT standardisation and sectoral experts

Whereas:

- (1) Standardisation plays an important role in supporting the Europe 2020 strategy, as set out in the Communication from the Commission entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'. Several flagship initiatives of the Europe 2020 strategy underlined the importance of voluntary standardisation in product or services markets to assure the compatibility and interoperability between products and services, foster technological development and support innovation.
- (2) Standards are essential for European competitiveness and crucial for innovation and progress. Their relevance is highlighted by the Commission in the context of the recent initiatives for the completion of Single Market ⁽²⁾ and the Digital Single market ⁽³⁾ where the role of standardisation and interoperability in creating a European Digital Economy is reinforced with the adoption of the Communication on ICT Standardisation Priorities for the Digital Single Market ⁽⁴⁾ setting out a comprehensive strategic and political approach to standardisation for priority ICT Technologies that are critical to the completion of the Digital Single Market.
- (3) In the digital society standardisation deliverables become indispensable to ensure interoperability of networks and systems. The Communication from the Commission entitled 'A strategic vision for European standards: moving forward to enhance and accelerate the sustainable growth of the European economy by 2020' ⁽⁵⁾ recognises the specificity of standardisation in the field of information and communication technologies (ICT), where solutions, applications and services are often developed by global ICT Fora and Consortia that have emerged as leading ICT standards development organisations.
- (4) Regulation (EU) No 1025/2012 aims at modernising and improving the European standardisation framework. It establishes a system whereby the Commission may decide to identify the most relevant and most widely accepted ICT technical specifications issued by organisations that are not European, international or national standardisation organisations. The possibility of using the full range of ICT technical specifications when procuring hardware, software and information technology services will enable interoperability between devices, services and applications, will help public administrations to avoid lock-in that occurs when the public procurer cannot change a provider after the expiration of the procurement contract because using ICT proprietary solutions, and will encourage competition in the supply of interoperable ICT solutions.
- (5) For the ICT technical specifications to be eligible for referencing in public procurement they must comply with the requirements set out in Annex II to Regulation (EU) No 1025/2012. Compliance with those requirements guarantees the public authorities that the ICT technical specifications are established in accordance with the principles of transparency, openness, impartiality and consensus that are recognised by the World Trade Organisation in the field of standardisation.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ Communication from the Commission 'upgrading the single market: more opportunities for people and business'. COM (2015) 550 final of 28 October 2015.

⁽³⁾ Communication on a Digital Single Market Strategy for Europe. COM(2015) 192 final of 6 May 2015 and Communication on the Mid-Term Review on the implementation of the Digital Single Market Strategy COM(2017) 228 final of 10 May 2017.

⁽⁴⁾ COM (2016) 176 final of 19 April 2016.

⁽⁵⁾ COM (2011) 311 final of 1 June 2011.

