

Official Journal of the European Union

L 62



English edition

Legislation

Volume 61

5 March 2018

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/317

of 2 March 2018

establishing a derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent goby (*Aphia minuta*) in certain territorial waters of Italy

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.
- (2) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and (9) are fulfilled.
- (3) On 10 January 2014 the Commission received a request from Italy for a derogation from the first subparagraph of Article 13(1) of that Regulation, for the use of boat seines fishing for transparent goby (*Aphia minuta*) in the territorial waters of Italy adjacent to the coast in the Gulf of Manfredonia (Apulia region).
- (4) The request concerns vessels registered in the maritime Directorate of Manfredonia with a track record in the fishery of more than 5 years and operating under a management plan regulating boat seines fishing for transparent goby (*Aphia minuta*) in the Manfredonia fishing district.
- (5) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the derogation requested by Italy and the related management plan in July 2016. STECF highlighted need for clarifications on fishing effort, gears used, monitoring and scientific data. Italy provided adequate clarifications to the Commission and revised accordingly its management plan by changing gears used, reducing fishing effort and re-enforcing monitoring measures.
- (6) Italy adopted the management plan by Decree ⁽²⁾ in accordance with Article 19(2) of Regulation (EC) No 1967/2006.
- (7) The derogation requested by Italy complies with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006.

⁽¹⁾ OJ L 409, 30.12.2006, corrected version in OJ L 36, 8.2.2007, p. 6.

⁽²⁾ 'Adozione del Piano di Gestione per la pesca del rossetto (*Aphia minuta*) nel Compartimento marittimo di Manfredonia con l'utilizzo della sciabica da natante, in deroga alla dimensione minima della maglia della rete e della distanza dalla costa — Reg.(CE) n.1967/2006, artt.9/13-' adopted on 28 December 2017.

- (8) In particular, there are specific geographical constraints given both the limited size of the continental shelf and the spatial distribution of the target species, which is exclusively limited to certain zones in the coastal areas at depths smaller than 50 m. The fishing grounds are therefore limited.
- (9) Boat seines fishing is carried out close to the shore in shallow depths. The nature of this type of fishery is such that it cannot be undertaken with any other gears.
- (10) Boat seines fishing has no significant impact on the marine environment and is very selective, since the seines are hauled in the water column and do not touch the seabed because collection of material from the seabed would damage the target species and make the selection of the fished species virtually impossible due to their very small size.
- (11) The derogation requested by Italy affects a total of 100 vessels, although only 30 vessels will be authorised daily, through a turnover mechanism. It can therefore be concluded that the derogation affects a limited number of vessels.
- (12) Those vessels are included on a list communicated to the Commission in accordance with the requirements of Article 13(9) of Regulation (EC) No 1967/2006.
- (13) The management plan sets out all relevant definitions on the fisheries concerned and guarantees no future increase of the fishing effort, as fishing authorisations will be issued to specified 100 vessels that are already authorised to fish by Italy.
- (14) The fishing activities concerned fulfil the requirements of Article 4 of Regulation (EC) No 1967/2006 since the Italian management plan explicitly prohibits to fish above protected habitats.
- (15) The requirements of Article 8(1)(h) of Regulation (EC) No 1967/2006 are not applicable since they relate to trawlers.
- (16) As regards the requirement to comply with Article 9(3) of Regulation (EC) No 1967/2006 establishing the minimum mesh size, the Commission notes that in accordance with Article 9(7) of that Regulation, Italy authorised a derogation from Article 9(3) of that Regulation in its management plan, as the fisheries concerned are highly selective, have a negligible effect on the marine environment and are not affected by the provisions in Article 4(5) of that Regulation.
- (17) The fishing activities concerned take place at a very short distance from the coast and therefore do not interfere with the activities of other vessels.
- (18) The management plan ensures that catches of species mentioned in Annex III to Regulation (EC) No 1967/2006 are minimal. Moreover, according to Chapter 6.1.2 of the Italian management plan, the fishing for transparent goby (*Aphia minuta*) is limited to a fishing season from 1 November to 31 March each year.
- (19) Boat seines do not target cephalopods.
- (20) The fishing activities concerned fulfil the recording requirements laid down in Articles 14 and 15 of Council Regulation (EC) No 1224/2009 ⁽¹⁾.
- (21) The Italian management plan includes measures for the monitoring of fishing activities, as provided for in the third subparagraph of Article 13(9) of Regulation (EC) No 1967/2006.
- (22) The requested derogation should therefore be granted.
- (23) Italy should report to the Commission at regular intervals and in accordance with the monitoring plan provided for in the Italian management plan.
- (24) A limitation in duration of the derogation will allow ensuring prompt corrective management measures in case the report to the Commission shows a poor conservation status of the exploited stock, while providing scope to enhance the scientific basis for an improved management plan.
- (25) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

⁽¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Derogation

1. Article 13(1) of Regulation (EC) No 1967/2006 shall not apply in territorial waters of Italy adjacent to the coast of the Manfredonia Gulf, to fishing for transparent goby (*Aphia minuta*) by boat seines.
2. The boat seines referred to in paragraph 1 shall be used by vessels:
 - (a) registered in the maritime Directorate of Manfredonia;
 - (b) having a track record in the fishery of more than 5 years and not involving any future increase in the fishing effort deployed; and
 - (c) holding a fishing authorisation and operating under the management plan adopted by Italy in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

Article 2

Monitoring plan and report

Italy shall communicate to the Commission, within 1 year following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the Italian management plan.

Article 3

Entry into force and period of application

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

It shall apply from 8 March 2018 to 8 March 2021.

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

Done at Brussels, 2 March 2018.

For the Commission
The President
Jean-Claude JUNCKER

REGULATION (EU) 2018/318 OF THE EUROPEAN CENTRAL BANK**of 22 February 2018****amending Regulation (EU) No 1011/2012 concerning statistics on holdings of securities
(ECB/2018/7)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽¹⁾, and in particular Articles 5(1) and 6(4) thereof,

Whereas:

- (1) The purpose of the data collected under Regulation (EU) No 1011/2012 of the European Central Bank (ECB/2012/24) ⁽²⁾ is to provide the European System of Central Banks (ESCB) with comprehensive statistical information on the exposure of economic sectors and group data reporting agents in the Member States whose currency is the euro to specific classes of securities at a very disaggregated level. This information facilitates the in-depth analysis of the monetary policy transmission mechanism and the evaluation of the Eurosystem's risk exposures in its monetary policy operations. It also allows for in-depth analysis of financial stability, including the identification and monitoring of risks to it.
- (2) Within the framework of Council Regulation (EU) No 1024/2013 ⁽³⁾, Regulation (EU) No 806/2014 of the European Parliament and of the Council ⁽⁴⁾ and of Council Regulation (EU) No 1096/2010 ⁽⁵⁾, the data obtained are also used for prudential supervision and resolution purposes and are provided to the European Systemic Risk Board.
- (3) The concept of group data reporting agents has been introduced and defined in Regulation (EU) No 1011/2012 (ECB/2012/24) by Regulation (EU) 2016/1384 of the European Central Bank (ECB/2016/22) ⁽⁶⁾. The Governing Council of the European Central Bank (ECB) will identify group data reporting agents for the purpose of the data collection under Regulation (EU) No 1011/2012 (ECB/2012/24) taking into account several criteria, including the relevance of the group data reporting agent for the stability and functioning of the financial system in the euro area and/or individual Member States. It needs to be specified for greater legal clarity that all significant supervised entities that are directly supervised by the ECB in accordance with Council Regulation (EU) No 1024/2013, are to be regarded as being of relevance for the stability and functioning of the financial system, and consequently they can also be identified as group data reporting agents.
- (4) Subject to the decision of the relevant national central bank (NCB), after the entry into force of Regulation (EU) 2016/1384 group data reporting agents can report data reported pursuant to Article 3a of Regulation (EU) No 1011/2012 (ECB/2012/24) (hereinafter 'group data') directly to the ECB. This will allow a more efficient use of the available information technology infrastructure of the ESCB Securities Holdings Statistics Database and avoid the need to set up separate national data processing systems at each NCB.
- (5) If an NCB decides not to collect group data, it should inform the ECB, in which case the ECB should take over the task of collecting the data directly from the group data reporting agents. The ECB and the NCB concerned should make the necessary arrangements between them.
- (6) Therefore, Regulation (EU) No 1011/2012 (ECB/2012/24) should be amended accordingly,

⁽¹⁾ OJ L 318, 27.11.1998, p. 8.

⁽²⁾ Regulation (EU) No 1011/2012 of the European Central Bank of 17 October 2012 concerning statistics on holdings of securities (ECB/2012/24) (OJ L 305, 1.11.2012, p. 6).

⁽³⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁽⁴⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1).

⁽⁵⁾ Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15.12.2010, p. 162).

⁽⁶⁾ Regulation (EU) 2016/1384 of the European Central Bank of 2 August 2016 amending Regulation (EU) No 1011/2012 (ECB/2012/24) concerning statistics on holdings of securities (ECB/2016/22) (OJ L 222, 17.8.2016, p. 24).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EU) No 1011/2012 (ECB/2012/24) is amended as follows:

(1) in Article 2(4), point (b) is replaced by the following:

‘(b) equal to or below the 0,5 % threshold, provided that the group data reporting agent meets certain quantitative or qualitative criteria that attest to its importance for the stability and functioning of the financial system in the euro area, e.g. by virtue of its interconnectedness with other financial institutions in the euro area, cross-jurisdictional activity, lack of substitutability, complexity of the corporate structure, or direct supervision by the ECB; and/or individual euro area Member States, e.g. by virtue of the relative importance of the group data reporting agent within a particular segment of the banking services market in one or more euro area Member States, or direct supervision by the ECB.’;

(2) Article 3a is amended as follows:

(a) paragraph 3 is replaced by the following:

‘3. The relevant NCB or, where group data is reported to the ECB pursuant to paragraph 5, the ECB shall request that group data reporting agents report on a quarterly basis, the flag “issuer is part of the reporting group (prudential scope)”, on a security-by-security basis, and “issuer is part of the reporting group (accounting scope)”, on a security-by-security basis, for the securities with or without an ISIN code which are held by their group in accordance with Chapter 2 of Annex I.’;

(b) the following paragraph 5 is added:

‘5. Without prejudice to the provisions of paragraph 1, group data reporting agents shall report group data to the ECB if the relevant NCB decides that group data reporting agents should report statistical information directly to the ECB pursuant to Articles 3a and 4b of Guideline ECB/2013/7.’;

(3) Article 4a is replaced by the following:

‘Article 4a

Derogations for group data reporting agents

1. The relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, after consulting the relevant NCB, may grant derogations to group data reporting agents from the reporting requirements set out in Article 3a as follows:

(a) the relevant NCB or the ECB, as applicable, may allow group data reporting agents to report on a security-by-security basis statistical information covering 95 % of the amount of securities held by them or their group, in accordance with this Regulation, provided that the remaining 5 % of securities held by the group was not issued by a single issuer;

(b) the relevant NCB or the ECB, as applicable, may request group data reporting agents to provide further information on the types of securities for which a derogation is granted under point (a).

