

Official Journal of the European Union

L 335



English edition

Legislation

Volume 60

15 December 2017

Contents

I *Legislative acts*

REGULATIONS

- ★ **Regulation (EU) 2017/2305 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 1303/2013 as regards the changes to the resources for economic, social and territorial cohesion and to the resources for the Investment for growth and jobs goal and for the European territorial cooperation goal** 1
- ★ **Regulation (EU) 2017/2306 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 230/2014 establishing an instrument contributing to stability and peace** 6

Corrigenda

- ★ **Corrigendum to Regulation (EU) 2017/1566 of the European Parliament and of the Council of 13 September 2017 on the introduction of temporary autonomous trade measures for Ukraine supplementing the trade concessions available under the Association Agreement (OJ L 254, 30.9.2017)** 11

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.

I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2017/2305 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 12 December 2017****amending Regulation (EU) No 1303/2013 as regards the changes to the resources for economic, social and territorial cohesion and to the resources for the Investment for growth and jobs goal and for the European territorial cooperation goal**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 177 thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

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

Whereas:

- (1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽²⁾ lays down the common and general rules applicable to the European Structural and Investment Funds.
- (2) In accordance with Article 7(1) of Council Regulation (EU, Euratom) No 1311/2013 ⁽³⁾ and Article 92(3) of Regulation (EU) No 1303/2013, the Commission reviewed in 2016 the total allocations of all Member States under the Investment for growth and jobs goal of cohesion policy for the years 2017 to 2020.
- (3) In accordance with Article 7(3) of Regulation (EU, Euratom) No 1311/2013 and Article 92(3) of Regulation (EU) No 1303/2013, the Commission presented the results of that review in a communication to the Council and the European Parliament of 30 June 2016 on the technical adjustment of the financial framework for 2017 in line with movements in gross national income (GNI) and adjustment of cohesion policy envelopes. The Commission stated in that communication that, on the basis of the most recent statistics, there is a cumulative divergence of more than +/- 5 % between the total and the revised allocations in Belgium, the Czech Republic, Denmark,

⁽¹⁾ Position of the European Parliament of 30 November 2017 (not yet published in the Official Journal) and decision of the Council of 7 December 2017.

⁽²⁾ 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).

⁽³⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

Estonia, Ireland, Greece, Spain, Croatia, Italy, Cyprus, the Netherlands, Slovenia, Slovakia, Finland, Sweden and the United Kingdom. In addition, the Commission stated that, on the basis of its GNI per capita figures for 2012-2014, Cyprus would become fully eligible for support from the Cohesion Fund as of 1 January 2017.

