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EN

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2018/254

of 15 February 2018

on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with point (a)(v) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) Since 22 January 2011, pursuant to Council Decision 2010/48/EC ⁽²⁾, the Union has been bound by the United Nations Convention on the Rights of Persons with Disabilities, whose provisions have become an integral part of the Union legal order.
- (2) On 26 November 2012, the Council authorised the Commission to negotiate, on behalf of the Union, an international agreement within the World Intellectual Property Organisation (WIPO) on improved access to books for print-impaired persons.
- (3) Following the successful conclusion of those negotiations, the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled (the 'Marrakesh Treaty') was adopted on 27 June 2013. The Marrakesh Treaty entered into force on 30 September 2016.
- (4) In accordance with Council Decision 2014/221/EU ⁽³⁾, the Marrakesh Treaty was signed on behalf of the Union on 30 April 2014, subject to its conclusion.
- (5) The Marrakesh Treaty establishes a set of international rules which ensure that there are limitations or exceptions to copyright at national level for the benefit of people who are blind, visually impaired or otherwise print-disabled. The Marrakesh Treaty also aims to enable the cross-border exchange of copies of published works that have been made in an accessible format under these limitations or exceptions to copyright. Thus, the Marrakesh Treaty will facilitate access to published works for its beneficiaries inside and outside the Union.

⁽¹⁾ Consent of 18 January 2018 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ L 23, 27.1.2010, p. 35).

⁽³⁾ Council Decision 2014/221/EU of 14 April 2014 on the signing, on behalf of the European Union, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled (OJ L 115, 17.4.2014, p. 1).

- (6) Regulation (EU) 2017/1563 of the European Parliament and of the Council ⁽¹⁾ and Directive (EU) 2017/1564 of the European Parliament and of the Council ⁽²⁾, which implement the Union's obligations under the Marrakesh Treaty, have been adopted on 13 September 2017.
- (7) Under point (b) of Article 19 of the Marrakesh Treaty, in the case of the Union, the effective date of becoming a party to the Marrakesh Treaty is three months from the date on which the deposit of the instrument of ratification or accession with the Director-General of WIPO has taken place. It is appropriate to align that date with the date by which Member States are to transpose Directive (EU) 2017/1564 and the date from which Regulation (EU) 2017/1563 applies. Therefore, the deposit of the ratification instrument should take place as from three months before the date by which Member States are to transpose Directive (EU) 2017/1564 and Regulation (EU) 2017/1563 becomes applicable.
- (8) The conclusion of the Marrakesh Treaty falls within the exclusive competence of the Union ⁽³⁾, the Marrakesh Treaty should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled is hereby approved on behalf of the Union.

The text of the Marrakesh Treaty is attached to this Decision.

Article 2

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union, the instrument of ratification provided for in point (b) of Article 19 of the Marrakesh Treaty.

That deposit shall take place as from 12 July 2018.

Article 3

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

Done at Brussels, 15 February 2018.

For the Council
The President
K. VALCHEV

⁽¹⁾ Regulation (EU) 2017/1563 of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled (OJ L 242, 20.9.2017, p. 1).

⁽²⁾ Directive (EU) 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 242, 20.9.2017, p. 6).

⁽³⁾ Opinion of the Court of Justice of 14 February 2017, 3/15, ECLI:EU:C:2017:114.

MARRAKESH TREATY
to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise
Print Disabled

PREAMBLE

THE CONTRACTING PARTIES,

RECALLING the principles of non-discrimination, equal opportunity, accessibility and full and effective participation and inclusion in society, proclaimed in the Universal Declaration of Human Rights and the United Nations Convention on the Rights of Persons with Disabilities,

MINDFUL of the challenges that are prejudicial to the complete development of persons with visual impairments or with other print disabilities, which limit their freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds on an equal basis with others, including through all forms of communication of their choice, their enjoyment of the right to education, and the opportunity to conduct research,

EMPHASIZING the importance of copyright protection as an incentive and reward for literary and artistic creations and of enhancing opportunities for everyone, including persons with visual impairments or with other print disabilities, to participate in the cultural life of the community, to enjoy the arts and to share scientific progress and its benefits,

AWARE of the barriers of persons with visual impairments or with other print disabilities to access published works in achieving equal opportunities in society, and the need to both expand the number of works in accessible formats and to improve the circulation of such works,

TAKING INTO ACCOUNT that the majority of persons with visual impairments or with other print disabilities live in developing and least-developed countries,

RECOGNIZING that, despite the differences in national copyright laws, the positive impact of new information and communication technologies on the lives of persons with visual impairments or with other print disabilities may be reinforced by an enhanced legal framework at the international level,

RECOGNIZING that many Member States have established limitations and exceptions in their national copyright laws for persons with visual impairments or with other print disabilities, yet there is a continuing shortage of available works in accessible format copies for such persons, and that considerable resources are required for their effort of making works accessible to these persons, and that the lack of possibilities of cross-border exchange of accessible format copies has necessitated duplication of these efforts,

RECOGNIZING both the importance of rightholders' role in making their works accessible to persons with visual impairments or with other print disabilities and the importance of appropriate limitations and exceptions to make works accessible to these persons, particularly when the market is unable to provide such access,

RECOGNIZING the need to maintain a balance between the effective protection of the rights of authors and the larger public interest, particularly education, research and access to information, and that such a balance must facilitate effective and timely access to works for the benefit of persons with visual impairments or with other print disabilities,

REAFFIRMING the obligations of Contracting Parties under the existing international treaties on the protection of copyright and the importance and flexibility of the three-step test for limitations and exceptions established in Article 9(2) of the Berne Convention for the Protection of Literary and Artistic Works and other international instruments,

RECALLING the importance of the Development Agenda recommendations, adopted in 2007 by the General Assembly of the World Intellectual Property Organization (WIPO), which aim to ensure that development considerations form an integral part of the Organization's work,

RECOGNIZING the importance of the international copyright system and desiring to harmonize limitations and exceptions with a view to facilitating access to and use of works by persons with visual impairments or with other print disabilities,

HAVE AGREED AS FOLLOWS:

Article 1

Relation to Other Conventions and Treaties

Nothing in this Treaty shall derogate from any obligations that Contracting Parties have to each other under any other treaties, nor shall it prejudice any rights that a Contracting Party has under any other treaties.

Article 2

Definitions

For the purposes of this Treaty:

- (a) 'works' means literary and artistic works within the meaning of Article 2(1) of the Berne Convention for the Protection of Literary and Artistic Works, in the form of text, notation and/or related illustrations, whether published or otherwise made publicly available in any media ⁽¹⁾;
- (b) 'accessible format copy' means a copy of a work in an alternative manner or form which gives a beneficiary person access to the work, including to permit the person to have access as feasibly and comfortably as a person without visual impairment or other print disability. The accessible format copy is used exclusively by beneficiary persons and it must respect the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons;
- (c) 'authorized entity' means an entity that is authorized or recognized by the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes a government institution or non-profit organization that provides the same services to beneficiary persons as one of its primary activities or institutional obligations ⁽²⁾.