2. The relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, after consulting the relevant NCB, may grant derogations from the reporting requirements to group data reporting agents with respect to the flag “issuer is part of the reporting group (prudential scope)”, on a security-by-security basis, as set out in Article 3a(3), provided that the relevant NCB or the ECB, as applicable, is able to derive these data from data collected from other sources.

3. For a period of two years from the first reporting in accordance with Article 10b(2), the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, after consulting the relevant NCB, may grant derogations from the reporting requirements to group data reporting agents with respect to the reporting on entity-by-entity basis set out in Chapter 2 of Annex I for entities resident outside the Union provided that the relevant NCB or the ECB, as applicable, are able to derive the information in Chapter 2 of Annex I for the entities resident outside the Union as a whole.’;

(4) Article 4b is replaced by the following:

'Article 4b

General derogations and framework applicable to all derogations

1. The relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, after consulting the relevant NCB, may grant derogations from the reporting requirements under this Regulation if the actual reporting agents report the same data under: (a) Regulation (EU) No 1071/2013 of the European Central Bank (ECB/2013/33) (*); (b) Regulation (EU) No 1073/2013 (ECB/2013/38); (c) Regulation (EU) No 1075/2013 (ECB/2013/40); or (d) Regulation (EU) No 1374/2014 (ECB/2014/50); or if the relevant NCB or the ECB, as applicable, are able to derive the same data by other means, in accordance with the minimum statistical standards specified in Annex III.

2. The relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, after consulting the relevant NCB, shall ensure that the conditions set out under this Article and Articles 4 and 4a are complied with for the purposes of granting, renewing or withdrawing, as applicable and when necessary, any derogation with effect from the start of each calendar year.

3. The relevant NCB, or where group data is reported to the ECB pursuant to Article 3a(5), the ECB, after consulting the relevant NCB, may make actual reporting agents, which have been granted derogations under this Article, Article 4 or 4a subject to additional reporting requirements, where further detail is deemed necessary by the relevant NCB or the ECB, as applicable. Actual reporting agents shall report the data requested within 15 working days of a request made by the relevant NCB or the ECB, as applicable.

4. Where derogations have been granted by the relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), by the ECB, actual reporting agents may nonetheless fulfil the full reporting requirements. An actual reporting agent that opts not to avail itself of derogations granted by the relevant NCB or the ECB, as applicable, shall obtain the consent of the relevant NCB or the ECB, as applicable, prior to availing itself of the derogations granted at a later date.

(*) Regulation (EU) No 1071/2013 of the European Central Bank of 24 September 2013 concerning the balance sheet of the monetary financial institutions sector (ECB/2013/33) (OJ L 297, 7.11.2013, p. 1).;

(5) Article 6a is replaced by the following:

'Article 6a

Timeliness of group data

1. NCBs shall transmit to the ECB quarterly security-by-security group data in accordance with Article 3a(1) and Chapter 2 of Annex I by 18.00 CET on the 55th calendar day following the end of the quarter to which the data relate.

2. If an NCB decides pursuant to Article 3a(5) that reporting agents shall report the statistical information directly to the ECB, the reporting agents shall transmit such information to the ECB by 18.00 CET on the 45th calendar day following the end of the quarter to which the data relate.;

(6) Article 7a is replaced by the following:

'Article 7a

Mergers, divisions and reorganisations

In the event of a merger, division or reorganisation that might affect the fulfilment of statistical obligations, the reporting agents concerned shall inform the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, directly or via the relevant NCA in accordance with the cooperation arrangements, once the intention to implement such operation has become public and in due time before it takes effect, of the procedures that are planned in order to fulfil the statistical reporting requirements set out in this Regulation.;

(7) the following Article 10c is inserted:

'Article 10c

First reporting following the entry into force of Regulation (EU) 2018/318 of the European Central Bank (ECB/2018/7)

The first reporting of group data pursuant to Article 3a following the entry into force of Regulation (EU) 2018/318 of the European Central Bank (ECB/2018/7) (*) shall start with data for the reference period September 2018.

(*) Regulation (EU) 2018/318 of the European Central Bank of 22 February 2018 amending Regulation (EU) No 1011/2012 concerning statistics on holdings of securities (ECB/2018/7) (OJ L 62, 5.3.2018, p. 4).;

(8) Annexes I, II and III are amended in accordance with the Annex to this Regulation.

Article 2

Final provision

This Regulation shall enter into force on 1 October 2018.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Frankfurt am Main, 22 February 2018.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

ANNEX

Annexes I, II and III to Regulation (EU) No 1011/2012 (ECB/2012/24) are amended as follows:

(1) Annex I, Chapter 2, is amended as follows:

(a) Part 1 is amended as follows:

(i) the sentence at the end of Part 1 above the table is replaced by the following:

‘The relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB may also choose to require group data reporting agents to report data for fields 9 to 11 and, if not already covered under points (b) or (c), 31 to 37.’;

(ii) the text of footnote ⁽¹⁾ in the table is replaced by the following:

⁽¹⁾ Where the derogation set out in Article 4a(3) is applied, the data fields referring to the entity-by-entity reporting should be reported in accordance with the respective rules as established by the relevant NCB which granted the derogation or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, ensuring that the data is homogenous with respect to the mandatory breakdowns.’;

(b) Part 2 is amended as follows:

(i) the sentence at the end of Part 2 above the table is replaced by the following:

‘The relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB may require group data reporting agents to also report data for fields 8 to 10, 12 and, if not already covered under points (b) or (c), 53 to 59.’;

(ii) the text of footnote ⁽¹⁾ in the table is replaced by the following:

⁽¹⁾ Where the derogation set out in Article 4a(3) is applied, the data fields referring to the entity-by-entity reporting should be reported in accordance with the respective rules as established by the relevant NCB which granted the derogation, or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB, ensuring that the data is homogenous with respect to the mandatory breakdowns.’;

(2) Annex II is amended as follows:

(a) in Part 1, the first sentence is replaced by the following:

‘This table provides a detailed description of instrument categories, which the relevant national central bank (NCB), or where group data is reported to the European Central Bank (ECB) pursuant to Article 3a(5), the ECB transpose into categories applicable at national level in accordance with this Regulation.’;

(b) in Part 2, the first sentence is replaced by the following:

‘This table provides a description of sector categories, which the relevant NCB, or where group data is reported to the ECB pursuant to Article 3a(5), the ECB transpose into categories applicable at national level in accordance with this Regulation.’;

(c) in Part 4, the definitions in the table are amended as follows:

(i) the definition of ‘Positions at market value’ is replaced by the following:

‘Amount held of a security at the price quoted in the market in euro. The relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), the ECB must in principle require accrued interest to be reported either under this position or separately. However, the relevant NCBs, or the ECB, as applicable, may at their discretion require data excluding accrued interest.’;

(ii) the definition of ‘Guarantor identifier code’ is replaced by the following:

‘A standard code, agreed with the relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB, that uniquely identifies a guarantor, and information on the identifier type of the code that is used, e.g. legal entity identifier, EU identifier or national identifier.’;

(d) in Part 5, the definitions in the table are amended as follows:

(i) the definition of ‘EU identifier’ is replaced by the following:

‘EU identifier means a commonly used identification code, agreed with the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB, which enables the unambiguous identification of any entity within the EU.’;

- (ii) the definition of 'National identifier' is replaced by the following:

'National identifier means a commonly used identification code, agreed with the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB, which enables the unambiguous identification of any entity within its country of residency.';

- (iii) the definition of 'Level of reporting' is replaced by the following:

'Level of reporting refers to whether data is reported on an entity-by-entity basis or on a group basis as defined in points 23 and 24 of Article 1. Harmonised accounting and consolidation principles should be applied, in agreement with the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB to the data reported at entity level, i.e. information on entity level should follow the accounting and risk calculation principles of the group to the extent possible.';

- (e) in Part 6, the definitions in the table are amended as follows:

- (i) the definition of 'Holder identifier code' is replaced by the following:

'A standard code, agreed with the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB, that uniquely identifies the holder and information on the identifier type of the code that is used, e.g. EU identifier or national identifier.';

- (ii) the definition of 'Identifier code of the immediate parent of the holder' is replaced by the following:

'A standard code, agreed with the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB, that uniquely identifies the immediate legal entity that the holder is a legally dependant part of and information on the identifier type of the code that is used, e.g. legal entity identifier, EU identifier or national identifier.';

- (f) in Part 7, in the table the definition of 'Issuer identifier code' is replaced by the following:

'A standard code, agreed with the relevant NCB, or, where group data is reported to the ECB pursuant to Article 3a(5), with the ECB, that uniquely identifies an issuer and information on the identifier type of the code that is used, e.g. EU identifier or national identifier.';

- (3) Annex III is amended as follows:

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

'1. Minimum standards for transmission:

- (a) reporting to the relevant national central bank (NCB) and, where group data is reported to the ECB pursuant to Article 3a(5), the ECB must be timely and within the deadlines set by the relevant NCB or the ECB, as applicable;
- (b) statistical reports must take their form and format from the technical reporting requirements set by the relevant NCB or the ECB, as applicable;
- (c) the contact persons within the actual reporting agent must be identified;
- (d) the technical specifications for data transmission to the relevant NCB or, the ECB, as applicable, must be followed.';

- (b) points 2(d) and (e) are replaced by the following:

- '(d) actual reporting agents must follow the dimensions and decimals set by the relevant NCB, or where group data is reported to the ECB pursuant to Article 3a(5), by the ECB for the technical transmission of the data;
 - (e) actual reporting agents must follow the rounding policy set by the relevant NCB or, where group data is reported to the ECB pursuant to Article 3a(5), by the ECB for the technical transmission of the data.'
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DECISIONS

COUNCIL DECISION (EU) 2018/319

of 27 February 2018

establishing the position to be adopted on behalf of the European Union at the 26th session of the Revision Committee of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to the Convention concerning International Carriage by Rail and to the Appendices thereto

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union has acceded to the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (the 'COTIF Convention'), in accordance with Council Decision 2013/103/EU ⁽¹⁾.
- (2) All Member States, with the exception of Cyprus and Malta, apply the COTIF Convention.
- (3) The Revision Committee of the Intergovernmental Organisation for International Carriage by Rail (OTIF) (the 'Revision Committee') was set up in accordance with point (c) of Article 13(1) of the COTIF Convention. At its 26th session, which is due to take place from 27 February to 1 March 2018, the Revision Committee is expected to decide upon certain amendments to the COTIF Convention as well as to certain Appendices thereto, namely Appendices E (Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic — CUI), F (Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic — APTU) and G (Uniform Rules concerning the Technical Admission of Railway Material used in International Traffic — ATMF).
- (4) At its 26th session, the Revision Committee is also to decide on the adoption of a new Appendix H regarding the safe operation of trains in international traffic.
- (5) The amendments to the Rules of Procedure of the Revision Committee aim to update certain provisions as a result of the accession of the Union to the COTIF Convention in 2011, in particular with regard to provisions governing the right to vote of the regional organisation and establishing the quorum.
- (6) The amendments to the COTIF Convention aim to improve and facilitate the procedure for revising the COTIF Convention with a view to the consistent and rapid implementation of amendments to the COTIF Convention and the Appendices thereto, and in order to prevent adverse effects of the current lengthy revision procedure, including the risk of internal misalignment between amendments adopted by the Revision Committee and those adopted by the General Assembly of the OTIF, as well as external misalignment, in particular with Union law.
- (7) The amendments to Appendix E (CUI) aim to clarify the scope of application of the CUI Uniform Rules to ensure that those rules are more systemically applied for their intended purpose, i.e. in international railway traffic such as in freight corridors or in international passenger trains.
- (8) The amendments to Appendices F (APTU) and G (ATMF) aim to achieve harmonisation between the OTIF rules and the Union rules, in particular after the adoption of the fourth railway package by the Union in 2016.

⁽¹⁾ Council Decision 2013/103/EU of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (OJ L 51, 23.2.2013, p. 1).

- (9) The new Appendix H is intended to improve interoperability beyond the Union based on the concept of harmonised criteria for the issuance by State authorities of Safety Certificates for railway undertakings as proof that the railway undertakings are able to operate trains safely in the State concerned.
- (10) Most of the proposed amendments are in line with the law and the strategic objectives of the Union, and should therefore be supported by the Union. Some amendments need more discussion within the Union and should be rejected at the 26th session of the Revision Committee.
- (11) The position of the Union at the 26th session of the Revision Committee should therefore be based on the attachment to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on behalf of the European Union at the 26th session of the Revision Committee set up by the Convention concerning International Carriage by Rail of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999, shall be based on the attachment to this Decision.
2. Minor changes to the documents referred to in the attachment to this Decision may be agreed by the representatives of the Union in the Revision Committee without further decision of the Council.

Article 2

After its adoption, the Decision of the Revision Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 27 February 2018.

For the Council
The President
E. ZAHARIEVA

ATTACHMENT

1. INTRODUCTION

OTIF Secretariat-General (SG) has convened the 26th session of the Revision Committee of COTIF99 in Berne, Switzerland, 27 February – 01 March 2018. Documents concerning the agenda items are available on the website of OTIF at the following link: http://otif.org/en/?page_id=126

2. COMMENTS ON AGENDA ITEMS

Agenda Item 1 – Opening of the meeting and establishing the quorum

Document(s): none

Competence: Union (shared)

Exercise of voting rights: n/a

Position: none

Agenda Item 2 – Election of chair and vice chair

Document(s): none

Competence: Union (shared)

Exercise of voting rights: Member States

Position: none

Agenda Item 3 – Adoption of the agenda

Document(s): LAW-17125-CR 26/3.1

Competence: Union (shared and exclusive)

Exercise of voting rights: Union

Position: In favour of the adoption of the draft agenda

Agenda Item 4 – Modification of the Rules of Procedure

Document(s): LAW-17125-CR 26/4

Competence: Union (shared and exclusive)

Exercise of voting rights: Union

Position: Support proposed draft amendments to the Rules of Procedures of the OTIF Revision Committee, with the exception of the following points:

- a. Article 9(2) of the Rules of Procedure should provide for ‘*The period shall be 12 weeks if the document is submitted in all three working languages.*’; and
- b. the change to Article 9(4) of the Rules of Procedure on voting in the absence of language versions is rejected.

The current version of the Revision Committee’s Rules of Procedure is anterior to Union’s accession to the COTIF Convention; certain provisions are therefore obsolete and need to be updated. In particular, provisions governing the rights to vote of the Union and establishing the quorum (Articles 4, 20 and 21) have to be modified in order to comply with Article 38 of the COTIF and with the EU-OTIF Agreement.

Agenda Item 5 – Partial revision of the base Convention: amendment of the procedure for revising COTIF

Document(s): LAW-17126-CR 26/5

Competence: Union (shared)

Exercise of voting rights: Member States

Position: Support the adoption of the proposed revision of Article 34 of the Convention to provide for a fixed time period (36 months) for the entry into force amendments to the Appendices adopted by the General Assembly, including the clause of flexibility to extend such deadline on a case-by-case basis, where so decided by the General Assembly by the majority provided for under Article 14 § 6 of COTIF.

The proposal aims at improving and facilitating the procedure for revising the COTIF Convention with a view to the consistent and rapid implementation of amendments to the Convention and its Appendices, and in order to prevent adverse effects of the current lengthy revision procedure, including the risk of internal misalignment between amendments adopted by the Revision Committee and those adopted by the General Assembly, as well as external misalignment, particularly with Union law. The recommendation from the OTIF Secretariat reflected the dominant view within the relevant working group that dealt with this matter; it was established that OTIF Members should be capable of transposing adopted amendments, including through parliamentary procedures, within three years. The proposal appears necessary to support the efficient functioning and development of OTIF.

Agenda Item 6 – Partial revision of the CIM UR – Secretary General's report

Document(s): LAW-17126-CR 26/6

Competence: Union (shared and exclusive)

Exercise of voting rights: Union (in case a vote takes place)

Position: Take note of the Secretary General's report, provide some information on relevant on-going activities and developments, encourage further work on the assessment of interfaces between customs and rail transport regulations, and support the establishment of a working group of legal experts, or alternative coordination arrangements within existing OTIF bodies, concerning customs issues and the digitalisation of freight transport documents.

Agenda Item 7 – Partial revision of the CUI UR

Document(s): LAW-17128-CR 26/7.1; LAW-17129-CR 26/7.2

Competence: Union (shared)

Exercise of voting rights: Member States

Position: Support the proposals for amendments to Articles 1 § 1 and 2, 3 (new letter aa) and amendments to letters b), c) and g)), 5 § 1, 5bis § 1 and 2, 7 § 2, 8 § 1 and 2, 9 § 1, and 10 § 3 CUI, and request the Secretary-General of OTIF to submit all the modifications to the CUI UR to the General Assembly for decision.

The main substantial modification aim at clarifying the scope of the CUI UR by introducing a definition in Article 3 of 'international railway traffic' to mean 'traffic which requires the use of an international train path or several successive national train paths situated in at least two States and coordinated by the infrastructure managers concerned', and by amending Article 1 (Scope) accordingly, while keeping the link with CIV and CIM UR.

The objective is to ensure that the CUI UR are more systemically applied for their intended purpose, i.e. in international railway traffic. The draft amendment as proposed to the Revision Committee corresponds to the compromise text resulting from the work of the ad hoc working group within OTIF, which met on 10 December 2014, 8 July 2015, 24 November 2015 and May 31, 2016. The Commission contributed to the resulting outcome, which, in accordance with the scope and objective of the COTIF Convention, i.e. international carriage, confirms the application of CUI UR in international railway traffic, as set out in the new definition.

The Commission assessed that the draft amendments to Articles 1 and 3, as proposed by the OTIF Secretariat, are consistent with the definitions and provisions of the Union *acquis* regarding the management of rail infrastructure and the coordination between infrastructure managers (e.g. Articles 40, 43 and 46 of Directive 2012/34/EU (recast)).

As regards the draft amendment proposed by the OTIF Secretariat to Article 8 (Liability of the manager), this is essentially editorial and does not affect the scope or substance of the provision. The draft amendments proposed to Article 9 as well as to Articles 3, 5, 5bis, 7 and 10 are strictly editorial.