- (4) As required by Article 7(4) and (5) of Regulation (EU, Euratom) No 1311/2013 and Article 92(3) of Regulation (EU) No 1303/2013, the allocations of those Member States are to be adjusted accordingly, provided that the total net effect of those adjustments does not exceed EUR 4 billion.
- (5) Insofar as the review had an impact on the annual breakdown of the allocations for the global resources by Member State under the Investment for growth and jobs goal and under the European territorial cooperation goal, as well as on the Youth Employment Initiative ("YEI"), the review was implemented by Commission Implementing Decision (EU) 2016/1941 ⁽¹⁾.
- (6) The total net effect of those adjustments is to increase the resources for economic, social and territorial cohesion by EUR 4 billion. That increase should be reflected in Article 91(1) of Regulation (EU) No 1303/2013, which should therefore be adjusted accordingly.
- (7) The resources for the Investment for growth and jobs goal and their allocation among less developed regions, transition regions, more developed regions, Member States supported by the Cohesion Fund, and outermost regions, as set out in Article 92(1) of Regulation (EU) No 1303/2013, should be adjusted accordingly.
- (8) In accordance with Article 14(1) of Regulation (EU, Euratom) No 1311/2013, the margins left available below the ceilings for commitment appropriations of the multiannual financial framework ("MFF") are to constitute the Global MFF Margin for commitments, to be made available over and above the ceilings established in the MFF for the years 2016 to 2020 for policy objectives related to growth and employment, in particular youth employment. The limitation of the margins left available below the MFF ceilings for commitment appropriations to the years 2014 to 2017 was removed by Council Regulation (EU, Euratom) 2017/1123 ⁽²⁾, thereby allowing the YEI to be extended to 2020 and the specific allocation for the YEI to be increased by an amount of EUR 1,2 billion in current prices for the period 2017-2020. The specific allocation for the YEI as set out in Articles 91(1) and 92(5) of Regulation (EU) No 1303/2013 should therefore be adjusted accordingly.
- (9) In accordance with Article 94(2) of Regulation (EU) No 1303/2013, the Commission accepted a proposal submitted by Denmark to transfer a part of its appropriations for the European territorial cooperation goal to the Investment for growth and jobs goal. That transfer should be reflected in an adjustment of the global resources available for the European territorial cooperation goal under Article 92(9) of that Regulation.
- (10) In accordance with the procedure set out in Article 19(1) of Regulation (EU, Euratom) No 1311/2013, Council Regulation (EU, Euratom) 2015/623 ⁽³⁾ transferred to subsequent years an amount of EUR 11 216 187 326 in current prices of the allocation provided for the Structural Funds and the Cohesion Fund. That transfer should be reflected in Annex VI to Regulation (EU) No 1303/2013 setting out the global annual breakdown of commitment appropriations for the years 2014 to 2020. In addition, an amount of EUR 9 446 050 652 in current prices of the allocation provided for the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund which could not be committed in 2014 nor carried over to 2015 was transferred to subsequent years.
- (11) In view of the need to ensure that the additional allocations made available for the 2017 budget year are financially committed, including through amendments to affected programmes, it was considered to be appropriate to provide for an exception to the 8-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

⁽¹⁾ Commission Implementing Decision (EU) 2016/1941 of 3 November 2016 amending Implementing Decision 2014/190/EU setting out the annual breakdown by Member State of global resources for the European Regional Development Fund, the European Social Fund and the Cohesion Fund under the Investment for growth and jobs goal and the European territorial cooperation goal, the annual breakdown by Member State of resources from the specific allocation for the Youth Employment Initiative together with the list of eligible regions, and the amounts to be transferred from each Member State's Cohesion Fund and Structural Funds allocations to the Connecting Europe Facility and to aid for the most deprived for the period 2014-2020 (OJ L 299, 5.11.2016, p. 61).

⁽²⁾ Council Regulation (EU, Euratom) 2017/1123 of 20 June 2017 amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 163, 24.6.2017, p. 1).

⁽³⁾ Council Regulation (EU, Euratom) 2015/623 of 21 April 2015 amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 103, 22.4.2015, p. 1).

- (12) Given the urgency of extending the programmes supporting the YEI, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (13) Regulation (EU) No 1303/2013 should therefore be amended,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1303/2013 is amended as follows:

- (1) in Article 91, paragraph 1 is replaced by the following:

‘1. The resources for economic, social and territorial cohesion available for budgetary commitment for the period 2014-2020 shall be EUR 329 978 401 458 in 2011 prices, in accordance with the annual breakdown set out in Annex VI, of which EUR 325 938 694 233 represents the global resources allocated to the ERDF, the ESF and the Cohesion Fund, and EUR 4 039 707 225 represents a specific allocation for the YEI. For the purposes of programming and subsequent inclusion in the budget of the Union, the amount of resources for economic, social and territorial cohesion shall be indexed at 2 % per year.’;

- (2) Article 92 is amended as follows:

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

‘1. Resources for the Investment for growth and jobs goal shall amount to 96,09 % of the global resources (i.e., a total of EUR 317 103 114 309) and shall be allocated as follows:

- (a) 48,64 % (i.e., a total of EUR 160 498 028 177) for less developed regions;
- (b) 10,19 % (i.e., a total of EUR 33 621 675 154) for transition regions;
- (c) 15,43 % (i.e., a total of EUR 50 914 723 304) for more developed regions;
- (d) 20,01 % (i.e., a total of EUR 66 029 882 135) for Member States supported by the Cohesion Fund;
- (e) 0,42 % (i.e., a total of EUR 1 378 882 914) as additional funding for the outermost regions identified in Article 349 TFEU and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession.’;