An authorized entity establishes and follows its own practices:

- (i) to establish that the persons it serves are beneficiary persons;
- (ii) to limit to beneficiary persons and/or authorized entities its distribution and making available of accessible format copies;
- (iii) to discourage the reproduction, distribution and making available of unauthorized copies; and
- (iv) to maintain due care in, and records of, its handling of copies of works, while respecting the privacy of beneficiary persons in accordance with Article 8.

⁽¹⁾ Agreed statement concerning Article 2(a): For the purposes of this Treaty, it is understood that this definition includes such works in audio form, such as audiobooks.

⁽²⁾ Agreed statement concerning Article 2(c): For the purposes of this Treaty, it is understood that 'entities recognized by the government' may include entities receiving financial support from the government to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis.

*Article 3***Beneficiary Persons**

A beneficiary person is a person who:

- (a) is blind;
- (b) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability; or ⁽¹⁾
- (c) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading;

regardless of any other disabilities.

*Article 4***National Law Limitations and Exceptions Regarding Accessible Format Copies**

1. (a) Contracting Parties shall provide in their national copyright laws for a limitation or exception to the right of reproduction, the right of distribution, and the right of making available to the public as provided by the WIPO Copyright Treaty (WCT), to facilitate the availability of works in accessible format copies for beneficiary persons. The limitation or exception provided in national law should permit changes needed to make the work accessible in the alternative format.
- (b) Contracting Parties may also provide a limitation or exception to the right of public performance to facilitate access to works for beneficiary persons.
2. A Contracting Party may fulfill Article 4(1) for all rights identified therein by providing a limitation or exception in its national copyright law such that:
 - (a) authorized entities shall be permitted, without the authorization of the copyright rightholder, to make an accessible format copy of a work, obtain from another authorized entity an accessible format copy, and supply those copies to beneficiary persons by any means, including by non-commercial lending or by electronic communication by wire or wireless means, and undertake any intermediate steps to achieve those objectives, when all of the following conditions are met:
 - (i) the authorized entity wishing to undertake said activity has lawful access to that work or a copy of that work;
 - (ii) the work is converted to an accessible format copy, which may include any means needed to navigate information in the accessible format, but does not introduce changes other than those needed to make the work accessible to the beneficiary person;
 - (iii) such accessible format copies are supplied exclusively to be used by beneficiary persons; and
 - (iv) the activity is undertaken on a non-profit basis;

and

⁽¹⁾ Agreed statement concerning Article 3(b): Nothing in this language implies that 'cannot be improved' requires the use of all possible medical diagnostic procedures and treatments.

(b) a beneficiary person, or someone acting on his or her behalf including a primary caretaker or caregiver, may make an accessible format copy of a work for the personal use of the beneficiary person or otherwise may assist the beneficiary person to make and use accessible format copies where the beneficiary person has lawful access to that work or a copy of that work.

3. A Contracting Party may fulfill Article 4(1) by providing other limitations or exceptions in its national copyright law pursuant to Articles 10 and 11 ⁽¹⁾.

4. A Contracting Party may confine limitations or exceptions under this Article to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market. Any Contracting Party availing itself of this possibility shall so declare in a notification deposited with the Director-General of WIPO at the time of ratification of, acceptance of or accession to this Treaty or at any time thereafter ⁽²⁾.

5. It shall be a matter for national law to determine whether limitations or exceptions under this Article are subject to remuneration.

Article 5

Cross-Border Exchange of Accessible Format Copies

1. Contracting Parties shall provide that if an accessible format copy is made under a limitation or exception or pursuant to operation of law, that accessible format copy may be distributed or made available by an authorized entity to a beneficiary person or an authorized entity in another Contracting Party ⁽³⁾.

2. A Contracting Party may fulfill Article 5(1) by providing a limitation or exception in its national copyright law such that:

(a) authorized entities shall be permitted, without the authorization of the rightholder, to distribute or make available for the exclusive use of beneficiary persons accessible format copies to an authorized entity in another Contracting Party; and

(b) authorized entities shall be permitted, without the authorization of the rightholder and pursuant to Article 2(c), to distribute or make available accessible format copies to a beneficiary person in another Contracting Party,

provided that prior to the distribution or making available the originating authorized entity did not know or have reasonable grounds to know that the accessible format copy would be used for other than beneficiary persons ⁽⁴⁾.

3. A Contracting Party may fulfill Article 5(1) by providing other limitations or exceptions in its national copyright law pursuant to Articles 5(4), 10 and 11.

4. (a) When an authorized entity in a Contracting Party receives accessible format copies pursuant to Article 5(1) and that Contracting Party does not have obligations under Article 9 of the Berne Convention, it will ensure, consistent with its own legal system and practices, that the accessible format copies are only reproduced, distributed or made available for the benefit of beneficiary persons in that Contracting Party's jurisdiction.

⁽¹⁾ Agreed statement concerning Article 4(3): It is understood that this paragraph neither reduces nor extends the scope of applicability of limitations and exceptions permitted under the Berne Convention, as regards the right of translation, with respect to persons with visual impairments or with other print disabilities.

⁽²⁾ Agreed statement concerning Article 4(4): It is understood that a commercial availability requirement does not prejudice whether or not a limitation or exception under this Article is consistent with the three-step test.

⁽³⁾ Agreed statement concerning Article 5(1): It is further understood that nothing in this Treaty reduces or extends the scope of exclusive rights under any other treaty.

⁽⁴⁾ Agreed statement concerning Article 5(2): It is understood that, to distribute or make available accessible format copies directly to a beneficiary person in another Contracting Party, it may be appropriate for an authorized entity to apply further measures to confirm that the person it is serving is a beneficiary person and to follow its own practices as described in Article 2(c).

- (b) The distribution and making available of accessible format copies by an authorized entity pursuant to Article 5(1) shall be limited to that jurisdiction unless the Contracting Party is a Party to the WIPO Copyright Treaty or otherwise limits limitations and exceptions implementing this Treaty to the right of distribution and the right of making available to the public to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder ⁽¹⁾ ⁽²⁾.
 - (c) Nothing in this Article affects the determination of what constitutes an act of distribution or an act of making available to the public.
5. Nothing in this Treaty shall be used to address the issue of exhaustion of rights.

Article 6

Importation of Accessible Format Copies

To the extent that the national law of a Contracting Party would permit a beneficiary person, someone acting on his or her behalf, or an authorized entity, to make an accessible format copy of a work, the national law of that Contracting Party shall also permit them to import an accessible format copy for the benefit of beneficiary persons, without the authorization of the rightholder ⁽³⁾.

Article 7

Obligations Concerning Technological Measures

Contracting Parties shall take appropriate measures, as necessary, to ensure that when they provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures, this legal protection does not prevent beneficiary persons from enjoying the limitations and exceptions provided for in this Treaty ⁽⁴⁾.

Article 8

Respect for Privacy

In the implementation of the limitations and exceptions provided for in this Treaty, Contracting Parties shall endeavor to protect the privacy of beneficiary persons on an equal basis with others.

Article 9

Cooperation to Facilitate Cross-Border Exchange

1. Contracting Parties shall endeavor to foster the cross-border exchange of accessible format copies by encouraging the voluntary sharing of information to assist authorized entities in identifying one another. The International Bureau of WIPO shall establish an information access point for this purpose.