Agenda Item 8 – New Appendix H regarding the safe operation of trains in international traffic

Document(s): LAW-17130-CR26/8/9/10; LAW-17131-CR26/8.1; LAW-17132-CR 26/8.2

Competence: Union (exclusive)

Exercise of voting rights: Union

Position:

Support (LAW-17131-CR26/8.1) the inclusion of a new Appendix H to COTIF regarding the safe operation of trains in international traffic for decision of the General Assembly, subject to the following (deletion – strikethrough; addition – underlined, where appropriate):

- In Article (2)(b): Replace ‘Certification Authority’ by ‘Safety Certification Authority’. The substitution should be implemented consequently throughout the text. In German: ‘Sicherheitsbescheinigungsbehörde’ instead of ‘Zertifizierungsbehörde’. In French: ‘autorité de certification de sécurité’ instead of ‘autorité de certification’.
- Article 4(1): Add the sentence ‘The Safety Certification Authority and the Supervision Authority mentioned in Article 6(1) may be two separate entities or they may be incorporated into the same organisation.’
- Article 6(1): Add the sentence ‘The Supervision Authority and the Safety Certification Authority mentioned in Article 4(1) may be two separate entities or they may be incorporated into the same organisation.’
- In Article 8(3): Modify the text so as to read as follows: ‘In order to implement the requirements of these Uniform Rules in a harmonised way, the Annexes to these UR shall include:
 - a) ~~Elements of the safety management system to be implemented by railway undertakings and infrastructure managers;~~
 - b) A Common Safety Method for safety management system requirements to be applied by Safety Certification Authorities when issuing Safety Certificates and by railway undertakings and infrastructure managers when developing, implementing, maintaining and improving their safety management systems;
 - c) A Common Safety Method on monitoring to be applied by railway undertakings and, where relevant, infrastructure managers and entities in charge of maintenance;
 - d) The necessary links to the Common Safety Method on risk evaluation and assessment to be applied by the railway undertakings, infrastructure managers and entities in charge of maintenance when making any technical, operational or organisational change to the railway system;
 - e) A Common Safety Method on supervision to be applied by Supervision Authorities.’
- In Article 2(f), editorial improvement, alignment with Union terminology (German version): ‘Eisenbahnsystem’ das Schienennetz in jedem Vertragsstaat, bestehend aus ~~Linien~~ Strecken, Bahnhöfen, Drehscheiben und Terminals’.
- In Article 7(4), editorial improvement (German version): ‘Die am Betrieb von Zügen im internationalen Verkehr beteiligten Infrastrukturbetreiber und Eisenbahnunternehmen haben ~~in~~ ihren Sicherheitsmanagementsystem einzurichten und dessen korrekte Anwendung in Übereinstimmung mit diesen Einheitlichen Rechtsvorschriften zu kontrollieren.’

Agree to request the Secretary-General to amend the Explanatory Report in support of the new Appendix H and submit it to the General Assembly for approval.

Support (LAW-17131-CR26/8.2), for the purpose of the inclusion of the new Appendix H into COTIF, the modifications to Articles 2, 6, 20, 33 and 35 of COTIF, and agree to request the Secretary-General to submit them to the General Assembly for decision.

The draft new Appendix H sets out provisions to regulate the safe operation of trains in international traffic with the objective to harmonise COTIF with the Union's *acquis* and support interoperability beyond the European Union. The proposed text is in line with the provisions of the new safety Directive (EU) 2016/798 and the related secondary legislation, save for minor issues which should be addressed in accordance with the above proposals. As indicated, it is also necessary to modify certain provisions of the COTIF Convention for the purpose of the inclusion of this new Appendix H.

Agenda Item 9 – Partial revision of the ATMF UR

Document(s): LAW-17130-CR26/8/9/10; LAW-17133-CR26/9; LAW-17134-CR26/09-10

Competence: Union (exclusive)

Exercise of voting rights: Union

Position: Support the partial revision of the ATMF UR as proposed by the OTIF Secretariat, subject to the following (deletion – strikethrough; addition – underlined, where appropriate):

- In Article 7(1a), modify the text so as to read as follows: ‘Vehicles shall comply with the UTPs applicable at the time of the request for admission, upgrading or renewal, in accordance with these Uniform Rules and taking into account the migration strategy for application of the UTPs as set out in Articles 8(2a) and 8(4)(f) of the APTU, and the possibilities for derogations set out in Article 7a of the ATMF; this compliance shall be permanently maintained while each vehicle is in use.
- The CTE shall consider the need of developing an Annex to these Uniform Rules including provisions allowing applicants to get increased legal certainty on the prescriptions to be applied, already before they submit their request for admission, upgrading or renewal of vehicles.
- In Article 2(w), modify the definition and use the term ‘vehicles’ consistently throughout the text (all languages). The definition should read: ‘vehicles’ means a railway vehicle suitable to circulate on its own wheels on railway lines with or without traction.’ The term ‘vehicle(s)’ should be used throughout the text, and not the term ‘railway vehicle(s)’, which figures in some places.
- In Article 5, editorial improvement (German version): Replace ‘Notifikation’ by ‘Notifizierung’ in ‘Jeder Vertragsstaat hat durch ~~Notifikation~~Notifizierung [...]’ and further ‘Die ~~Notifikation~~Notifizierungen können durch regionale Organisationen, die dem COTIF beigetreten sind, im Namen von Vertragsstaaten, die Mitglied der betreffenden Organisation sind, vorgenommen werden.’
- In Article 10, editorial improvement (German version): Replace ‘Verzeichnis’ by ‘Dossier’ in ‘Wenn eine neue Betriebszulassung erforderlich ist, hat der Antragsteller dem betreffenden Vertragsstaat ein das Vorhaben beschreibendes ~~Verzeichnis~~Dossier zu übersenden.’ and further ‘Der Vertragsstaat hat seine Entscheidung spätestens vier Monate nach der Vorlage des vollständigen ~~Verzeichnisses~~Dossiers durch den Antragsteller zu treffen.’
- In Article 13(1)(a), editorial improvement (English and German versions): Replace CTE by the full name of the Committee in ‘comply with the specifications adopted by the ~~CTE~~Committee of Technical Experts;’ and ‘mit den vom ~~CTE~~Fachausschuss für technische Fragen angenommenen Spezifikationen übereinstimmen;’.
- Add the following Article 14: ‘Article 14 — Annexes and recommendations
 - § 1 The Committee of Technical Experts shall decide whether to adopt an Annex or a provision amending it in accordance with the procedure laid down in Articles 16, 20 and 33 § 6 of the Convention. The decisions shall enter into force in accordance with Article 35 §§ 3 and 4 of the Convention.
 - § 2 An application for adoption of an Annex or a provision amending it may be made by: a) any Contracting State; b) any regional organisation as defined in Article 2 x) of ATMF; c) any representative international association for whose members the existence of the Annex is indispensable for reasons of safety and economy in the exercise of their activity.
 - § 3 The preparation of Annexes shall be the responsibility of the Committee of Technical Experts assisted by appropriate working groups and the Secretary-General on the basis of applications made in accordance with § 2.
 - § 4 The Committee of Technical Experts may recommend methods and practices relating to the technical admission of railway material used in international traffic.’

The provisions of the ATMF UR are compatible with the provisions of the European Union's Interoperability Directive 2008/57/EC and with part of the Safety Directive 2009/49/EC. With the adoption of the fourth railway package, the Union changed several provisions of this *acquis*. On the basis of an analysis by the Commission, the OTIF Secretariat and the relevant working group prepared modifications concerning Articles 2, 3a, 5, 6, 7, 10, 10b, 11 and 13 of the ATMF UR. These modifications are necessary in order to harmonise some terminology with the new EU provisions and to take into account some procedural changes in the EU, in particular the fact that the EU Agency for Railways will be competent to issue vehicle authorisations. The basic concept of ATMF is not affected by the proposed changes.

Agenda Item 10 – Partial revision of the APTU UR

Document(s): LAW-17130-CR26/8/9/10; LAW-17135-CR26/10; LAW-17134-CR26/09-10

Competence: Union (exclusive)

Exercise of voting rights: Union

Position: Support the adoption of the modifications to Article 8 of Appendix F to the COTIF and the approval of the modifications to the relevant Explanatory Report.

The provisions of the ATMF UR are compatible with the provisions of the Interoperability Directive 2008/57/EC, in particular those concerning the content of Uniform technical Prescriptions (UTPs) and their equivalence with the European Union Technical Specifications for Interoperability (TSIs). With the adoption of the fourth railway package and in particular the recast Interoperability Directive (EU) 2016/797, the Union changed several provisions of this *acquis*. On the basis of an analysis by the Commission, the OTIF Secretariat and the relevant working group prepared modifications to APTU UR to ensure continued harmonisation with Union law. The modifications concern Article 8 of the APTU UR and consist in the addition of two sections in the content of the UTPs equivalent to the EU TSIs. These changes are necessary in order to ensure that the content of future European Union TSIs and COTIF UTPs remains equivalent. The basic concept of APTU is not affected by the proposed changes.

Agenda Item 11 – General discussion on the need to harmonise access conditions

Document(s): LAW-17130-CR26/11

Competence: Union (shared)

Exercise of voting rights: n/a

Position: none

Agenda Item 12 – Any other business

Document(s): LAW-17130-CR26/12

Competence: Union (shared)

Exercise of voting rights: Member States

Position: Not oppose the setting up of a working group of legal experts to assist and facilitate the functioning of the existing organs of OTIF in the legal field and to ensure the effective management of the Convention.

Agenda Item 13 – Partial revision of the CUV UR

Document(s): LAW-17144-CR 26/13 (Proposal transmitted by Switzerland)

Competence: Union (shared)

Exercise of voting rights: Member States

Position: Oppose the proposal for consideration of amendment of Article 7 of the CUV UR submitted by Switzerland.

Article 7, paragraph 1 of the CUV UR, deals with the liability of the vehicle keeper and the user of the vehicle (railway undertakings) in the event of damage caused by the vehicle and which has its origin in a defect of the vehicle. The draft amendment proposed adds a new criterion to provide proof of the keeper's liability for damage caused by a defect in the vehicle. Under the current Article 7 of the CUV UR, if applied by the contracting parties, the holder of the vehicle is liable only if it is proven that the damage caused by the vehicle comes from a fault for which he is responsible. The amendment proposal seems to add a second criterion which would be that the holder has to prove that he is not responsible for the defect which is at the origin of the damage.

Paragraph 2 of the current Article 7 of the CUV specifies that *'the parties to the contract may agree on provisions derogating from paragraph 1'*. On that basis, the companies in the sector negotiated between 2013 and 2016, resulting in an agreement approved by 600 rail companies and allowing the necessary amendments to the single general Contract of Use for wagons (GCU) to better clarify the responsibilities of the wagon owners. The signed agreement introduced a new Article (27) in the GCU concerning the principle of liability in the case of damage caused by a wagon, in order to achieve a better balance and provide more clarity for the whole sector in the event of damage caused by a wagon. It introduces the notion of *'presumption of fault'* which allows incurring the liability of the keeper for a fault of the vehicle caused by a breach of its maintenance obligation. This amendment has been applicable since 1 January 2017. Today, most keepers and railway undertakings operating in the Union apply the GCU. The Swiss proposal is therefore not necessary because the agreements reached by the companies in the sector is sufficient to clearly define the responsibilities of the keeper and railway undertakings in the event of damage caused by a vehicle under a contract of sale. There are no indications that this agreement fails to strike a proper balance between the interests of the respective parties. Also, the proposal does not provide a robust rationale and sufficient justification for the proposed amendments.

