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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2018/631**of 7 February 2018****supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by
establishing European Union reference laboratories for pests of plants**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 92(4) thereof,

Whereas:

- (1) Competent authorities are required to take adequate and timely measures against quarantine pests within the meaning of Article 3 of Regulation (EU) 2016/2031 ⁽²⁾ of the European Parliament and of the Council, as well as against pests which are not included in the list of Union quarantine pests but which may, in accordance with Article 30(1) of that Regulation, fulfil the conditions for inclusion in that list. The effectiveness of official controls and other official activities ensuring compliance with Union legislation is of primary importance in this regard.
- (2) That effectiveness depends on the quality, uniformity and reliability of the methods of analysis, test or diagnosis employed by the official laboratories designated in accordance with Article 37(1) of Regulation (EU) 2017/625, and of the results of the analyses, tests and diagnoses performed by those official laboratories.
- (3) Those methods are to remain updated and, where necessary, improved in order to ensure the quality, uniformity and reliability of analytical, testing and diagnostic data generated by them.
- (4) The measures taken for previous infestations indicate that official laboratories designated in accordance with Article 37 of Regulation (EU) 2017/625 would benefit from coordination and assistance to improve and promote uniform practices in the development or use of the methods of analysis, test or diagnosis employed by those official laboratories, and in the interpretation of results.
- (5) European Union reference laboratories should therefore be established to contribute to the improvement and harmonisation of the methods of analysis, test or diagnosis, the development of validated methods and the coordinated assistance to those official laboratories.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

- (6) In order to ensure the appropriate specialisation, one specific European Union reference laboratory should be established for each of the specific categories of pests. Those categories should take into account the nature and biology of the pests, as reflected in their categorisation set out in Annex I, Part A and Annex II, Part A to Council Directive 2000/29/EC ⁽¹⁾. In this view, European Union reference laboratories should be established for the following categories of pests: insects and mites, nematodes, bacteria, fungi and oomycetes, and viruses, viroids and phytoplasmas (which is an updated term for 'mycoplasmas', as referred to in that Directive),

HAS ADOPTED THIS REGULATION:

Article 1

European Union reference laboratories are hereby established as regards quarantine pests provided for in Article 3 of Regulation (EU) 2016/2031 and as regards pests which are not included in the list of Union quarantine pests but which may, in accordance with Article 30(1) of that Regulation, fulfil the conditions for inclusion in that list, and on the basis of the categorisation set out in Directive 2000/29/EC:

- (a) a European Union reference laboratory for insects and mites;
- (b) a European Union reference laboratory for nematodes;
- (c) a European Union reference laboratory for bacteria;
- (d) a European Union reference laboratory for fungi and oomycetes;
- (e) a European Union reference laboratory for viruses, viroids, and phytoplasmas.

Article 2

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

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

Done at Brussels, 7 February 2018.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

COMMISSION DELEGATED REGULATION (EU) 2018/632**of 19 February 2018****amending Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) As a result of the United States' failure to bring the Continued Dumping and Subsidy Offset Act (CDSOA) in compliance with its obligations under the World Trade Organization (WTO) agreements, Regulation (EC) No 673/2005 imposed a 15 % *ad valorem* additional customs duty on imports of certain products originating in the United States of America as from 1 May 2005. In conformity with the WTO authorisation to suspend the application of concessions to the United States, the Commission is to adjust the level of suspension annually to the level of nullification or impairment caused by the CDSOA to the European Union at that time.
- (2) The CDSOA disbursements for the most recent year for which data are available relate to the distribution of anti-dumping and countervailing duties collected during the Fiscal Year 2017 (1 October 2016-30 September 2017). On the basis of the data published by the United States' Customs and Border Protection, the level of nullification or impairment caused to the Union is calculated at USD 682 823.
- (3) The level of nullification or impairment and consequently of suspension has decreased. However, the level of suspension cannot be adjusted to the level of nullification or impairment by adding or removing products from the list in Annex I to Regulation (EC) No 673/2005. By removing all of the products but one, the level of retaliation (4,3 % of additional import duty) would be in excess of, whereas by leaving the last product in Annex I, it would be below the 72 % of the CDSOA disbursement amount. As a consequence, in accordance with Article 3(1)(e) of that Regulation, the Commission should keep the list of products in Annex I unchanged and amend the rate of the additional duty in order to adjust the level of suspension to the level of nullification or impairment. The four products listed in Annex I should therefore be maintained on the list and the rate of additional import duty should be amended and set at 0,3 %.
- (4) The effect of a 0,3 % *ad valorem* additional import duty on imports from the United States of the products in Annex I represents, over one year, a value of trade that does not exceed USD 682 823.
- (5) To make sure that there are no delays in the application of the amended rate of additional import duty, this Regulation should enter into force on the day of its publication.
- (6) Regulation (EC) No 673/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 673/2005 is amended as follows:

- (1) Article 2 of Regulation (EC) No 673/2005 is replaced by the following:

'Article 2

An *ad valorem* duty of 0,3 % additional to the customs duty applicable under Regulation (EU) No 952/2013 (*) shall be imposed on the products originating in the United States of America listed in Annex I to this Regulation.