- (b) paragraph 5 is replaced by the following:

‘5. Resources for the YEI shall amount to EUR 4 039 707 225 from the specific allocation for the YEI and at least EUR 4 039 707 225 from ESF targeted investment.’;

- (c) paragraph 9 is replaced by the following:

‘9. Resources for the European territorial cooperation goal shall amount to 2,69 % of the global resources available for budgetary commitment from the Funds for the period 2014-2020 (i.e., a total of EUR 8 865 148 841).’;

- (3) Annex VI is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Strasbourg, 12 December 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

M. MAASIKAS

ANNEX

'ANNEX VI

ANNUAL BREAKDOWN OF COMMITMENT APPROPRIATIONS FOR THE YEARS 2014 TO 2020

Adjusted annual profile (including the YEI top-up)

	2014	2015	2016	2017	2018	2019	2020	Total
EUR, 2011 prices	34 108 069 924	55 725 174 682	46 044 910 736	48 027 317 164	48 240 419 297	48 712 359 314	49 120 150 341	329 978 401 458'

REGULATION (EU) 2017/2306 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 12 December 2017
amending Regulation (EU) No 230/2014 establishing an instrument contributing to stability and peace

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 209(1) and 212(2) thereof,

Having regard to the proposal from the European Commission,

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

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

Whereas:

- (1) In the Joint statement on European Union Development Policy entitled 'The European Consensus' ⁽²⁾, and in the Joint statement on 'The New European Consensus on Development' ⁽³⁾, the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission recognised the link between security and development.
- (2) In the 2030 Agenda for Sustainable Development, adopted by a Resolution of the United Nations General Assembly on 25 September 2015, the importance of promoting peaceful and inclusive societies both as a Sustainable Development Goal (SDG) 16 and in order to achieve other development policy outcomes was underlined. SDG 16.a specifically requests to 'Strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime'.
- (3) The primary objective of Union development policy is the reduction and, in the long term, the eradication of poverty.
- (4) In the High Level Meeting Communiqué of 19 February 2016, the Development Assistance Committee of the Organisation for Economic Cooperation and Development updated the reporting directives on Official Development Assistance in the field of peace and security. The financing of the actions undertaken in accordance with this Regulation constitutes Official Development Assistance when it fulfils the criteria set out in those reporting directives or any subsequent reporting directives, which the Development Assistance Committee is able to agree upon.
- (5) Giving support to security sector actors in third countries, including, under exceptional circumstances, the military, in a conflict prevention, crisis management or stabilisation context is essential to ensure appropriate conditions for poverty eradication and development. Good governance, effective democratic control and civilian oversight of the security system, including of the military, as well as compliance with human rights and the rule of law principles are essential attributes of a well-functioning State in any context, and should be promoted through a wider security sector reform support to third countries.
- (6) In its conclusions of 19-20 December 2013 on Common Security and Defence Policy (CSDP), the European Council emphasised the importance of supporting partner countries and regional organisations, through providing training, advice, equipment and resources where appropriate, so that they can increasingly prevent or manage crises by themselves.
- (7) In the Joint Communication of 28 April 2015 entitled 'Capacity building in support of security and development – Enabling partners to prevent and manage crisis', the Commission and the High Representative of the Union for Foreign Affairs and Security Policy reiterated the need for stable and secure societies in order to achieve development objectives.

⁽¹⁾ Position of the European Parliament of 30 November 2017 (not yet published in the Official Journal) and decision of the Council of 7 December 2017.

⁽²⁾ OJ C 46, 24.2.2006, p. 1.

⁽³⁾ OJ C 210, 30.6.2017, p. 1.