COMMISSION IMPLEMENTING DECISION (EU) 2018/320**of 28 February 2018****on certain animal health protection measures for intra-Union trade in salamanders and the introduction into the Union of such animals in relation to the fungus *Batrachochytrium salamandrivorans****(notified under document C(2018) 1208)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular Article 18(1) thereof,

Whereas:

- (1) Since 2013, *Batrachochytrium salamandrivorans* (Bsal), which is an emerging pathogen fungus of salamanders, has been occurring in Belgium, Germany, the Netherlands and the United Kingdom. It affects kept and wild salamander populations, and it can cause significant morbidity and mortality in those populations. Bsal is lethal to certain species of salamanders, while other species are fully or partly resistant to it, but may carry Bsal on their skin and therefore act as a reservoir and source of infection or contamination for other species of salamanders.
- (2) According to current scientific knowledge concerning Bsal, compiled by a scientific opinion ⁽³⁾ of the European Food Safety Authority (EFSA) about Bsal within its Assessment of listing and categorisation of animal diseases in the framework of Regulation (EU) 2016/429 of the European Parliament and of the Council ⁽⁴⁾, Bsal seems to be endemic at least in Japan, Thailand and Vietnam with around a 3 % prevalence rate in wild salamander populations. It is generally thought to have originated in East Asia and to be widespread and endemic there. At the same time, there is a lack of information on how widespread it is in other parts of the world. It is also generally thought that trade in infected or carrier salamanders contributes to the spread of Bsal.
- (3) According to available data, both resistant and susceptible salamander species are traded. Council Directive 92/65/EEC ⁽⁵⁾ lays down the animal health requirements governing trade in and imports into the Union of animals not subject to the animal health requirements laid down in the specific Union acts listed in Annex F thereto. Union animal health legislation, including Directive 92/65/EEC, currently lays down no specific animal health requirements for trade in salamanders or for their imports into the Union that would be effective in protecting animal health against the spread of Bsal in the Union.
- (4) The EFSA, in its scientific and technical assistance concerning the survival, establishment and spread of *Batrachochytrium salamandrivorans* (Bsal) in the EU ⁽⁶⁾ (the EFSA Assistance), assessed the potential of Bsal to affect the health of wild and kept salamanders in the Union, the effectiveness and feasibility of a movement ban on traded salamanders, the validity, reliability and robustness of available diagnostic methods for Bsal detection and possible alternative methods and feasible risk mitigation measures to ensure safe international and intra-Union trade in salamanders.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.⁽²⁾ OJ L 268, 24.9.1991, p. 56.⁽³⁾ EFSA Journal 2017;15(11):5071⁽⁴⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).⁽⁵⁾ Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).⁽⁶⁾ EFSA Journal 2017;15(2):4739.

- (5) According to the EFSA Assistance, quarantining salamanders, the testing of salamanders to demonstrate that they are free of infection from Bsal, restricting movements of salamanders, hygienic procedures and biosecurity measures or treating salamanders against Bsal are important risk mitigation measures in preventing the spread of that disease.
- (6) The EFSA Assistance also highlighted many gaps and uncertainties in the current state of knowledge as regards Bsal. In particular, it concluded, that due to the complexity of the taxonomy as well as the lack of current evidence concerning which species are susceptible to Bsal, rules at the level of the taxonomic order are likely to be both more effective and more feasible than species-specific rules.
- (7) It is therefore appropriate to lay down animal health protection measures for intra-Union trade in consignments of salamanders and the introduction of such consignments into the Union on the taxonomic order of Caudata, in order to ensure that Bsal is not spread by intra-Union trade in those animals and the introduction of such animals into the Union. These measures should take into account the risk mitigation measures referred to in the EFSA Assistance and in particular provide for the appropriate quarantine, diagnostic testing and treatment of salamanders as well as for certification of their health status for their trade in and introduction into the Union. These measures are of an emergency nature and are not deemed specific measures within the meaning of Article 18(2) of Council Directive 92/65/EEC.
- (8) Regulation (EU) No 576/2013 of the European Parliament and of the Council ⁽¹⁾ lays down the animal health requirements applicable to the non-commercial movements of pet animals listed in Annex I thereto, and amphibia are included in the animals listed in that Annex. The animal health protection measures laid down in this Decision should not apply to the non-commercial movements of pet salamanders which fall within the scope of Regulation (EU) No 576/2013, due the specificities of those movements and given the lack of information concerning such movements.
- (9) These measures should apply regardless of other Union rules potentially relevant for trade in and introduction of salamanders, in particular Council Regulation (EC) No 338/97 ⁽²⁾.
- (10) The World Organisation for Animal Health (OIE) listed infection with Bsal in its Aquatic Animal Health Code during its 85th General Session on 21-26 May 2017. But detailed international standards are not yet available and there is a lack of information on the technical capabilities of veterinary services and laboratories around the world to test for Bsal, while various concerned stakeholders in the European Union are in the forefront of progress on the diagnosis and treatment of Bsal and the safe handling of traded salamanders. It is therefore appropriate that most risk-mitigating measures, in particular the quarantining in an appropriate establishment, testing and treatment of traded and introduced salamanders are to be done by competent veterinary authorities, operators and laboratories located within the Union.
- (11) According to the EFSA Assistance, it is possible that Bsal is transmitted between salamander species native to different areas and cross-contamination may take place in various establishments breeding, collecting or distributing salamanders. This makes the risk of Bsal occurring in traded salamanders independent from their place of origin and from the situation in the wild. Therefore all consignments of salamanders destined for intra-Union trade or introduced into the Union should be subject to risk mitigation measures.
- (12) Minimum conditions for appropriate establishments to be used for quarantining salamanders should be laid down to ensure their biosecurity, while the handling of salamanders which die in those establishments should be done according to existing specific rules laid down in the Animal by-products Regulation ⁽³⁾.
- (13) As regards the size of the quarantined epidemiological units, a minimum size eligible for certification for negative diagnostic test results should be specified due to the limited sensitivity of the best available real-time quantitative polymerase chain reaction (qPCR) assay which is sufficiently reliable to be used only if the epidemiological units comprise at least 62 salamanders.

⁽¹⁾ Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1).

⁽²⁾ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

⁽³⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (OJ L 300, 14.11.2009, p. 1).

- (14) Salamanders which have undergone quarantine with testing with negative results or satisfactory treatment in the Union should not be subjected to quarantine or testing again, provided that they have been kept isolated from salamanders of a different health status in an appropriate establishment.
- (15) As regards treatments, these should be specified and be in line with the protocols already described in peer-reviewed scientific literature as highlighted by the EFSA Assistance or with comparable ones.
- (16) A list of third countries approved for issuing animal health certificates for the introduction into the Union of consignments of salamanders should be established and limited to those countries which have already provided sufficient guarantees for issuing certificates to prevent misleading and fraudulent certification, at least equivalent to Council Directive 96/93/EC ⁽¹⁾. Therefore, it is appropriate to refer to already available lists existing in the context of introduction into the Union of other commodities. Such third countries are listed in Annex I to Commission Decision 2004/211/EC ⁽²⁾, Part 2 of Annex II to Commission Decision 2007/777/EC ⁽³⁾, Annex I to Commission Regulation (EC) No 798/2008 ⁽⁴⁾, Part 1 of Annex I to Commission Regulation (EC) No 119/2009 ⁽⁵⁾, Part 1 of Annex II to Commission Regulation (EU) No 206/2010 ⁽⁶⁾, or Annex I to Commission Regulation (EU) No 605/2010 ⁽⁷⁾, respectively.
- (17) Consignments of salamanders should be introduced in the Union only if they comply with all the requirements and the competent veterinary authority of the border inspection post of entry can also ascertain that the consignments will be accepted by an operator responsible for an appropriate establishment of destination to be duly quarantined.
- (18) The actual arrival of consignments of salamanders introduced into the Union from third countries at their place of quarantine in the Union should be recorded in the electronic version of the common veterinary entry document set out in Annex I to Commission Regulation (EC) No 282/2004 ⁽⁸⁾ and managed by the integrated computerised veterinary system known as Traces, so that the competent veterinary authority of the border inspection post of entry can be reliably informed of their arrival.
- (19) This Decision should provide for a transitional period in order to give the Member States, the competent authorities and economic operators time to put in place the necessary procedures so that they are in a position to comply with the rules laid down in this Decision. The length of this period should be limited to a few months. At the same time, risk mitigation measures based on the required level of protection by the Member States of destination should already apply.
- (20) It is expected that more information will be available in the coming years about Bsal from scientific sources and from results of official controls carried out by the Member States, supplementing the current knowledge concerning that disease. Therefore, the animal health protection measures laid down in this Decision should be of a temporary nature. Nevertheless, they should apply at least until 31 December 2019 to allow for 1 year of implementation by the Member States and subsequent annual reporting and consideration thereof, while permanent EU animal health rules may be laid down under the new Regulation (EU) 2016/429 on transmissible animal diseases to apply from the date of application of that Regulation.

⁽¹⁾ Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products, (OJ L 13, 16.1.1997, p. 28).

⁽²⁾ Commission Decision 2004/211/EC of 6 January 2004 establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species, and amending Decisions 93/195/EEC and 94/63/EC (OJ L 73, 11.3.2004, p. 1).

⁽³⁾ Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).

⁽⁴⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁵⁾ Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements (OJ L 39, 10.2.2009, p. 12).

⁽⁶⁾ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

⁽⁷⁾ Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption (OJ L 175, 10.7.2010, p. 1).

⁽⁸⁾ Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community (OJ L 49, 19.2.2004, p. 11).