⁽¹⁾ Agreed statement concerning Article 5(4)(b): It is understood that nothing in this Treaty requires or implies that a Contracting Party adopt or apply the three-step test beyond its obligations under this instrument or under other international treaties.

⁽²⁾ Agreed statement concerning Article 5(4)(b): It is understood that nothing in this Treaty creates any obligations for a Contracting Party to ratify or accede to the WCT or to comply with any of its provisions and nothing in this Treaty prejudices any rights, limitations and exceptions contained in the WCT.

⁽³⁾ Agreed statement concerning Article 6: It is understood that the Contracting Parties have the same flexibilities set out in Article 4 when implementing their obligations under Article 6.

⁽⁴⁾ Agreed statement concerning Article 7: It is understood that authorized entities, in various circumstances, choose to apply technological measures in the making, distribution and making available of accessible format copies and nothing herein disturbs such practices when in accordance with national law.

2. Contracting Parties undertake to assist their authorized entities engaged in activities under Article 5 to make information available regarding their practices pursuant to Article 2(c), both through the sharing of information among authorized entities, and through making available information on their policies and practices, including related to cross-border exchange of accessible format copies, to interested parties and members of the public as appropriate.
3. The International Bureau of WIPO is invited to share information, where available, about the functioning of this Treaty.
4. Contracting Parties recognize the importance of international cooperation and its promotion, in support of national efforts for realization of the purpose and objectives of this Treaty ⁽¹⁾.

Article 10

General Principles on Implementation

1. Contracting Parties undertake to adopt the measures necessary to ensure the application of this Treaty.
2. Nothing shall prevent Contracting Parties from determining the appropriate method of implementing the provisions of this Treaty within their own legal system and practice ⁽²⁾.
3. Contracting Parties may fulfill their rights and obligations under this Treaty through limitations or exceptions specifically for the benefit of beneficiary persons, other limitations or exceptions, or a combination thereof, within their national legal system and practice. These may include judicial, administrative or regulatory determinations for the benefit of beneficiary persons as to fair practices, dealings or uses to meet their needs consistent with the Contracting Parties' rights and obligations under the Berne Convention, other international treaties, and Article 11.

Article 11

General Obligations on Limitations and Exceptions

In adopting measures necessary to ensure the application of this Treaty, a Contracting Party may exercise the rights and shall comply with the obligations that that Contracting Party has under the Berne Convention, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, including their interpretative agreements so that:

- (a) in accordance with Article 9(2) of the Berne Convention, a Contracting Party may permit the reproduction of works in certain special cases provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author;
- (b) in accordance with Article 13 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, a Contracting Party shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rightholder;
- (c) in accordance with Article 10(1) of the WIPO Copyright Treaty, a Contracting Party may provide for limitations of or exceptions to the rights granted to authors under the WCT in certain special cases, that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author;

⁽¹⁾ Agreed statement concerning Article 9: It is understood that Article 9 does not imply mandatory registration for authorized entities nor does it constitute a precondition for authorized entities to engage in activities recognized under this Treaty; but it provides for a possibility for sharing information to facilitate the cross-border exchange of accessible format copies.

⁽²⁾ Agreed statement concerning Article 10(2): It is understood that when a work qualifies as a work under Article 2(a), including such works in audio form, the limitations and exceptions provided for by this Treaty apply *mutatis mutandis* to related rights as necessary to make the accessible format copy, to distribute it and to make it available to beneficiary persons.

- (d) in accordance with Article 10(2) of the WIPO Copyright Treaty, a Contracting Party shall confine, when applying the Berne Convention, any limitations of or exceptions to rights to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

Article 12

Other Limitations and Exceptions

1. Contracting Parties recognize that a Contracting Party may implement in its national law other copyright limitations and exceptions for the benefit of beneficiary persons than are provided by this Treaty having regard to that Contracting Party's economic situation, and its social and cultural needs, in conformity with that Contracting Party's international rights and obligations, and in the case of a least-developed country taking into account its special needs and its particular international rights and obligations and flexibilities thereof.
2. This Treaty is without prejudice to other limitations and exceptions for persons with disabilities provided by national law.

Article 13

Assembly

1. (a) The Contracting Parties shall have an Assembly.

(b) Each Contracting Party shall be represented in the Assembly by one delegate who may be assisted by alternate delegates, advisors and experts.

(c) The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.
2. (a) The Assembly shall deal with matters concerning the maintenance and development of this Treaty and the application and operation of this Treaty.

(b) The Assembly shall perform the function allocated to it under Article 15 in respect of the admission of certain intergovernmental organizations to become party to this Treaty.

(c) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director-General of WIPO for the preparation of such diplomatic conference.
3. (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and vice versa.
4. The Assembly shall meet upon convocation by the Director-General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of WIPO.
5. The Assembly shall endeavor to take its decisions by consensus and shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

*Article 14***International Bureau**

The International Bureau of WIPO shall perform the administrative tasks concerning this Treaty.

*Article 15***Eligibility for Becoming Party to the Treaty**

1. Any Member State of WIPO may become party to this Treaty.
2. The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.
3. The European Union, having made the declaration referred to in the preceding paragraph at the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.

*Article 16***Rights and Obligations Under the Treaty**

Subject to any specific provisions to the contrary in this Treaty, each Contracting Party shall enjoy all of the rights and assume all of the obligations under this Treaty.

*Article 17***Signature of the Treaty**

This Treaty shall be open for signature at the Diplomatic Conference in Marrakesh, and thereafter at the headquarters of WIPO by any eligible party for one year after its adoption.

*Article 18***Entry into Force of the Treaty**

This Treaty shall enter into force three months after 20 eligible parties referred to in Article 15 have deposited their instruments of ratification or accession.

*Article 19***Effective Date of Becoming Party to the Treaty**

This Treaty shall bind:

- (a) the 20 eligible parties referred to in Article 18, from the date on which this Treaty has entered into force;
- (b) each other eligible party referred to in Article 15, from the expiration of three months from the date on which it has deposited its instrument of ratification or accession with the Director-General of WIPO.

*Article 20***Denunciation of the Treaty**

This Treaty may be denounced by any Contracting Party by notification addressed to the Director-General of WIPO. Any denunciation shall take effect one year from the date on which the Director-General of WIPO received the notification.

*Article 21***Languages of the Treaty**

1. This Treaty is signed in a single original in English, Arabic, Chinese, French, Russian and Spanish languages, the versions in all these languages being equally authentic.
2. An official text in any language other than those referred to in Article 21(1) shall be established by the Director-General of WIPO on the request of an interested party, after consultation with all the interested parties. For the purposes of this paragraph, 'interested party' means any Member State of WIPO whose official language, or one of whose official languages, is involved and the European Union, and any other intergovernmental organization that may become party to this Treaty, if one of its official languages is involved.

*Article 22***Depositary**

The Director-General of WIPO is the depositary of this Treaty.

Done in Marrakesh on the 27th day of June, 2013.