(*) OJ L 269, 10.10.2013, p. 1';

- (2) Annex I to Regulation (EC) No 673/2005 is replaced by the text in the Annex to this Regulation.

(1) OJ L 110, 30.4.2005, p. 1; as amended by Regulation of the European Parliament and the Council (EU) No 38/2014 (OJ L 18, 21.1.2014, p. 52).

Article 2

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

It shall apply from 1 May 2018.

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

Done at Brussels, 19 February 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

'ANNEX I

The products on which additional duties are to apply are classified under the eight-digit CN codes and match the given descriptions.

0710 40 00	Sweetcorn
6204 62 31	Women's or girl's trousers and breeches, other than industrial and occupational, of denim cotton
8705 10 00	Crane lorries
ex 9003 19 00	Frames and mountings for spectacles, goggles or the like, of base metal'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/633**of 24 April 2018****amending Implementing Regulation (EU) 2016/1800 laying down implementing technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps in accordance with Directive 2009/138/EC of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/138/EC of 25 November 2009 of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) ⁽¹⁾, and in particular Article 109a(1) thereof,

Whereas:

- (1) After the adoption of Commission Implementing Regulation (EU) 2016/1800 ⁽²⁾, five new external credit assessment institutions have been registered or certified. It is therefore necessary to amend the Annex to that Implementing Regulation in order to allocate the credit assessments of those newly registered or certified external credit assessment institutions to the objective scale of credit quality steps.
- (2) The registration of one external credit assessment institution has been withdrawn since the adoption of Implementing Regulation (EU) 2016/1800. That deregistered institution should therefore be removed from the Annex to that Implementing Regulation.
- (3) This Regulation is based on the draft implementing technical standards submitted by the European supervisory authorities (the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority) to the Commission.
- (4) The European supervisory authorities have conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽³⁾, the Insurance and Reinsurance Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council ⁽⁴⁾, and the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁵⁾.
- (5) Implementing Regulation (EU) 2016/1800 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Implementing Regulation (EU) 2016/1800**

The Annex to Implementing Regulation (EU) 2016/1800 is replaced by the text in the Annex to this Regulation.

⁽¹⁾ Directive 2009/138/EC of 25 November 2009 of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2016/1800 of 11 October 2016 laying down implementing technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps in accordance with Directive 2009/138/EC of the European Parliament and of the Council (OJ L 275, 12.10.2016, p. 19).

⁽³⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

⁽⁴⁾ Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).

⁽⁵⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

*Article 2***Entry into force**

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

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

Done at Brussels, 24 April 2018.

For the Commission
The President
Jean-Claude JUNCKER

Allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps

Credit quality step	0	1	2	3	4	5	6
<i>AM Best Europe-Rating Services Ltd</i>							
Long-term issuer credit ratings scale	aaa	aa+, aa, aa-	a+, a, a-	bbb+, bbb, bbb-	bb+, bb, bb-	b+, b, b-	ccc+, ccc, ccc-, cc, c, rs
Long-term debt ratings scale	aaa	aa+, aa, aa-	a+, a, a-	bbb+, bbb, bbb-	bb+, bb, bb-	b+, b, b-	ccc+, ccc, ccc-, cc, c, d
Financial strength ratings scale		A++, A+	A, A-	B++, B+	B, B-	C++, C+	C, C-, D, E, F, S
Short-term ratings scale		AMB-1+	AMB-1-	AMB-2, AMB-3	AMB- 4		
<i>ARC Ratings S.A.</i>							
Medium- and long-term issuers rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Medium- and long-term issues rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Short-term issuers rating scale		A-1+	A-1	A-2, A-3	B, C, D		
Short-term issues rating scale		A-1+	A-1	A-2, A-3	B, C, D		
<i>ASSEKURATA Assekuranz Rating-Agentur GmbH</i>							
Long-term credit rating scale	AAA	AA	A	BBB	BB	B	CCC, CC/C, D
Short-term corporate rating scale		A++	A		B, C, D		
<i>Axesor S.A.</i>							
Global rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D, E
<i>Banque de France</i>							
Global long-term issuer credit ratings scale		3++	3+, 3	4+	4, 5+	5, 6	7, 8, 9, P