- (6) The decision to identify the ICT specification is to be adopted after consultation of the European multi-stakeholder platform on ICT standardisation set up by Commission Decision 2011/C 349/04 ⁽¹⁾ complemented by other forms of consultation of sectoral experts.
- (7) The European multi-stakeholder platform on ICT standardisation evaluated and gave a positive advice to the identification of the following technical specifications for referencing in public procurement: 'Simple Knowledge Organisation System' (hereinafter referred as 'SKOS'), and 'Resource Description Framework' 1.0 and 1.1 (hereinafter referred as 'RDF 1.0 & 1.1') developed by World Wide Web Consortium (W3C); 'Service Metadata Publisher 1.0' (hereinafter referred as 'SMP 1.0') developed by the Organization for the Advancement of Structured Information Standards (OASIS); 'MIME-Based Secure Peer-to-Peer Business Data Interchange Using HTTP, Applicability Statement 2', RFC 4130 (hereinafter referred as 'AS2') and 'the Internationalized Resource Identifiers' RFC 3987 (hereinafter referred as 'IRIs') developed by Internet Engineering Task Force (IETF); 'Data Foundation & Terminology Model', 'PID Information Types API', 'Data Type Registries Model' and 'Practical Policies Recommendations' technical specifications, all developed by Research Data Alliance (RDA) Foundation. The evaluation and advice of the platform was subsequently submitted to consultation of sectoral experts who confirmed the positive advice to its identification.
- (8) 'SKOS' technical specification developed by W3C makes non-formal knowledge organisation systems available to the public online in a structured form, with the aim of organising and providing access to knowhow on the meaning and cohesion of the underlying terms. The 'SKOS' data model provides a standard, low-cost migration path for porting existing knowledge organization systems to the semantic web. 'SKOS' also provides a lightweight, intuitive language for developing and sharing new knowledge organization systems. It may be used on its own, or in combination with formal knowledge representation languages such as the Web Ontology language (OWL).
- (9) 'RDF 1.0' also developed by W3C is a standard model for data interchange on the Web with features that facilitate data merging even if the underlying schemas differ, and it specifically supports the evolution of schemas over time without requiring all the data consumers to be changed. 'RDF 1.1' is an evolution of 'RDF 1.0' with backward compatibility, using internationalized identifiers, fine-tuning of the use of datatypes and language tags on literals, and a number of new serialization formats.
- (10) 'SMP 1.0' technical specification developed by OASIS defines a protocol for publishing service metadata within a 4-corner network, where entities exchange business documents through intermediary gateway services (sometimes called Access Points). To successfully send a business document in a 4-corner network, an entity must be able to discover critical metadata about the recipient (endpoint) of the business document, such as types of documents the endpoint is capable of receiving and methods of transport supported. The recipient makes this metadata available to other entities in the network through a Service Metadata Publisher service. The specification describes the request/response exchanges between a Service Metadata Publisher and a client wishing to discover endpoint information
- (11) 'AS2' developed by IETF is one of the most popular methods for transporting structured business data securely and reliably over the Internet. It essentially involves two computers — a client and a server — connecting in a point-to-point manner via the web. AS2 creates an "envelope" for the structured business data, allowing them to be sent securely — using digital certificates and encryption — over the Internet. AS2 is used by private and public sector organizations and governments in several Member States for both specific use cases and general infrastructure implementations supporting secure transfer of messages and business documents'.
- (12) 'IRIs' technical specification developed by IETF is a protocol element that extends upon the Uniform Resource Identifier (URI) scheme, which is based on the ASCII character set, by supporting a much wider set of characters that are used in EU Latin-based alphabets containing letters outside the ASCII set or use another script altogether (Greek, Bulgarian).
- (13) The Research Data Alliance (RDA) is an international organization focused on the development of infrastructure and community activities and recommendations designed to reduce barriers to data sharing and exchange and the acceleration of data driven innovation worldwide. Four technical specifications from RDA are identified. 'RDA Data Foundation & Terminology Model' is a core model, basic vocabulary and query tool of foundational terminology which ensures researchers use a common terminology when referring to data; 'RDA PID Information

⁽¹⁾ Commission Decision 2011/C 349/04 of 28 November 2011 setting up the European multi-stakeholder platform on ICT standardisation (OJ C 349, 30.11.2011, p. 4)

Types API — Persistent Identifier Type Registry' is a Conceptual model for structuring typed information to better identify PIDs, and a common interface for access to this information; 'RDA Data Type Registries Model' is a data type model and registry ('MIME-types' for data) to help tools interpret, display and process data; and 'RDA Practical Policies recommendations' is a set of machine actionable policies to enhance trust & interoperability.

HAS ADOPTED THIS DECISION:

Article 1

The technical specifications listed in the Annex are eligible for referencing in public procurement.