REGULATIONS

COMMISSION REGULATION (EU) 2018/255

of 19 February 2018

implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council as regards statistics based on the European Health Interview Survey (EHIS)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Regulation (EC) No 1338/2008 establishes a common framework for the systematic production of European statistics on public health and health and safety at work.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1338/2008, implementing measures are needed to specify the data and metadata to be provided on health status, health determinants and healthcare covered by Annex I to that Regulation and to set the reference periods and intervals for providing those data.
- (3) Those data represent a minimum statistical data set that should enable better monitoring of the Union's health programmes and policies on social inclusion and social protection, health inequalities and healthy ageing.
- (4) Confidential data sent by Member States to the Commission (Eurostat) should be handled in accordance with the principle of statistical confidentiality as laid down in Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽²⁾ as well as in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽³⁾.
- (5) A cost-benefit analysis has been carried out and evaluated in accordance with Article 6 of Regulation (EC) No 1338/2008. It demonstrated that the availability of comparable Union-wide data is likely to be of great benefit for health and social policy decisions and for scientific purposes. The use of common tools should enable data consistency across countries, even though the related costs would vary depending on the degree of integration of the requested variables and methodology within existing national surveys.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

European statistics based on the European Health Interview Survey (EHIS) shall concern health status, healthcare and health determinants as well as socio-demographic characteristics of the population aged 15 and over.

⁽¹⁾ OJ L 354, 31.12.2008, p. 70.

⁽²⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (OJ L 87, 31.3.2009, p. 164).

⁽³⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Article 2***Definitions**

For the purpose of this Regulation, the following definitions shall apply:

1. 'private household' means:

- (a) a one-person household, i.e. a person who lives alone in a separate housing unit or who occupies, as a lodger, a separate room (or rooms) in a housing unit but does not join with any of the other occupants of the housing unit to form part of a multi-person household as defined below; or
- (b) a multi-person household, i.e. a group of two or more persons who combine to occupy the whole or part of a housing unit and to provide themselves with food and possibly other essentials for living. Members of the group may pool their incomes, have a common budget and share expenses to a greater or lesser extent.

This definition does not cover collective households such as hospitals, care or residential homes, prisons, military barracks, religious institutions, boarding houses or hostels;

2. 'usual residence' means the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

Only the following persons shall be considered usual residents of the geographical area in question:

- (a) those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference date; or
- (b) those who arrived in their place of usual residence during the 12 months before the reference date with the intention of staying there for at least 1 year.

Where the circumstances referred to in points (a) or (b) cannot be established, 'usual residence' shall mean the place of legal or registered residence;

3. 'microdata' means non-aggregated observations or measurements of characteristics of individual units;

4. 'pre-checked microdata' means microdata verified by the Member States on the basis of agreed common validation rules;

5. 'metadata' means data defining and describing other data, the methodology used and statistical business processes.

*Article 3***Data required**

1. Each Member State shall provide to the Commission (Eurostat) the microdata set out in Annex I.

2. Those microdata shall be based on nationally representative probability samples.

3. To achieve a high level of harmonisation of the survey results across countries, the Commission (Eurostat) shall, in close cooperation with Member States, propose methodological and practical recommendations and guidelines on sampling and the implementation of the survey. These recommendations and guidelines will be set out in a 'European Health Interview Survey Manual', which will include a model questionnaire.

4. The precision requirements shall be as set out in Annex II. Weighting factors shall be calculated to take into account the units' probability of selection, non-response and, as appropriate, adjustment of the sample to external data relating to the distribution of persons in the target population.

*Article 4***Reference population**

1. The reference population shall be persons aged 15 and over usually residing in private households in the territory of the Member State concerned at the time of the data collection.
2. The national territories listed in Annex III shall be excluded. In addition, some small parts of the national territory amounting to no more than 2 % of the national population may also be excluded from the sample. Information on those national territories shall be provided in the reference metadata.

*Article 5***Data collection period**

1. Data shall be collected in 2019.
2. The collection of data shall be spread over at least 3 months including at least 1 month of the period from September to December.

*Article 6***Provision of microdata to the Commission (Eurostat)**

1. Member States shall transmit the pre-checked microdata (without direct identification and including weighting factors) required by this Regulation in accordance with a data exchange standard set out by the Commission (Eurostat). The data shall be provided to Eurostat through the single entry point to enable the Commission (Eurostat) to retrieve the data by electronic means.
2. Member States shall transmit the pre-checked microdata within 9 months after the end of the national period for collecting the data.

*Article 7***Provision of reference metadata to the Commission (Eurostat)**

1. The quality-related reference metadata shall be provided according to the European Statistical System standard specified by the Commission (Eurostat) and agreed with the Member States.
2. Member States shall transmit the quality-related reference metadata required by this Regulation in accordance with a metadata exchange standard set out by the Commission (Eurostat). The data shall be provided to Eurostat through the single entry point to enable the Commission (Eurostat) to retrieve the data by electronic means.
3. Member States shall provide those metadata to the Commission (Eurostat) not later than 3 months after transmission of the pre-checked microdata.

*Article 8***Entry into force**

This Regulation shall enter into force on the twentieth 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, 19 February 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Microdata to be submitted to the Commission (Eurostat)

Variable code	Variable name	Categories	Filter
TECHNICAL SURVEY VARIABLES			
PID	Identification number of respondent	10-digit number	Everybody
HHID	Identification number of household	10-digit number Not stated	Everybody
PRIMSTRAT	Primary strata as used in the selection of the sample	4-digit number Not applicable (no stratification)	Everybody
SU	Primary sampling units as used in the selection of the sample	4-digit number Not applicable (no multistage sampling)	Everybody
WGT	Final individual weight	8-digit number	Everybody
WGT_SPEC	Final special individual weight	8-digit number Not stated	Everybody
PROXY	Was the selected person interviewed or someone else (proxy interview)	Person himself/herself Other member of the household Someone else outside the household	Everybody
REFDATE	Reference date of the interview	8-digit number (YYYYMMDD)	Everybody
INTMETHOD	Data collection method used	Self-administered, postal non-electronic version Self-administered, postal electronic version (email) Self-administered, web questionnaire Face-to-face interview, non-electronic version Face-to-face interview, electronic version Telephone interview, non-electronic version Telephone interview, electronic version Web personal interview Mixed mode collection	Everybody
INTLANG	Language used for interview	3-digit codes (Standard Code List Eurostat) Not stated	Everybody

Variable code	Variable name	Categories	Filter
BACKGROUND VARIABLES			
SEX	Sex of respondent	Male Female	Everybody
YEARBIRTH	Year of birth of respondent	4-digit number (YYYY)	Everybody
PASSBIRTH	Passing of respondent's birthday on the day of the interview	Yes No	Everybody
COUNTRY	Country of residence	Country code (SCL GEO code)	Everybody
REGION	Region of residence	2-digit code according to NUTS 2 regional level (2 digits following the country code) Not stated	Everybody
DEG_URB	Degree of urbanisation	Cities Towns and suburbs Rural areas Not stated	Everybody
BIRTHPLACE	Country of birth	Country code (SCL GEO code) Not stated	Everybody
CITIZEN	Country of main citizenship	Country code (SCL GEO code) Stateless Not stated	Everybody
BIRHTPLACEFATH	Country of birth of father	Country code (SCL GEO code) Not stated	Everybody
BIRTHPLACEMOTH	Country of birth of mother	Country code (SCL GEO code) Not stated	Everybody
HATLEVEL	Educational attainment level (highest level of education successfully completed)	Based on ISCED-2011 classification, ISCED-A codes No formal education or below ISCED 1 ISCED 1 Primary education ISCED 2 Lower secondary education ISCED 3 Upper secondary education ISCED 4 Post-secondary non-tertiary education ISCED 5 Short-cycle tertiary education ISCED 6 Bachelor's or equivalent level ISCED 7 Master's or equivalent level ISCED 8 Doctoral or equivalent level Not stated	Everybody