- (8) In line with the EU Comprehensive Approach and in order to maximise the impact, efficiency and consistency of EU support, the Council in its conclusions of 18 May 2015 on CSDP invited the Commission and the High Representative for Foreign Affairs and Security Policy to develop, in consultation with Member States, a Union-wide strategic framework to support security sector reform. That policy concept brings together CSDP and all other relevant tools of Common Foreign and Security Policy (CFSP) as well as development cooperation instruments, while respecting their respective legal bases, primary objectives and decision-making procedures.
- (9) Capacity building of military actors in third countries should be undertaken as part of the Union's development cooperation policy when it mainly pursues objectives in the field of development and as part of the Union's CFSP when it mainly pursues objectives in the field of peace and security, in compliance with Article 40 of the Treaty on European Union. This Regulation respects the application of the procedures and the extent of the powers of the institutions under the Union's development cooperation policy and the Union's CFSP.
- (10) Union assistance under this Regulation could cover the provision of capacity building programmes in support of development and security for development, including training, mentoring and advice on, for example, human rights, governance and the rule of law, the protection of women and children, civilian crisis response, human resources management and technical cooperation.
- (11) The Commission is to monitor measures under this Regulation closely. The Commission is to keep the European Parliament duly informed, in a timely manner, about the implementation of Union assistance pursuant to this Regulation. No later than 30 June 2020, the Commission is to evaluate the impact, effectiveness and coherence of measures pursuant to this Regulation with the SDG 16. To that end, the Commission is to associate all relevant stakeholders, including civil society organisations and local authorities, in the evaluation phase ensuring they play a meaningful role in the process. The Commission is to undertake, where appropriate, joint evaluations with Member States. The results are to inform programme design and resource allocation, and to further enhance the consistency and complementarity of the Union's external action.
- (12) Regulation (EU) No 230/2014 of the European Parliament and of the Council ⁽¹⁾ should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 230/2014 is amended as follows:

- (1) in Article 1(2), the following subparagraph is added:

‘Where Union assistance is provided to the security sector actors, this may also include military actors under exceptional circumstances as provided for in Article 3a in the context of a wider security sector reform process or capacity building in support of development and security for development in third countries, in line with the overarching objective of achieving sustainable development.’;

- (2) the following Article is inserted:

‘Article 3a

Capacity building of military actors in support of development and security for development

1. In order to contribute to sustainable development, which requires the achievement of stable, peaceful and inclusive societies, Union assistance under this Regulation may be used to build the capacity of military actors in partner countries, under the exceptional circumstances as set out in paragraph 3, to deliver development activities and security for development activities.

2. Assistance pursuant to this Article may cover in particular the provision of capacity building programmes in support of development and security for development, including training, mentoring and advice, as well as the provision of equipment, infrastructure improvements and services directly related to that assistance.

⁽¹⁾ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1).

3. Assistance pursuant to this Article shall be provided only:

- (a) where requirements cannot be met by recourse to non-military actors to adequately reach Union objectives under this Regulation and there is a threat to the existence of functioning State institutions or to the protection of human rights and fundamental freedoms and State institutions cannot cope with that threat; and
- (b) where a consensus exists between the partner country concerned and the Union that military actors are key for preserving, establishing or re-establishing the conditions essential for sustainable development, including in crises and fragile or destabilised contexts and situations.

4. Union assistance pursuant to this Article shall not be used to finance capacity building of military actors for purposes other than the delivery of development activities and security for development activities. In particular, it shall not be used to finance:

- (a) recurrent military expenditure;
- (b) the procurement of arms and ammunition, or any other equipment designed to deliver lethal force;
- (c) training which is designed to contribute specifically to the fighting capacity of the armed forces.

5. When designing and implementing measures pursuant to this Article, the Commission shall promote ownership by the partner country. It shall also develop the necessary elements and the good practices required to ensure sustainability in the medium and long term and shall promote the rule of law and established international law principles.