Article 2

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

Done at Brussels, 20 July 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

World Wide Web Consortium (W3C) ⁽¹⁾

No	Title of ICT technical specification
1	Simple Knowledge Organisation System (SKOS)
2	Resource Description Framework 1.0 and 1.1 (RDF 1.0 & 1.1)

⁽¹⁾ <http://www.w3.org/>**OASIS (Advancing open standards for the information society) ⁽¹⁾**

No	Title of ICT technical specification
1	Service Metadata Publisher 1.0 (SMP 1.0)

⁽¹⁾ <http://www.oasis-open.org/>**Internet Engineering Task Force (IETF) ⁽¹⁾**

No	Title of ICT technical specification
1	MIME-Based Secure Peer-to-Peer Business Data Interchange Using HTTP, Applicability Statement 2, RFC 4130 (AS2)
2	Internationalized Resource Identifiers, RFC 3987 (IRIs)

⁽¹⁾ <http://www.ietf.org/>**Research Data Alliance (RDA) ⁽¹⁾**

No	Title of ICT technical specification
1	TS1 Data Foundation & Terminology Model
2	TS2 PID Information Types API- Persistent Identifier Type Registry
3	TS3 Data Type Registries Model
4	TS4 Practical Policies recommendations

⁽¹⁾ <https://rd-alliance.org/>

DECISION (EU) 2017/1359 OF THE EUROPEAN CENTRAL BANK**of 18 May 2017****amending Decision (EU) 2016/948 on the implementation of the corporate sector purchase programme (ECB/2017/13)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the second subparagraph of Article 12.1 in conjunction with the first indent of Article 3.1, and Article 18.1 thereof,

Whereas:

- (1) Decision (EU) 2016/948 of the European Central Bank (ECB/2016/16) ⁽¹⁾ established a corporate sector purchase programme (CSPP). Alongside the third covered bond purchase programme, the asset-backed securities purchase programme and the secondary markets public sector asset purchase programme, the CSPP is part of the expanded asset purchase programme (APP). The APP aims to further enhance the transmission of monetary policy, facilitate the provision of credit to the euro area economy, ease borrowing conditions for households and firms and contribute to returning inflation rates to levels below but close to 2 % over the medium term, consistent with the primary objective of the European Central Bank (ECB) of maintaining price stability.
- (2) Achieving a single monetary policy, including through the APP, entails defining the tools, instruments and procedures to be used by the Eurosystem, in order to implement such a policy in a uniform manner throughout the Member States whose currency is the euro.
- (3) The Governing Council decided on 22 March 2017 to further refine the rules applicable to debt instruments issued by wind-down entities to ensure their consistent treatment in the Eurosystem's monetary policy through the APP.
- (4) Therefore, Decision (EU) 2016/948 (ECB/2016/16) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

1. In Article 2 of Decision (EU) 2016/948 (ECB/2016/16), subpoint (j) of point 1 is replaced by the following:

‘(j) is not an entity, whether publicly or privately owned, that: (i) has as its main purpose the gradual divestment of its assets and the cessation of its business; or (ii) is an asset management or divestment entity established to support financial sector restructuring and/or resolution (*), including asset management vehicles resulting from a resolution action in the form of the application of an asset separation tool pursuant to Article 26 of Regulation (EU) No 806/2014 of the European Parliament and of the Council (**) or national legislation implementing Article 42 of Directive 2014/59/EU of the European Parliament and of the Council (***);

(*) A list of asset management and divestment entities relevant for the CSPP is published on the ECB website at www.ecb.europa.eu

(**) 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 (OJ L 225, 30.7.2014, p. 1).

(***) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).’.

⁽¹⁾ Decision (EU) 2016/948 of the European Central Bank of 1 June 2016 on the implementation of the corporate sector purchase programme (ECB/2016/16) (OJ L 157, 15.6.2016, p. 28).

2. In Article 2 of Decision (EU) 2016/948 (ECB/2016/16), subpoint (k) of point 1 is deleted.

Article 2

Entry into force

This Decision shall enter into force on 21 July 2017.