Variable code	Variable name	Categories	Filter
MAINSTAT	Main activity status (self-defined)	Employed Unemployed Retired Unable to work due to long-standing health problems Student, pupil Fulfilling domestic tasks Compulsory military or civilian service Other Not stated	Everybody
FT_PT	Full- or part-time main job (self-defined)	Full-time job Part-time job Not stated Not applicable	MAINSTAT = Employed
JOBSTAT	Status in employment in main job	Self-employed person with employees Self-employed person without employees Employee Family worker (unpaid) Not stated Not applicable	MAINSTAT = Employed
JOBISCO	Occupation in main job	ISCO-08 at 2-digit level Not stated Not applicable	MAINSTAT = Employed
LOCNACE	Economic activity of the local unit for main job (economic sector)	NACE Rev. 2 at 1-digit level Not stated Not applicable	MAINSTAT = Employed
PARTNERS	Partners living in the same household	Person living with a legal or de facto partner Person not living with a legal or de facto partner Not stated Not applicable	Everybody
MARSTALEGAL	Legal marital status	Never married and never been in a registered partnership Married or in a registered partnership Widowed or in registered partnership that ended with death of partner (not remarried or in new registered partnership)	Everybody

Variable code	Variable name	Categories	Filter
		Divorced or in registered partnership that was legally dissolved (not remarried or in new registered partnership) Not stated	
HHNBPERS	Household size	Number of members of the household Not stated	Everybody
HHNBPERS_0_13	Number of persons aged 13 or younger	Number Not stated	Everybody
HHTYPE	Household type	One-person household Lone parent with at least one child aged less than 25 Lone parent with all children aged 25 or more Couple without any children Couple with at least one child aged less than 25 Couple with all children aged 25 or more Other type of household Not stated	Everybody
HHINCOME	Net monthly equivalised income of the household	1st income quintile group 2nd income quintile group 3rd income quintile group 4th income quintile group 5th income quintile group Not stated	Everybody

HEALTH VARIABLES

Health status

Minimum European Health Module

HS1	Self-perceived general health	Very good Good Fair (neither good nor bad) Bad Very bad Not stated	Everybody
HS2	Long-standing health problem	Yes No Not stated	Everybody
HS3	Limitation in activities because of health problems	Severely limited Limited but not severely Not limited at all Not stated	Everybody

Variable code	Variable name	Categories	Filter
<i>Diseases and chronic conditions</i>			
CD1A	Having asthma in the past 12 months (allergic asthma included)	Yes No Not stated	Everybody
CD1B	Having chronic bronchitis, chronic obstructive pulmonary disease or emphysema in the past 12 months	Yes No Not stated	Everybody
CD1C	Having a myocardial infarction (heart attack) or chronic consequences of myocardial infarction in the past 12 months	Yes No Not stated	Everybody
CD1D	Having a coronary heart disease or angina pectoris in the past 12 months	Yes No Not stated	Everybody
CD1E	Having high blood pressure in the past 12 months	Yes No Not stated	Everybody
CD1F	Having a stroke (cerebral haemorrhage, cerebral thrombosis) or chronic consequences of stroke in the past 12 months	Yes No Not stated	Everybody
CD1G	Having arthrosis (arthritis excluded) in the past 12 months	Yes No Not stated	Everybody
CD1H	Having a low back disorder or other chronic back defect in the past 12 months	Yes No Not stated	Everybody
CD1I	Having a neck disorder or other chronic neck defect in the past 12 months	Yes No Not stated	Everybody
CD1J	Having diabetes in the past 12 months	Yes No Not stated	Everybody
CD1K	Having an allergy, such as rhinitis, eye inflammation, dermatitis, food allergy or other (allergic asthma excluded) in the past 12 months	Yes No Not stated	Everybody

Variable code	Variable name	Categories	Filter
CD1L	Having cirrhosis of the liver in the past 12 months	Yes No Not stated	Everybody
CD1M	Having urinary incontinence, problems in controlling the bladder in the past 12 months	Yes No Not stated	Everybody
CD1N	Having kidney problems in the past 12 months	Yes No Not stated	Everybody
CD1O	Having depression in the past 12 months	Yes No Not stated	Everybody
CD1P	Having high blood lipids in the past 12 months	Yes No Not stated	Everybody
CD2	Self-perceived general oral health	Very good Good Fair (neither good nor bad) Bad Very bad Not stated	Everybody

Accidents and injuries

AC1A	Occurrence of a road traffic accident in the past 12 months	Yes No Not stated	Everybody
AC1B	Occurrence of an accident at home in the past 12 months	Yes No Not stated	Everybody
AC1C	Occurrence of a leisure accident in the past 12 months	Yes No Not stated	Everybody
AC2	Most serious medical care intervention for the most serious accident in the past 12 months	Admission to a hospital or any other health facility A doctor or nurse No intervention was needed Not stated Not applicable	if AC1A = Yes or AC1B = Yes or AC1C = Yes

Variable code	Variable name	Categories	Filter
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Absence from work (due to health problems)

AW1	Absent from work due to personal health problems in the past 12 months	Yes No Not stated Not applicable	if MAINSTAT = Employed
AW2	Number of days of absence from work due to personal health problems in the past 12 months	Number of days Not stated Not applicable	if AW1 = Yes

Functional limitations

PL1	Wearing glasses or contact lenses	Yes No Blind or cannot see at all Not stated	Everybody
PL2	Difficulty in seeing, even when wearing glasses or contact lenses	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	If PL1 = Yes or No or Not stated
PL3	Use of a hearing aid	Yes No Profoundly deaf Not stated	Everybody
PL4	Difficulty in hearing what is said in a conversation with one other person in a quiet room even when using a hearing aid	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	If PL3 = Yes or No or Not stated
PL5	Difficulty in hearing what is said in a conversation with one other person in a noisier room even when using a hearing aid	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	If PL3 = Yes or No or Not stated

Variable code	Variable name	Categories	Filter
PL6	Difficulty in walking half a km on level ground without the use of any aid	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated	Everybody
PL7	Difficulty in walking up or down 12 steps	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated	Everybody
PL8	Difficulty in remembering or concentrating	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated	Everybody
PL9	Difficulty biting and chewing on hard foods	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	if AGE ⁽¹⁾ ≥ 55

Personal care activities

PC1A	Difficulty in feeding yourself	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	if AGE ≥ 55
PC1B	Difficulty in getting in and out of a bed or chair	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	if AGE ≥ 55
PC1C	Difficulty in dressing and undressing	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	if AGE ≥ 55