- (21) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Subject and scope

This Decision lays down the animal health protection measures for intra-Union trade in consignments of salamanders and the introduction of such consignments into the Union.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

- (a) 'salamanders' means all amphibians of the order *Caudata*;
- (b) 'Bsal' means the fungus *Batrachochytrium salamandrivorans* (kingdom fungi, Phylum Chytridiomycota, order Rhizophydiales);
- (c) 'epidemiological unit' means a group of salamanders with the same likelihood of exposure to Bsal;
- (d) 'quarantine' means the keeping of salamanders in isolation with no direct or indirect contact with salamanders outside their epidemiological unit, for the purposes of ensuring that there is no spread of Bsal while the animals in isolation are undergoing observation for a specified length of time and testing and, if appropriate, treatment;
- (e) 'operator' means any natural or legal person having salamanders under its responsibility, including for a limited duration of time, but excluding pet keepers;
- (f) 'appropriate establishment' means premises:
 - (i) where salamanders are kept in quarantine before being dispatched to another Member State or after their introduction into the Union; and
 - (ii) which are registered by the competent authority prior to the date of commencement of any quarantine;
- (g) 'appropriate diagnostic test' means a real-time quantitative polymerase chain reaction (qPCR) assay containing species-specific STerF and STerR primers amplifying a 119 nucleotide long fragment of Bsal DNA;
- (h) 'common veterinary entry document' or 'CVED' means the document notifying the arrival of animals into the Union as provided for in Article 1 of Regulation (EC) No 282/2004 and drawn up in accordance with the model set out in Annex I thereto and managed by the integrated computerised veterinary system known as Traces;
- (i) 'confirmed case of Bsal' means the confirmation of the presence of Bsal or its genetic material on or in the tissues of salamanders by the appropriate diagnostic test;

Article 3

Animal health conditions for intra-Union trade in salamanders

1. Member States shall prohibit the dispatch of consignments of salamanders to another Member State, except where such consignments comply with the following animal health conditions:

- (a) they are accompanied by an animal health certificate which complies with the model animal health certificate set out in Part A of Annex I;

- (b) the salamanders must not show clinical signs of Bsal, in particular they must show no skin lesions and ulcers at the time of examination by the official veterinarian; that examination must be carried out within a period of 24 hours prior to the time of dispatch of the consignment to the Member State of destination;
 - (c) the salamanders must come from a population where there have been no mortalities due to Bsal and no clinical signs of Bsal, in particular skin lesions and ulcers must not have been observed by the operator;
 - (d) the consignment must consist of:
 - (i) at least 62 salamanders which have undergone quarantine as one epidemiological unit in an appropriate establishment which complies with the minimum conditions set out in Annex II for a period of at least 6 weeks immediately prior to the date of the issuing of the animal health certificate set out in Part A of Annex I and skin swab samples from the salamanders in the consignment must have been tested for Bsal with negative results during the fifth week of the period of quarantine with the appropriate diagnostic test, in accordance with the sample sizes set out in point 1(a) of Annex III; or
 - (ii) salamanders which have been treated to the satisfaction of the competent authority against Bsal in accordance with point 1(b) of Annex III.
2. Where consignments of salamanders have been introduced into the Union from a third country and they have already undergone quarantine in an appropriate establishment of destination in accordance with Article 6, Member States shall only authorise their dispatch to another Member State where such consignments comply with the following conditions:
- (a) the animal health conditions laid down in paragraph 1(a), (b) and (c);
 - (b) the salamanders have been kept in quarantine in the appropriate establishment which complies with the minimum conditions set out in Annex II, between the end of the period of quarantine following their introduction into the Union and the issuing of the animal health certificate set out in Part A of Annex I.

Article 4

Animal health conditions for the introduction into the Union of consignments of salamanders

Member States shall prohibit the introduction into the Union of consignments of salamanders from a third country, except where such consignments comply with the following conditions:

- (a) they come from third countries listed in one of the following:
 - (i) Annex I to Decision 2004/211/EC;
 - (ii) Part 2 of Annex II to Decision 2007/777/EC;
 - (iii) Annex I to Regulation (EC) No 798/2008;
 - (iv) Part 1 of Annex I to Regulation (EC) No 119/2009;
 - (v) Part 1 of Annex II to Regulation (EU) No 206/2010;or
 - (vi) Annex I to Regulation (EU) No 605/2010;
- (b) they are accompanied by an animal health certificate which complies with the model animal health certificate set out in Part B of Annex I;
- (c) the salamanders must not show clinical signs of Bsal, in particular there must be no signs of skin lesions and ulcers at the time of examination by the official veterinarian; and that examination must have been carried out within a period of 24 hours prior to the time of dispatch of the consignment to the Union;

- (d) before issuing the animal health certificate referred to in point (b), the epidemiological unit comprising the salamanders in the consignment must have been isolated from other salamanders at the latest at the time of the examination for the purposes of issuing of animal health certificate and they must not have been in contact with other salamanders since that time.

Article 5

Attestation regarding the appropriate establishment of destination

Member States shall ensure that border inspection posts do not accept the entry into the Union of consignments of salamanders unless importers or their agents provide a written attestation, in an official language of the Member State of the border inspection post of entry into the Union, which is signed by the natural or legal person responsible for the appropriate establishment of destination, stating:

- (a) the name and address of the appropriate establishment of destination;
- (b) that the appropriate establishment of destination complies with the minimum conditions set out in Annex II;
- (c) that the consignment of salamanders will be accepted for quarantine.

Article 6

Quarantine rules for consignments of salamanders introduced into the Union

Member States shall ensure that:

1. The official or approved veterinarian responsible for the appropriate establishment of destination records the arrival of the consignment of salamanders introduced into the Union from a third country in Box 45 of Part 3 in the electronic version of the common veterinary entry document.
2. The official or approved veterinarian ensures that the operator keeps the consignment of salamanders in quarantine in the appropriate establishment of destination as one epidemiological unit.
3. The official or approved veterinarian inspects the conditions of quarantine for each consignment of salamanders, including an examination of the mortality records and a clinical inspection of the salamanders in the appropriate establishment of destination, checking in particular for skin lesions and ulcers.
4. Where a consignment comprises 62 or more salamanders, the official or approved veterinarian carries out the examination, sampling, testing and treatment procedures for Bsal in accordance with the procedures referred to in points 1 and 2 of Annex III, following the arrival of the consignment of salamanders at the appropriate establishment of destination.
5. Where the consignment comprises less than 62 salamanders, the official or approved veterinarian ensures that the consignment is treated to the satisfaction of the competent authority against Bsal in accordance with point 3 of Annex III.
6. The official or approved veterinarian releases the consignment of salamanders from the appropriate establishment of destination by a written authorisation:
 - (a) in case of testing as referred to in point 1(a) of Annex III, provided that at least 6 weeks has elapsed since the date of the commencement of the period of quarantine and not before the receipt of the negative test results, whichever is later; or
 - (b) in the case of treatment as referred to in point 1(b) of Annex III, only after satisfactory completion of the treatment.

*Article 7***Measures to be taken in the event of a confirmed case of Bsal in an appropriate establishment of destination**

1. Member States shall ensure that where during quarantine it is confirmed that at least one salamander of an epidemiological unit is infected with Bsal, the following measures are taken by the appropriate establishment of destination:
 - (a) all salamanders in the same epidemiological unit are either:
 - (i) treated to the satisfaction of the competent authority against Bsal in accordance with point 3 of Annex III; or
 - (ii) killed and disposed of as animal by-products in accordance with Article 12 of Regulation (EC) No 1069/2009.
 - (b) following completion of the measures referred to in point (a), the area of the appropriate establishment of destination where the epidemiological unit had been kept is cleaned and disinfected to the satisfaction of the competent authority.
2. The competent authority may require testing of the treated salamanders to verify the effectiveness of the treatment referred to in point 1(a)(i) and may require repeated treatments, as appropriate, to prevent the spread of Bsal.

*Article 8***Costs**

Member States shall ensure that all quarantine costs, testing costs and, where necessary, the costs of risk mitigation measures and treatments are borne by the operator or the importer.

*Article 9***Annual reporting requirements**

At the latest by 30 June each year, starting from 2019, those Member States which have handled salamander consignments in the previous year, shall submit to the Commission the following information concerning the previous year, differentiating between information related to the intra-Union trade or to introductions of salamander consignments into the Union:

- (a) the number of epidemiological units with at least one confirmed case of Bsal;
- (b) the number of epidemiological units treated without a confirmed case;
- (c) any further information they deem relevant on testing, treating or handling the consignments and on the implementation of this Decision.

*Article 10***Transitional measures**

1. For a transitional period until 6 September 2018, the Member States of destination may accept on their territory consignments of salamanders from other Member States which do not comply with the animal health conditions laid down in Article 3, under appropriate risk mitigation conditions to be determined by the competent authority after consulting the operators and, if necessary, the Member State of origin.
2. For a transitional period until 6 September 2018, the Member States of destination may accept on their territory consignments of salamanders introduced into the Union from a third country which do not comply with the animal health conditions laid down in Article 4, provided that they are handled in accordance with Articles 5 to 7.

*Article 11***Applicability**

This Decision shall apply until 31 December 2019.

*Article 12***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 28 February 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

PART A

ANIMAL HEALTH CERTIFICATE
for intra-Union trade in salamanders

EUROPEAN UNION

Intra-Union trade certificate

Part I: Details of consignment presented	I.1. Consignor			I.2. Certificate reference No		I.2.a. Local reference No	
	Name						
	Address			I.3. Central competent authority			
	Postal code			I.4. Local competent authority			
	I.5. Consignee			I.6.			
	Name						
	Address			I.7.			
	Postal code						
	I.8. Country of origin	ISO code	I.9.	I.10. Country of destination	ISO code	I.11.	
	I.12. Place of origin			I.13. Place of destination			
Other (registered quarantine) ☐			Holding ☐				
			Other ☐				
Name			Name				
Registration number			Approval number				
Address			Address				
Postal code			Postal code				
I.14. Place of loading			I.15. Date and time of departure				
Postal code							
I.16. Means of transport			I.17. Transporter				
Aeroplane ☐ Ship ☐ Railway wagon ☐			Name				
Road vehicle ☐ Other ☐			Approval number				
Identification			Address				
			Postal code				
			Member State				
I.18. Animal species					I.19. Commodity code (HS code)		
					01069000		
					I.20. Quantity		
I.21.					I.22. Number of packages		

I.23. Seal/Container No		I.24. Type of packaging	
I.25. Animals certified for: Breeding ☐ Other ☐			
I.26. Transit through third country ☐		I.27. Transit through Member States ☐	
Third country	ISO code	Member State	ISO code
Exit point	Code	Member State	ISO code
Entry point	BIP No	Member State	ISO code
I.28. Export ☐		I.29.	
Third country	ISO code		
Exit point	Code		
I.30.			
I.31. Identification of the animals			
Species (Scientific name)		Quantity	