6. The Commission shall establish appropriate risk assessment, monitoring and evaluation procedures for measures pursuant to this Article.;

(3) in Article 7, paragraph 1 is replaced by the following:

‘1. Union assistance pursuant to Article 3, and to Article 3a as appropriate, shall be provided through exceptional assistance measures and interim response programmes.;

(4) in Article 8, paragraph 1 is replaced by the following:

‘1. Thematic strategy papers shall constitute the general basis for the implementation of assistance pursuant to Articles 4 and 5, and to Article 3a as appropriate. Thematic strategy papers shall provide a framework for cooperation between the Union and the partner countries or regions concerned.;

(5) in Article 10, paragraph 1 is replaced by the following:

‘1. The Commission shall ensure that measures adopted under this Regulation in relation to the fight against terrorism and organised crime, as well as measures covered under Article 3a, are implemented in accordance with international law, including human rights law and international humanitarian law.;

(6) in Article 13, the following paragraph is added:

‘4. A further amount of EUR 100 000 000 shall be added to the financial envelope referred to in paragraph 1 and shall be allocated to measures falling under Article 3a.’

Article 2

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 Strasbourg, 12 December 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

M. MAASIKAS

Declaration concerning sources of funding of assistance measures under Article 3a of Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace

The European Parliament, the Council and the Commission agree that capacity building in support of development and security for development should be financed within Heading IV of the multiannual financial framework for the years 2014-2020, primarily through redeployments, while preserving the financial balance among all instruments to the maximum extent possible. Furthermore, without prejudice to the prerogatives of the budgetary authority in the annual budgetary procedure, such redeployments should not include use of appropriations allocated to measures under Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020.

CORRIGENDA

Corrigendum to Regulation (EU) 2017/1566 of the European Parliament and of the Council of 13 September 2017 on the introduction of temporary autonomous trade measures for Ukraine supplementing the trade concessions available under the Association Agreement

(Official Journal of the European Union L 254 of 30 September 2017)

On page 7, Annex II:

for:

‘ANNEX II

ZERO-TARIFF QUOTAS FOR AGRICULTURAL PRODUCTS REFERRED TO IN POINT (b) OF ARTICLE 1(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature (CN), the wording of the description of the products is to be considered as having no more than an indicative value. For the purposes of this Annex, the scope of the preferential scheme is to be determined by CN codes as they exist on 1 October 2017.

Product	Tariff classification	Annual quota volume
Common wheat, spelt and meslin, flour, groats, meal and pellets	1001 90 99 1101 00 15, 1101 00 90 1102 90 90 1103 11 90, 1103 20 60	65 000 tonnes/year
Maize, other than seed, flour, groats, meal, pellets and grains	1005 90 00 1102 20 1103 13 1103 20 40 1104 23	625 000 tonnes/year
Barley, other than seed, flour and pellets	1003 90 00 1102 90 10 ex 1103 20 25	325 000 tonnes/year’

read:

‘ANNEX II

ZERO-TARIFF QUOTAS FOR AGRICULTURAL PRODUCTS REFERRED TO IN POINT (b) OF ARTICLE 1(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature (CN), the wording of the description of the products is to be considered as having no more than an indicative value. For the purposes of this Annex, the scope of the preferential scheme is to be determined by CN codes as they exist on 1 October 2017.

Where the CN code is preceded by ‘ex’, the application of the preferential arrangements is to be determined on the basis of the CN code and the description of the product.

Product	Tariff classification	Annual quota volume
Common wheat, spelt and meslin other than seed	1001 99 00	65 000 tonnes/year
Common wheat flour and spelt flour	1101 00 15	

Product	Tariff classification	Annual quota volume
Meslin flour	1101 00 90	
Cereal flour other than wheat, meslin, rye, maize, barley, oat, rice	1102 90 90	
Groats and meal of common wheat and spelt	1103 11 90	
Wheat pellets	1103 20 60	
Maize other than seed	1005 90 00	625 000 tonnes/year
Maize flour	1102 20	
Groats and meal of maize	1103 13	
Maize pellets	1103 20 40	
Worked grains of maize	1104 23	
Barley, other than seed	1003 90 00	325 000 tonnes/year'
Barley flour	1102 90 10	
Barley pellets	ex 1103 20 25	