Variable code	Variable name	Categories	Filter
PC1D	Difficulty in using toilets	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	if AGE $\geq$ 55
PC1E	Difficulty in bathing or showering	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not stated Not applicable	if AGE $\geq$ 55
PC2	Usually receiving help with one or more self-care activities: feeding yourself, getting in and out of a bed or chair, dressing and undressing, using toilets, bathing or showering	Yes, with at least one activity No Not stated Not applicable	if (AGE $\geq$ 55) and {PC1A $\neq$ No difficulty or PC1B $\neq$ No difficulty or PC1C $\neq$ No difficulty or PC1D $\neq$ No difficulty or PC1E $\neq$ No difficulty}
PC3	Need to receive help or more help with one or more self-care activities: feeding yourself, getting in and out of a bed or chair, dressing and undressing, using toilets, bathing or showering	Yes, with at least one activity No Not stated Not applicable	if (AGE $\geq$ 55) and {PC1A $\neq$ No difficulty or PC1B $\neq$ No difficulty or PC1C $\neq$ No difficulty or PC1D $\neq$ No difficulty or PC1E $\neq$ No difficulty}

Household activities

HA1A	Difficulty in preparing meals	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	if AGE $\geq$ 55
HA1B	Difficulty in using the telephone	No difficulty Some difficulty	if AGE $\geq$ 55

Variable code	Variable name	Categories	Filter
		A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	
HA1C	Difficulty to do shopping	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	if AGE ≥ 55
HA1D	Difficulty in managing medication	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	if AGE ≥ 55
HA1E	Difficulty in doing light housework	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	if AGE ≥ 55
HA1F	Difficulty in doing occasional heavy housework	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	if AGE ≥ 55

Variable code	Variable name	Categories	Filter
HA1G	Difficulty in taking care of finances and everyday administrative tasks	No difficulty Some difficulty A lot of difficulty Cannot do at all/Unable to do Not applicable (never tried it or do not need to do it) Not stated Not applicable	if AGE $\geq$ 55
HA2	Usually receiving help with one or more domestic activities: preparing meals, using the telephone, shopping, managing medication, light or occasional heavy housework, taking care of finances and everyday administrative tasks	Yes, with at least one activity No Not stated Not applicable	if (AGE $\geq$ 55) and {HA1A $\neq$ No difficulty or HA1B $\neq$ No difficulty or HA1C $\neq$ No difficulty or HA1D $\neq$ No difficulty or HA1E $\neq$ No difficulty or HA1F $\neq$ No difficulty or HA1G $\neq$ No difficulty}
HA3	Need for help or more help with one or more domestic activities: preparing meals, using the telephone, shopping, managing medication, light or occasional heavy housework, taking care of finances and everyday administrative tasks	Yes, with at least one activity No Not stated Not applicable	if (AGE $\geq$ 55) and {HA1A $\neq$ No difficulty or HA1B $\neq$ No difficulty or HA1C $\neq$ No difficulty or HA1D $\neq$ No difficulty or HA1E $\neq$ No difficulty or HA1F $\neq$ No difficulty or HA1G $\neq$ No difficulty}

Pain

PN1	Intensity of bodily pain during the past 4 weeks	None Very mild Mild Moderate Severe Very severe Not stated	Everybody
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Variable code	Variable name	Categories	Filter
PN2	Extent that pain interfered with normal work during the past 4 weeks (including both work outside the home and housework)	Not at all A little bit Moderately Quite a bit Extremely Not stated	Everybody

Mental health

MH1A	Extent of having little interest or pleasure in doing things over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody
MH1B	Extent of feeling down, depressed or hopeless over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody
MH1C	Extent of having trouble falling or staying asleep, or sleeping too much over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody
MH1D	Extent of feeling tired or having little energy over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody
MH1E	Extent of having poor appetite or overeating over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody
MH1F	Extent of subject feeling negative about themselves, or feeling that they are a failure or have let themselves or their family down, over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody
MH1G	Extent of having trouble concentrating on things, such as reading the newspaper or watching television, over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody

Variable code	Variable name	Categories	Filter
MH1H	Extent of moving or speaking so slowly that other people may have noticed; or being so fidgety or restless that they have been moving around a lot more than usual, over the last 2 weeks	Not at all Several days More than half the days Nearly every day Not stated	Everybody

Healthcare

Use of inpatient and day care

HO12	Number of nights spent as a patient in a hospital in the past 12 months	Number Not stated	Everybody
HO34	Number of times admitted as a day patient in a hospital in the past 12 months	Number Not stated	Everybody

Use of ambulatory and home care

AM1	Last time of a visit to a dentist or orthodontist (for personal treatment)	Less than 6 months ago 6 to 12 months ago 12 months ago or longer Never Not stated	Everybody
AM2	Last time of a consultation of a general practitioner or family doctor (for personal treatment)	Less than 12 months ago 12 months ago or longer Never Not stated	Everybody
AM3	Number of consultations of a general practitioner or family doctor during the past four weeks (for personal treatment)	Number Not stated Not applicable	If AM2 = Less than 12 months ago
AM4	Last time of a consultation of a medical or surgical specialist (for personal treatment)	Less than 12 months ago 12 months ago or longer Never Not stated	Everybody
AM5	Number of consultations of a medical or surgical specialist during the past four weeks (for personal treatment)	Number Not stated Not applicable	If AM4 = Less than 12 months ago
AM6A	Consultation of a physiotherapist or kinesiologist in the past 12 months	Yes No Not stated	Everybody

Variable code	Variable name	Categories	Filter
AM6B	Consultation of a psychologist, psychotherapist or psychiatrist in the past 12 months	Yes No Not stated	Everybody
AM7	Use of any home care services for personal needs during the past 12 months	Yes No Not stated	Everybody

Medicine use

MD1	Use of any medicines prescribed by a doctor during the past two weeks (excluding contraception)	Yes No Not stated	Everybody
MD2	Use of any medicines, herbal medicines or vitamins not prescribed by a doctor during the past two weeks (excluding contraception)	Yes No Not stated	Everybody

Preventive services

PA1	Last time of vaccination against flu	Year and month (YYYYMM) Too long ago (before the previous calendar year) Never Not stated	Everybody
PA2	Last time of blood pressure measurement by a health professional	Within the past 12 months 1 to less than 3 years 3 to less than 5 years 5 years or more Never Not stated	Everybody
PA3	Last time of blood cholesterol measurement by a health professional	Within the past 12 months 1 to less than 3 years 3 to less than 5 years 5 years or more Never Not stated	Everybody
PA4	Last time of blood sugar measurement by a health professional	Within the past 12 months 1 to less than 3 years 3 to less than 5 years 5 years or more Never Not stated	Everybody

Variable code	Variable name	Categories	Filter
PA5	Last time of a faecal occult blood test	Within the past 12 months 1 to less than 2 years 2 to less than 3 years 3 years or more Never Not stated	Everybody
PA6	Last time of a colonoscopy	Within the past 12 months 1 to less than 5 years 5 to less than 10 years 10 years or more Never Not stated	Everybody
PA7	Last time of a mammography (breast X-ray)	Within the past 12 months 1 to less than 2 years 2 to less than 3 years 3 years or more Never Not stated Not applicable	If SEX = Female
PA8	Last time of a cervical smear test	Within the past 12 months 1 to less than 2 years 2 to less than 3 years 3 years or more Never Not stated Not applicable	If SEX = Female