European Union

Salamanders

II. Health information

II.a. Certificate reference number

II.b. Local reference number

I, the undersigned official veterinarian, hereby certify that the animals described in Part I meet the following requirements:

- II.1. The salamanders ⁽¹⁾ have been examined and do not show clinical signs of infection with the fungus *Batrachochytrium salamandrivorans* (Bsal), and in particular skin lesions and ulcers at the time of the examination which took place within a period of 24 hours prior to the planned time of dispatch of the consignment;
- II.2. According to the operator, they come from a population where no mortalities due to Bsal or signs of Bsal, in particular skin lesions and ulcers have been observed by the operator;
- II.3. The consignment consists of:
- (²) either [(i) one epidemiological unit of at least 62 specimens of salamanders which has been quarantined from other salamanders in an appropriate establishment for a period of at least 6 weeks immediately prior to the date of the issuing of this certificate; and
- (ii) skin swab samples from the salamanders taken during the fifth week of the quarantine have been tested for Bsal with negative results with the appropriate diagnostic test, in accordance with the sample sizes laid down in point 1(a) of Annex III to Commission Implementing Decision (EU) 2018/320;]
- (²) or [salamanders which have been treated to the satisfaction of the competent authority against Bsal in accordance with point 1(b) of Annex III to Commission Implementing Decision (EU) 2018/320;]
- (²) or [salamanders which have been introduced into the European Union and have undergone quarantine or treatment and have been kept in the appropriate establishment of destination isolated from other salamanders between the end of the quarantine period following their introduction into the European Union and the issuing of this certificate;]

Notes

(¹) 'salamanders' means all amphibians of the order *Caudata*.

(²) Delete as applicable.

— The required details of this certificate must be entered into Traces on the date of issuing of this certificate and at the latest within a period of 24 hours thereof.

— The colour of the stamp and the signature must be different from that of the other particulars in this certificate.

— This certificate is valid for a period of 10 days from the date of issue.

Official veterinarian

Name (in capital letters):

Qualification and title:

Local Veterinary Unit (LVU):

LVU No:

Date:

Signature:

Stamp:

Part II: Certification

PART B

ANIMAL HEALTH CERTIFICATE

for the introduction of consignments of salamanders into the European Union

COUNTRY:

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Country Tel.				I.2. Certificate reference number		I.2.a.							
					I.3. Central Competent Authority									
					I.4. Local Competent authority									
	I.5. Consignee Name Address Country Tel.				I.6.									
	I.7. Country of origin		ISO code		I.8. Region of origin		Code		I.9. Country of destination		ISO code		I.10.	
	I.11. Place of origin Name Address Name Address Name Address				I.12.									
	I.13. Place of loading Address				I.14. Date of departure				Time of departure					
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Document:				I.16. Entry BIP in EU									
I.17. No.(s) of CITES (1)														
I.18. Description of commodity										I.19. Commodity code (01069000)				
										I.20. Quantity				
I.21.										I.22. Number of packages				

I.23. Seal/Container No		I.24.
I.25. Commodities certified for:		
Other ☐ Breeding ☐ Approved bodies ☐		
I.26.	I.27. For import or admission into EU ☐	
I.28. Identification of the commodity		
Species (scientific name)		Quantity

COUNTRY		Salamanders
II. Health information	II.a. Certificate reference number	II.b.
I, the undersigned official veterinarian, hereby certify that the animals described in Part I meet the following requirements: II.1. The consignment of salamanders ⁽²⁾ comes from a third country of origin which is listed in Annex I to Commission Decision 2004/211/EC, in Part 2 of Annex II to Commission Decision 2007/777/EC, in Annex I to Commission Regulation (EC) No 798/2008, in Part 1 of Annex I to Commission Regulation (EC) No 119/2009, in Part 1 of Annex II to Commission Regulation (EU) No 206/2010 or in Annex I to Commission Regulation (EU) No 605/2010. II.2. The salamanders have been examined and do not show clinical signs of infection with the fungus <i>Batrachochytrium salamandrivorans</i> (Bsal), and in particular skin lesions and ulcers, at the time of the examination which took place within a period of 24 hours prior to the planned time of dispatch of the consignment to the European Union. II.3. The consignment of salamanders has been isolated from other salamanders at the latest at the time of the examination referred to in point II.2 and the consignment has not been in contact with other salamanders since that time. Notes: Part I: (¹) complete or cross out as appropriate: CITES authorisation number is relevant only for animals listed in the Washington Convention on protected species. Part II: (²) 'salamanders' means all amphibians of the order <i>Caudata</i>. — The colour of the stamp and the signature must be different from that of the other particulars in this certificate. — This certificate is valid for a period of 10 days from the date of examination in the third country of origin. Official veterinarian Name (in capital letters): Date: Stamp: Qualification and title: Signature:		

ANNEX II

MINIMUM CONDITIONS FOR APPROPRIATE ESTABLISHMENTS OF DESTINATION

- (1) The appropriate establishment of destination:
 - (a) has a system that ensures adequate surveillance of the salamanders;
 - (b) is under the control of an official or approved veterinarian;
 - (c) is cleaned and disinfected in accordance with instructions by the competent authority.
 - (2) The operator of the appropriate establishment ensures that:
 - (a) cleaning and disinfection of the tanks, crates or other fomites used for the transport of the salamanders is carried out unless those are destroyed, in a way to prevent the spread of Bsal.
 - (b) waste material and waste water is collected regularly, stored and subsequently treated in a way to prevent the spread of Bsal.
 - (c) carcasses of quarantined salamanders are examined in a laboratory indicated by the competent authority.
 - (d) the necessary tests and treatments of salamanders are carried out in consultation with and under the control of the official or approved veterinarian.
 - (3) The operator of the appropriate establishments of destination informs the official or approved veterinarian of diseases and deaths of salamanders during the quarantine.
 - (4) The operator of the appropriate establishments of destination keeps a record of:
 - (a) the date, number and species of salamanders entering and leaving for each consignment;
 - (b) copies of the animal health certificates and the common veterinary entry documents accompanying the consignment of salamanders;
 - (c) cases of illness and the number of deaths on a daily basis;
 - (d) dates and results of testing;
 - (e) types and dates of treatment and the number of animals subjected to it.
-

ANNEX III

EXAMINATION, SAMPLING, TESTING AND TREATMENT PROCEDURES FOR BSAL

(1) During quarantine, the salamanders are subjected to the following procedures:

- (a) If the size of the epidemiological unit is 62 or more, skin swab samples from quarantined salamanders must be examined under the control of the official or approved veterinarian with the appropriate diagnostic test during the fifth week following the date of their entry into the appropriate establishment, in accordance with the sample sizes set out in the reference table, unless the operator opts for treatment in accordance with point (b).

Reference Table ⁽¹⁾:

Size of the epidemiological unit	62	186	200	250	300	350	400	450
Sample size	62	96	98	102	106	108	110	111

⁽¹⁾ Assuming 3 % prevalence of Bsal in the epidemiological unit and ensuring its detection with a 95 % confidence rate with the sensitivity of the appropriate diagnostic test calculated to be at 80 %.

- (b) If the operator opts for one of the treatments listed in point (3) or in all cases where the size of the epidemiological unit is less than 62, all salamanders in the consignment must be treated by the operator against Bsal under the control of the official or approved veterinarian to the satisfaction of the competent authority.
- (c) In cases referred to in point (b) the official or approved veterinarian may require representative testing of the epidemiological unit with the appropriate diagnostic test before the treatment to monitor the presence of Bsal or after treatment to verify the absence of Bsal.
- (d) Skin swab samples from all dead or clinically sick salamanders, in particular those with skin lesions, must be examined under the control of the official or approved veterinarian with the appropriate diagnostic test at the time they show lesions or other clinical signs or at the time of death, whichever is sooner.
- (e) All salamanders which die in the appropriate establishment must be subjected to a post mortem examination under the control of the official or approved veterinarian, in particular to check for signs of Bsal, to confirm or to exclude Bsal as cause of death, to the extent possible.
- (2) All testing of samples taken and post mortem examination during quarantine must be carried out in laboratories indicated by the official or approved veterinarian.
- (3) The following treatments are considered to be satisfactory:
- (a) keeping salamanders at a temperature of at least 25 °C for at least 12 days;
- (b) keeping salamanders at a temperature of at least 20 °C for at least 10 days combined with a treatment with polymyxin E submersion baths (2 000 IU/ml) for 10 minutes twice per day, followed by applying voriconazole spray (12,5 µg/ml);
- (c) any other treatment with comparable results in eliminating Bsal as reported in a peer-reviewed article published in a scientific journal.

COMMISSION IMPLEMENTING DECISION (EU) 2018/321**of 2 March 2018**

amending Implementing Decision (EU) 2017/224 setting out the technical and operational specifications allowing the commercial service offered by the system established under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽¹⁾, and in particular Article 12(3)(d) thereof,

Whereas:

- (1) The technical and operational specifications set out in the annex to Commission Implementing Decision (EU) 2017/224 ⁽²⁾ provide that the general specifications of the 'CS high precision' service offered by the commercial service envisage a positioning error of less than a decimetre and that access to this 'CS high precision' service, monitored by one or more service providers, is subject to a fee depending on the pricing policy in force.
- (2) It seems, however, that fee-paying access to the commercial service's high precision service could slow the development of the applications required to use this service and hinder the promising growth of economic activities based on satellite navigation systems, particularly within the Union. It could, moreover, make it more difficult for the system established under the Galileo programme to penetrate global markets given that rival systems propose to offer high precision services free of charge.
- (3) Furthermore, enterprises in the expanding sectors most likely to use the high precision commercial service, such as those developing autonomous vehicles, robotics or drones, do not need such high precision positioning as initially envisaged for the commercial service. Positioning error of less than two decimetres is sufficient for those enterprises, and is more attractive if, in return, the time needed to achieve such precision can be reduced. There is therefore a positive correlation between positioning accuracy and the time needed to achieve it. Changing the minimum precision requirement from one decimetre to two will thus reduce the time needed to achieve that precision, which may vary depending on the technology used and the user's environment and location.
- (4) Furthermore, users requiring a service offering a smaller positioning error than the 'CS high precision' service will still be able to obtain it from the enterprises that already offer commercial services to that level of precision locally.
- (5) It should also be noted that the fact that the commercial service's high precision service is free does not rule out other services provided by the system established under the Galileo programme perhaps being subject to a fee.
- (6) Accordingly, provision should be made for free access to the 'CS high precision' service offered by the commercial service, on the one hand, and for the general specifications of the 'CS high precision' service to provide for a positioning error of less than two decimetres.
- (7) Lastly, in deploying the 'CS high precision' service, the two planned phases should be renamed in order to better reflect what each really involves.
- (8) Implementing Decision (EU) 2017/224 should be amended accordingly.
- (9) The measures provided for in this Decision are in line with the opinion of the committee established pursuant to Article 36(1) of Regulation (EU) No 1285/2013,