Done at Frankfurt am Main, 18 May 2017.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

DECISION (EU) 2017/1360 OF THE EUROPEAN CENTRAL BANK**of 18 May 2017****amending Decision ECB/2014/40 on the implementation of the third covered bond purchase programme (ECB/2017/14)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the second subparagraph of Article 12.1 in conjunction with the first indent of Article 3.1, and Article 18.1 thereof,

Whereas:

- (1) Decision ECB/2014/40 ⁽¹⁾ established the third covered bond purchase programme (hereinafter the 'CBPP3'). Alongside the asset-backed securities purchase programme, the secondary markets public sector asset purchase programme and the corporate sector purchase programme, the CBPP3 is part of the expanded asset purchase programme (APP). The APP aims to further enhance the transmission of monetary policy, facilitate the provision of credit to the euro area economy, ease borrowing conditions for households and firms and contribute to returning inflation rates to levels below but close to 2 % over the medium term, consistent with the primary objective of the European Central Bank (ECB) of maintaining price stability.
- (2) Achieving a single monetary policy, including through the APP, entails defining the tools, instruments and procedures to be used by the Eurosystem, in order to implement such a policy in a uniform manner throughout the Member States whose currency is the euro.
- (3) The Governing Council decided on 22 March 2017 to further refine the rules applicable to covered bond issuers which are wind-down entities to ensure their consistent treatment in the Eurosystem's monetary policy through the APP.
- (4) Therefore, Decision ECB/2014/40 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

In Article 2 of Decision ECB/2014/40, the following point 8 is added:

- '8. The issuer of the covered bonds is not an entity, whether publicly or privately owned, that: (a) has as its main purpose the gradual divestment of its assets and the cessation of its business; or (b) is an asset management or divestment entity established to support financial sector restructuring and/or resolution, including asset management vehicles resulting from a resolution action in the form of the application of an asset separation tool pursuant to Article 26 of Regulation (EU) No 806/2014 of the European Parliament and of the Council (*) or national legislation implementing Article 42 of Directive 2014/59/EU of the European Parliament and of the Council (**).

(*) 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 (OJ L 225, 30.7.2014, p. 1).

(**) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).'

⁽¹⁾ Decision ECB/2014/40 of 15 October 2014 on the implementation of the third covered bond purchase programme (OJ L 335, 22.11.2014, p. 22).

*Article 2***Entry into force**

This Decision shall enter into force on 21 July 2017.

Done at Frankfurt am Main, 18 May 2017.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

DECISION (EU) 2017/1361 OF THE EUROPEAN CENTRAL BANK**of 18 May 2017****amending Decision (EU) 2015/5 on the implementation of the asset-backed securities purchase programme (ECB/2017/15)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the second subparagraph of Article 12.1 in conjunction with the first indent of Article 3.1, and Article 18.1 thereof,

Whereas:

- (1) Decision (EU) 2015/5 of the European Central Bank (ECB/2014/45) ⁽¹⁾ established an asset-backed securities purchase programme (ABSPP). Alongside the third covered bond purchase programme, the secondary markets public sector asset purchase programme and the corporate sector purchase programme, the ABSPP is part of the expanded asset purchase programme (APP). The APP aims to further enhance the transmission of monetary policy, facilitate the provision of credit to the euro area economy, ease borrowing conditions for households and firms and contribute to returning inflation rates to levels below but close to 2 % over the medium term, consistent with the primary objective of the European Central Bank (ECB) of maintaining price stability.
- (2) Achieving a single monetary policy, including through the APP, entails defining the tools, instruments and procedures to be used by the Eurosystem, in order to implement such a policy in a uniform manner throughout the Member States whose currency is the euro.
- (3) The Governing Council decided on 22 March 2017 to further refine the rules applicable to asset-backed securities (ABSs) originated by wind-down entities to ensure their consistent treatment in the Eurosystem's monetary policy through the APP.
- (4) Therefore, Decision (EU) 2015/5 (ECB/2014/45) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

In Article 2 of Decision (EU) 2015/5 (ECB/2014/45), the following point (11) is added:

- ‘(11) The entity which has originated or established the ABS is not an entity, whether publicly or privately owned, that: (a) has as its main purpose the gradual divestment of its assets and the cessation of its business; or (b) is an asset management or divestment entity established to support financial sector restructuring and/or resolution, including asset management vehicles resulting from a resolution action in the form of the application of an asset separation tool pursuant to Article 26 of Regulation (EU) No 806/2014 of the European Parliament and of the Council (*) or national legislation implementing Article 42 of Directive 2014/59/EU of the European Parliament and of the Council (**).