Unmet needs for healthcare

UN1A	Unmet need for healthcare in the past 12 months due to long waiting list(s)	Yes No No need for healthcare Not stated	Everybody
UN1B	Unmet need for healthcare in the past 12 months due to distance or transportation problems	Yes No No need for healthcare Not stated	Everybody
UN2A	Could not afford medical examination or treatment in the past 12 months	Yes No No need Not stated	Everybody

Variable code	Variable name	Categories	Filter
UN2B	Could not afford dental examination or treatment in the past 12 months	Yes No No need Not stated	Everybody
UN2C	Could not afford prescribed medicines in the past 12 months	Yes No No need Not stated	Everybody
UN2D	Could not afford mental healthcare (by a psychologist, psychotherapist or psychiatrist for example) in the past 12 months	Yes No No need Not stated	Everybody

Health determinants

Weight and height

BM1	Height without shoes	Number in cm Not stated	Everybody
BM2	Weight without clothes and shoes	Number in kg Not stated	Everybody

Physical activity

PE1	Physical effort of working tasks (both paid and unpaid work activities included)	Mostly sitting or standing Mostly walking or tasks of moderate physical effort Mostly heavy labour or physically demanding work Not performing any working tasks Not stated	Everybody
PE2	Number of days in a typical week walking to get to and from places at least 10 minutes continuously	Number of days I never carry out such physical activities Not stated	Everybody

Variable code	Variable name	Categories	Filter
PE3	Time spent on walking to get to and from places on a typical day	10-29 minutes per day 30-59 minutes per day 1 hour to less than 2 hours per day 2 hours to less than 3 hours per day 3 hours or more per day Not stated Not applicable	if PE2 ≠ I never carry out such physical activities
PE4	Number of days in a typical week bicycling to get to and from places at least 10 minutes continuously.	Number of days I never carry out such physical activities Not stated	Everybody
PE5	Time spent on bicycling to get to and from places on a typical day	10-29 minutes per day 30-59 minutes per day 1 hour to less than 2 hours per day 2 hours to less than 3 hours per day 3 hours or more per day Not stated Not applicable	if PE4 ≠ I never carry out such physical activities
PE6	Number of days in a typical week doing sports, fitness or recreational (leisure) physical activities that cause at least a small increase in breathing or heart rate for at least 10 minutes continuously	Number of days I never carry out such physical activities Not stated	Everybody
PE7	Time spent on doing sports, fitness or recreational (leisure) physical activities in a typical week	Hours and minutes (HHMM) Not stated Not applicable	if PE6 ≠ I never carry out such physical activities
PE8	Number of days in a typical week doing muscle-strengthening activities	Number of days I never carry out such physical activities Not stated	Everybody
PE9	Time spent sitting on a typical day	Hours and minutes (HHMM) Not stated	Everybody

Dietary habits

DH1	Frequency of eating fruit, excluding juice	Once or more a day 4 to 6 times a week 1 to 3 times a week Less than once a week Never Not stated	Everybody
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Variable code	Variable name	Categories	Filter
DH2	Number of portions of fruit a day, excluding juice	Number Not stated Not applicable	if DH1 = Once or more a day
DH3	Frequency of eating vegetables or salad, excluding juice and potatoes	Once or more a day 4 to 6 times a week 1 to 3 times a week Less than once a week Never Not stated	Everybody
DH4	Number of portions of vegetables or salad, excluding juice and potatoes a day	Number Not stated Not applicable	if DH3 = Once or more a day
DH5	Frequency of drinking pure fruit or vegetable juice	Once or more a day 4 to 6 times a week 1 to 3 times a week Less than once a week Never Not stated	Everybody
DH6	Frequency of drinking sugar-sweetened soft drinks	Once or more a day 4 to 6 times a week 1 to 3 times a week Less than once a week Never Not stated	Everybody

Smoking

SK1	Type of current tobacco smoking behaviour	Daily smoking Occasional smoking No smoking Not stated	Everybody
SK2	Average number of cigarettes a day	Number Not stated Not applicable	if SK1 = Daily smoking
SK3	Former daily tobacco smoking	Yes No Not stated Not applicable	if SK1 = Occasional smoking or No smoking or Not stated

Variable code	Variable name	Categories	Filter
SK4	Number of years of daily tobacco smoking	Number Not stated Not applicable	if SK1 = Daily smoking or {(SK1 = Occasional smoking or No smoking or Not stated) and SK3 = Yes}
SK5	Frequency of exposure to tobacco smoke indoors	Every day, 1 hour or more a day Every day, less than 1 hour per day At least once a week (but not every day) Less than once a week Never or almost never Not stated	Everybody
SK6	Type of electronic cigarettes or similar electronic devices use	Daily vaping Occasional vaping Former vaping Never vaping Not stated	Everybody

Alcohol consumption

AL1	Frequency of consumption of an alcoholic drink of any kind (beer, wine, cider, spirits, cocktails, premixes, liqueurs, homemade alcohol...) in the past 12 months	Every day or almost 5 - 6 days a week 3 - 4 days a week 1 - 2 days a week 2 - 3 days in a month Once a month Less than once a month Not in the past 12 months, as I no longer drink alcohol Never, or only a few sips or tries, in my whole life Not stated	Everybody
AL2	Frequency of consumption of an alcoholic drink for Monday-Thursday	On all 4 days On 3 of the 4 days On 2 of the 4 days On 1 of the 4 days On none of the 4 days Not stated Not applicable	if AL1 = Every day or almost or 5 - 6 days a week or 3 - 4 days a week or 1 - 2 days a week

Variable code	Variable name	Categories	Filter
AL3	Number of alcoholic (standard) drinks on average on one of the days (Monday to Thursday)	16 or more drinks a day 10 - 15 drinks a day 6 - 9 drinks a day 4 - 5 drinks a day 3 drinks a day 2 drinks a day 1 drink a day 0 drink a day Not stated Not applicable	If (AL1 = Every day or almost or 5 - 6 days a week or 3 - 4 days a week or 1 - 2 days a week) and (AL2 = On all 4 days or On 3 of the 4 days or On 2 of the 4 days or On 1 of the 4 days)
AL4	Frequency of consumption of an alcoholic drink for Friday-Sunday	On all 3 days On 2 of the 3 days On 1 of the 3 days On none of the 3 days Not stated Not applicable	if AL1 = Every day or almost or 5 - 6 days a week or 3 - 4 days a week or 1 - 2 days a week
AL5	Number of alcoholic (standard) drinks on average on one of the days (Friday-Sunday)	16 or more drinks a day 10 - 15 drinks a day 6 - 9 drinks a day 4 - 5 drinks a day 3 drinks a day 2 drinks a day 1 drink a day 0 drink a day Not stated Not applicable	if (AL1 = Every day or almost or 5 - 6 days a week or 3 - 4 days a week or 1 - 2 days a week) and (AL4 = On all 3 days or On 2 of the 3 days or On 1 of the 3 days)
AL6	Frequency of risky single-occasion drinking (equivalent of 60 g of pure ethanol or more) during the past 12 months	Every day or almost 5 - 6 days a week 3 - 4 days a week 1 - 2 days a week 2 - 3 days in a month Once a month Less than once a month Not in the past 12 months Never in my whole life Not stated Not applicable	if AL1 = Every day or almost or 5 - 6 days a week or 3 - 4 days a week or 1 - 2 days a week or 2 - 3 days in a month or Once a month or Less than once a month