⁽¹⁾ OJ L 347, 20.12.2013, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2017/224 of 8 February 2017 setting out the technical and operational specifications allowing the commercial service offered by the system established under the Galileo programme to fulfil the function referred to in Article 2(4)(c) of Regulation (EU) No 1285/2013 of the European Parliament and of the Council (OJ L 34, 9.2.2017, p. 36).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2017/224 is amended as follows:

- (1) the text in the row entitled 'General specifications' and in the column headed 'CS high precision' is replaced by the following: 'Supply of high precision data in order to obtain a positioning error of less than two decimetres in nominal conditions of use';
- (2) the text in the row entitled 'Access to the service' and in the column headed 'CS high precision' is replaced by the following: '— free access';
- (3) in the row entitled 'Deployment of the service' and in the column headed 'CS high precision', the words '— Initial commercial operating phase between 2018 and 2020' and '— Full commercial operating phase from 2020' are replaced by the words '— Initial signals supply phase between 2018 and 2020' and '— Full service supply phase from 2020'.

Article 2

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

Done at Brussels, 2 March 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2018/322**of 2 March 2018****on suspending the examination procedure concerning obstacles to trade consisting of measures adopted by the Republic of Turkey affecting trade in uncoated wood free paper**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/1843 of the European Parliament and of the Council of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾ (Trade Barriers Regulation), and in particular Article 12(2) thereof,

After consulting the Trade Barriers Committee,

Whereas:

- (1) On 21 April 2017 the Confederation of European Paper Industries ('CEPI') lodged a complaint on behalf of the Union paper industry pursuant to Article 3 of the Trade Barriers Regulation.
- (2) CEPI claimed that the Republic of Turkey introduced on 28 September 2015 an import surveillance system for uncoated wood free paper, which includes a specific import licencing requirement, renders impossible imports under a certain threshold value and creates barriers to trade for imports above that threshold value.
- (3) The Commission decided that the complaint contained sufficient evidence to justify the initiation of an examination procedure. A Notice of Initiation was therefore published in the *Official Journal of the European Union* on 7 July 2017 ⁽²⁾.
- (4) During the investigation, the Republic of Turkey revoked the application of the import surveillance system with regard to uncoated wood free paper.
- (5) Despite the revocation of the measure subjecting uncoated wood free paper to the surveillance system, the surveillance system continues to exist and could be reintroduced for uncoated wood free paper. The Commission considers, therefore, that it is appropriate not to terminate but to suspend the procedure.
- (6) The Commission will monitor the situation.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Trade Barriers Committee,

HAS ADOPTED THIS DECISION:

Article 1

The examination procedure concerning obstacles to trade, consisting of measures adopted by the Republic of Turkey affecting trade in uncoated wood free paper, is hereby suspended.

⁽¹⁾ OJ L 272, 16.10.2015, p. 1.

⁽²⁾ OJ C 218, 7.7.2017, p. 20.

Article 2

This Decision shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 2 March 2018.

For the Commission

The President

Jean-Claude JUNCKER

GUIDELINES

GUIDELINE (EU) 2018/323 OF THE EUROPEAN CENTRAL BANK

of 22 February 2018

amending Guideline ECB/2013/7 concerning statistics on holdings of securities (ECB/2018/8)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 5.1, 12.1 and 14.3 thereof,

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽¹⁾,

Having regard to Regulation (EU) No 1011/2012 of the European Central Bank of 17 October 2012 concerning statistics on holdings of securities (ECB/2012/24) ⁽²⁾,

Whereas:

- (1) Regulation (EU) No 1011/2012 (ECB/2012/24) has been amended to: (i) clarify the scope of the group data reporting agents which can be identified as part of the actual reporting population by the Governing Council for the purpose of that Regulation, and (ii) to incorporate the possibility that group data pursuant to Article 3a of Regulation (EU) No 1011/2012 (ECB/2012/24) can be directly reported to the European Central Bank (ECB). Guideline ECB/2013/7 of the European Central Bank ⁽³⁾ needs to be amended to take account of these changes since it sets out the procedures that must be followed by the national central banks (NCBs) when reporting to the ECB under Regulation (EU) No 1011/2012 (ECB/2012/24).
- (2) In particular, Annex II containing the letter of notification of classification as group data reporting agent pursuant to Regulation (EU) No 1011/2012 (ECB/2012/24) needs to reflect the further specification of the criteria the Governing Council uses for classifying group data reporting agents.
- (3) Therefore, Guideline ECB/2013/7 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments

Guideline ECB/2013/7 is amended as follows:

- (1) in Article 3a, the following paragraph 3 is added:

‘3. Notwithstanding the reporting requirement specified in paragraph 1, an NCB may decide that the group data reporting agents identified pursuant to Article 2 of Regulation (EU) No 1011/2012 (ECB/2012/24) shall report the statistical information specified in Chapter 2 of Annex I of that Regulation to the ECB. In such case, the NCB shall inform the ECB and the reporting agents accordingly, whereupon the ECB shall define and implement the reporting arrangements to be followed by the reporting agents and take over the task of collecting the required data directly from the reporting agents.’;

⁽¹⁾ OJ L 318, 27.11.1998, p. 8.

⁽²⁾ OJ L 305, 1.11.2012, p. 6.

⁽³⁾ Guideline ECB/2013/7 of the European Central Bank of 22 March 2013 concerning statistics on holdings of securities (OJ L 125, 7.5.2013, p. 17).

(2) in Article 4b, the following paragraph 3 is added:

‘3. Notwithstanding the reporting requirement specified in paragraph 1, an NCB may decide that the group data reporting agents identified pursuant to Article 2 of Regulation (EU) No 1011/2012 (ECB/2012/24) shall report the statistical information specified in Chapter 2 of Annex I of that Regulation to the ECB. In such case, the NCB shall inform the ECB and the reporting agents accordingly, whereupon the ECB shall define and implement the reporting arrangements to be followed by the reporting agents and take over the task of collecting the required data directly from the reporting agents.’;

(3) Annex II is replaced by the Annex to this Guideline.

Article 2

Taking effect and implementation

This Guideline shall take effect on the day of its notification to the NCBs of the Member States whose currency is the euro.

The Eurosystem central banks shall comply with this Guideline from 1 October 2018.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 22 February 2018.

For the Governing Council of the ECB
The President of the ECB
Mario DRAGHI

ANNEX

Annex II to Guideline ECB/2013/7 is replaced by the following:

'ANNEX II

LETTER OF NOTIFICATION TO GROUP DATA REPORTING AGENTS

Notification of classification as group data reporting agent pursuant to Regulation (EU) No 1011/2012 (ECB/2012/24).

[Dear Sir/Madam]

We hereby notify you, on behalf of the European Central Bank (ECB), that [legal name of group data reporting agent] has been classified by the ECB's Governing Council as a group data reporting agent for statistical purposes, in accordance with Article 2(1)(b) and Article 2(4) of Regulation (EU) No 1011/2012 (ECB/2012/24).

The reporting obligations of [legal name of the group data reporting agent] as group data reporting agent are laid down in Article 3a of Regulation (EU) No 1011/2012 (ECB/2012/24).

Reasons for classification as "group data reporting agent"

The Governing Council has determined that [legal name of the group data reporting agent] qualifies as a group data reporting agent according to the following criteria, under Regulation (EU) No 1011/2012 (ECB/2012/24):

- (a) [legal name of the group data reporting agent] is head of a banking group, as defined in Article 1(10), and referred to in Article 2(1)(b)(i) of Regulation (EU) No 1011/2012 (ECB/2012/24) or is an institution or financial institution established in a participating Member State which is not part of a banking group (hereinafter "entity"), in accordance with Article 2(1)(b)(ii) of Regulation (EU) No 1011/2012 (ECB/2012/24);
- (b) [legal name of the group data reporting agent] meets the following criteria [insert the relevant criteria that the notified head of a banking group or entity meets to qualify as a group data reporting agent, as decided by the Governing Council]:
 - (i) [the value of the total balance sheet assets of [legal name of the group data reporting agent]'s banking group; or the total balance sheet assets of [legal name of the group data reporting agent] is greater than 0,5 % of the total consolidated balance sheet assets of the European Union banking groups, according to the most recent data available to the ECB, i.e. (a) data with reference to the end of December of the calendar year preceding the sending of this notification letter; or (b) if the data under (a) are not available, data with reference to the end of December of the previous year];
 - (ii) [the banking group or entity is important for the stability and the functioning of the financial system in the euro area for the following reason: [add here the justification that makes the banking group or entity important for the stability and the functioning of the financial system in the euro area, e. g.:
 - the banking group or entity is closely and extensively interconnected with other financial institutions in the euro area;
 - the banking group or entity has a strong and extensive cross-border activity;
 - the banking group or entity activity is largely concentrated in one segment of the euro area banking business, for which it represents a major player;
 - the banking group or entity has a complex corporate structure which goes beyond the domestic territory;
 - the banking group or entity is directly supervised by the ECB.]]
 - (iii) [the banking group or entity is important for the stability and the functioning of the financial system in [relevant euro area Member States] for the following reason: [add here the justification that makes the banking group or entity important for the stability and the functioning of the financial system in the relevant euro area Member States, e. g.:
 - the banking group or entity is closely and extensively interconnected with other financial institutions in the domestic territory;
 - the banking group or entity activity is largely concentrated in [specify the segment of banking business], in which it is a major domestic player;
 - the banking group or entity is directly supervised by the ECB.]]

(¹) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