(*) 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 (OJ L 225, 30.7.2014, p. 1).

(**) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).’.

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

*Article 2***Entry into force**

This Decision shall enter into force on 21 July 2017.

Done at Frankfurt am Main, 18 May 2017.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

GUIDELINES

GUIDELINE (EU) 2017/1362 OF THE EUROPEAN CENTRAL BANK

of 18 May 2017

amending Guideline (EU) 2015/510 on the implementation of the Eurosystem monetary policy framework (ECB/2017/12)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Articles 9.2, 12.1, 14.3, 18.2 and the first paragraph of Article 20 thereof,

Whereas:

- (1) Achieving a single monetary policy entails defining the tools, instruments and procedures to be used by the Eurosystem, in order to implement such a policy in a uniform manner throughout the Member States whose currency is the euro.
- (2) The Governing Council decided on 22 March 2017 to further refine the rules applicable to ‘wind-down entities’ in the context of the Eurosystem’s monetary policy counterparty framework, to ensure their consistent treatment in accessing the Eurosystem’s monetary policy operations. In particular, the Governing Council considered appropriate not allowing ‘wind-down entities’, as defined in this guideline, access to monetary policy operations, since the main purpose of these entities is not consistent with the ordinary business of credit institutions, which are the regular participants in monetary policy operations.
- (3) For reasons of transparency and legal clarity, the decision of the Governing Council of 22 March 2017 should be laid down in a binding legal act without delay to supplement Guideline (EU) 2015/510 of the European Central Bank (ECB/2014/60) ⁽¹⁾.
- (4) Therefore, Guideline (EU) 2015/510 (ECB/2014/60) should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline (EU) 2015/510 (ECB/2014/60) is amended as follows:

1. in Article 2, the following point (99a) is inserted:

‘(99a) “wind-down entity” means an entity, whether privately or publicly owned, that (a) has as its main purpose the gradual divestment of its assets and the cessation of its business; or (b) is an asset management or divestment entity established to support financial sector restructuring and/or resolution, including asset management vehicles resulting from a resolution action in the form of the application of an asset separation tool pursuant

⁽¹⁾ Guideline (EU) 2015/510 of the European Central Bank of 19 December 2014 on the implementation of the Eurosystem monetary policy framework (ECB/2014/60) (OJ L 91, 2.4.2015, p. 3).

to Article 26 of Regulation (EU) No 806/2014 of the European Parliament and of the Council (*) or national legislation implementing Article 42 of Directive 2014/59/EU of the European Parliament and of the Council (**).

(*) 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 (OJ L 225, 30.7.2014, p. 1).

(**) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).;

2. in Article 55a, paragraph 5 is replaced by the following:

‘5. A wind-down entity shall not be eligible to access Eurosystem monetary policy operations unless it has been accepted as an eligible counterparty to participate in Eurosystem monetary policy operations by 22 March 2017. In that case it shall remain eligible until 31 December 2021, with the limitation that its access to Eurosystem credit operations, as defined in point (31) of Article 2, shall be capped at the average level of its recourse to Eurosystem credit operations during the 12-month period preceding 22 March 2017 with the possibility to compute and apply such cap jointly for a number of wind-down entities belonging to the same group, where relevant. Thereafter, such a wind-down entity shall no longer be eligible to access Eurosystem monetary policy operations.’;

3. in Article 158, the following paragraph 3a is inserted:

‘3a. With reference to wind-down entities not deemed eligible pursuant to Article 55a(5), the Eurosystem may suspend, limit or exclude, on the grounds of prudence, access to monetary policy operations by counterparties that channel Eurosystem liquidity to a non-eligible wind-down entity.’.

Article 2

Taking effect and implementation

1. This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.

2. The national central banks of the Member States whose currency is the euro shall take the necessary measures to comply with this Guideline and apply them from 21 July 2017. They shall notify the ECB of the texts and means relating to those measures by 19 June 2017 at the latest.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 18 May 2017.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