Variable code	Variable name	Categories	Filter
<i>Social support</i>			
SS1	Number of close people to count on in case of serious personal problems	None 1 or 2 3 to 5 6 or more Not stated	Everybody
SS2	Degree of concern shown by other people in what the person is doing	A lot of concern and interest Some concern and interest Uncertain Little concern and interest No concern and interest Not stated	Everybody
SS3	How easy is it to get practical help from neighbours in case of need	Very easy Easy Possible Difficult Very difficult Not stated	Everybody
<i>Provision of informal care or assistance</i>			
IC1	Providing care or assistance to one or more persons suffering from some age problem, chronic health condition or infirmity, at least once a week (professional activities excluded)	Yes No Not stated	Everybody
IC2	Prevailing relationship of the person(s) suffering from any chronic condition or infirmity or due to old age being provided with care or assistance at least once a week from the respondent	Member(s) of respondent's family Non-member(s) of respondent's family Not stated Not applicable	if IC1 = Yes
IC3	Number of hours per week the respondent provides care or assistance to the person(s) suffering from any chronic condition or infirmity or due to old age	Less than 10 hours per week At least 10 but less than 20 hours per week 20 hours per week or more Not stated Not applicable	if IC1 = Yes

(¹) AGE refers to age of respondent in completed years.

ANNEX II

Precision requirements

1. Precision requirements for all data sets are expressed in standard errors and are defined as continuous functions of the actual estimates and of the size of the statistical population in a country.
2. The estimated standard error of a particular estimate $\widehat{SE}(\widehat{p})$ shall not be bigger than the following amount:

$$\sqrt{\frac{\widehat{p}(1 - \widehat{p})}{f(N)}}$$

3. The function $f(N)$ shall have the form of $f(N) = a\sqrt{N} + b$.
4. The following values for parameters N , a and b shall be used:

$\widehat{p}$	N	a	b
Percentage of population severely limited in usual activities because of health problems (age 15 years or over)	Country population aged 15 years or over residing in private households, in million persons and rounded to 3 decimal digits	1 200	2 800

ANNEX III

National territories that are excluded from the survey

Country	National territories
France	French Overseas Departments and territories
Cyprus	The non-government-controlled area
Netherlands	Caribbean Islands (Bonaire, St. Eustatius and Saba)
Ireland	All offshore islands with the exception of Achill, Bull, Cruit, Gorumna, Inishnee, Lettermore, Lettermullan and Valentia
United Kingdom	Scotland north of the Caledonian Canal, the Scilly Islands

COMMISSION IMPLEMENTING REGULATION (EU) 2018/256**of 20 February 2018****amending for the 281st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 14 February 2018, the Sanctions Committee of the United Nations Security Council decided to amend one entry in the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 20 February 2018.

For the Commission,

On behalf of the President,

Head of the Service for Foreign Policy Instruments

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002 the entry 'Djamel Lounici (alias Jamal Lounici). Address: Algeria. Date of birth: 1.2.1962. Place of birth: Algiers, Algeria. Nationality: Algerian. Other information: (a) Father's name is Abdelkader and mother's name is Johra Birouh; (b) Returned from Italy to Algeria where he resides since November 2008; (c) Son in law of Othman Deramchi. Date of designation referred to in Article 2a (4) (b): 16.1.2004', under the heading 'Natural persons', is replaced by the following:

'Djamel Lounici (alias Jamal Lounici). Address: Algeria. Date of birth: 1.2.1962. Place of birth: Algiers, Algeria. Nationality: Algerian. Other information: (a) Father's name is Abdelkader and mother's name is Johra Birouh; (b) Returned from France to Algeria where he resides since September 2008. Date of designation referred to in Article 7d(2)(i): 16.1.2004.'

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/257

of 19 February 2018

granting derogations to certain Member States with respect to the transmission of statistics pursuant to Regulation (EC) No 1338/2008 of the European Parliament and of the Council, as regards statistics based on the European Health Interview Survey (EHIS)

(notified under document C(2018) 832)

(Only the Dutch, English, Finnish, French, German, Maltese, Romanian and Swedish texts are authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to the requests made by the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, Romania, the Republic of Finland, and the United Kingdom of Great Britain and Northern Ireland,

Whereas:

- (1) In accordance with Article 9(2) of Regulation (EC) No 1338/2008, the Commission may grant Member States derogations and transition periods, both to be based upon objective grounds.
- (2) The information provided to the Commission indicates that the Member States' requests for derogations are due to the need for major adaptations to national administrative and statistical systems in order to comply in full with Regulation (EC) No 1338/2008.
- (3) Such derogations should be granted, at their request, to the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, Romania, the Republic of Finland, and the United Kingdom of Great Britain and Northern Ireland.
- (4) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS DECISION:

Article 1

Derogations as set out in the Annex are granted to the Member States listed therein.

⁽¹⁾ OJ L 354, 31.12.2008, p. 70.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, Romania, the Republic of Finland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 19 February 2018.

For the Commission

Marianne THYSSEN

Member of the Commission

ANNEX

Derogations from Regulation (EC) No 1338/2008, as implemented by the Commission, concerning statistics based on the European Health Interview Survey (EHIS)

For the purpose of the 2019 EHIS data collection the following derogations shall be granted:

Belgium, Finland and the Netherlands shall not be required to deliver the variables specified in the following table:

Belgium	— UN2A, UN2B, UN2C, UN2D on unmet needs
Finland	— PL2 and PL8 on functional limitations — PE6 on physical activity — AL1 to AL6 on alcohol consumption
The Netherlands	— CD1P and CD2 on diseases and chronic conditions — PL8 and PL9 on functional limitations — PE9 on physical activity — DH5 and DH6 on dietary habits — SK3, SK4 and SK6 on smoking

Belgium, Germany, Malta and Austria shall be granted a derogation regarding the data collection period. The data collection period shall be 2018 for Belgium, 2018-2020 for Austria and Germany, and 2019-2020 for Malta.

Romania shall be granted a derogation regarding the provision of microdata. Romania shall transmit the pre-checked microdata within 12 months after the end of the national period for collecting the data.

The United Kingdom shall be granted a derogation regarding the reference population. The reference population in the United Kingdom shall be individuals aged 16 and over living in private households residing in the national territory at the time of the data collection.

CORRIGENDA**Corrigendum to Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP**

(Official Journal of the European Union L 141 of 28 May 2016)

On page 110, Annex I, Part B (Entities), entry 23, third column (Location):

for: '... SWIFT: DCBK KPPY',

read: '... SWIFT: DCBK KPPY'.