<i>BCRA – Credit Rating Agency AD</i>							
Bank long-term ratings scale	AAA	AA	A	BBB	BB	B	C, D
Insurance long-term ratings scale	iAAA	iAA	iA	iBBB	iBB	iB	iC, iD
Corporate long-term ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Municipality long-term ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Issue long-term ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Bank short-term ratings scale		A-1+	A-1	A-2, A-3	B, C, D		
Corporate short-term ratings scale		A-1+	A-1	A-2, A-3	B, C, D		
Municipality short-term ratings scale		A-1+	A-1	A-2, A-3	B, C, D		
Issue short-term rating scale		A-1+	A-1	A-2, A-3	B, C, D		
<i>Capital Intelligence</i>							
International long-term issuer rating scale	AAA	AA	A	BBB	BB	B	C, RS, SD, D
International long-term issue rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
International short-term issuer rating scale		A-1+	A-1	A-2, A-3	B, C, D		
International short-term issue rating scale		A-1+	A-1	A-2, A-3	B, C, D		
<i>Cerved Rating Agency S.p.A.</i>							
Corporate long-term rating scale	A1.1	A1.2, A1.3	A2.1, A2.2, A3.1	B1.1, B1.2	B2.1, B2.2	C1.1	C1.2, C2.1
<i>Creditreform Ratings AG</i>							
Long-term rating scale	AAA	AA	A	BBB	BB	B	C, D
<i>CRIF S.p.A.</i>							
Global long-term rating scale	AAA	AA	A	BBB	BB	B	CCC, D1, D2

<i>Dagong Europe Credit Rating</i>							
Long-term credit rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale		A-1		A-2, A-3	B, C, D		
<i>DBRS Ratings Limited</i>							
Long-term obligations rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Commercial paper and short-term debt rating scale		R-1 H, R-1 M	R-1 L	R-2, R-3	R-4, R-5, D		
Claims paying ability rating scale		IC-1	IC-2	IC-3	IC-4	IC-5	D
<i>Egan-Jones Ratings Co.</i>							
Long-term credit rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale		A-1+	A-1	A-2	A-3, B, C, D		
<i>Euler Hermes Rating GmbH</i>							
Global long-term rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, SD, D
<i>European Rating Agency, a.s.</i>							
Long-term rating scale			AAA, AA, A	BBB	BB	B	CCC, CC, C, D
Short-term rating scale			S1	S2	S3, S4, NS		
<i>EuroRating Sp. z o.o.</i>							
Global long-term rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
<i>Fitch France S.A.S., Fitch Deutschland GmbH, Fitch Italia S.p.A., Fitch Polska S.A., Fitch Ratings España S.A.U., Fitch Ratings Limited UK, Fitch Ratings CIS Limited</i>							
Long-term issuer credit ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, RD, D
Corporate finance obligations – Long-term ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C

Long-term international IFS ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C
Short-term rating scale		F1+	F1	F2, F3	B, C, RD, D		
Short-term IFS ratings scale		F1+	F1	F2, F3	B, C		
<i>GBB-Rating Gesellschaft für Bonitätsbeurteilung mbH</i>							
Global long-term rating scale	AAA	AA		A, BBB	BB	B	CCC, CC, C, D
<i>HR Ratings de México, S.A. de C.V.</i>							
Global long-term rating scale	HR AAA(G)	HR AA(G)	HR A(G)	HR BBB(G)	HR BB(G)	HR B(G)	HR C(G), HR D (G)
Global short-term rating scale	HR+1(G)	HR1(G)	HR2(G)	HR3(G)	HR4(G), HR5(G), HR D(G)		
<i>ICAP Group S.A.</i>							
Global long-term rating scale			AA, A	BB, B	C, D	E, F	G, H
<i>INC Rating Sp. z o.o.</i>							
Long-term issuer credit rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
<i>Japan Credit Rating Agency Ltd</i>							
Long-term issuer ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, LD, D
Long-term issue ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Short-term issuer ratings scale		J-1+	J-1	J-2	J-3, NJ, LD, D		
Short-term issue credit ratings scale		J-1+	J-1	J-2	J-3, NJ, D		
<i>Kroll Bond Rating Agency</i>							
Long-term credit rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale		K1+	K1	K2, K3	B, C, D		

<i>modeFinance S.r.l.</i>							
Global long-term rating scale	A1	A2	A3	B1	B2	B3	C1, C2, C3, D
<i>Moody's Investors Service Cyprus Ltd, Moody's France S.A.S., Moody's Deutschland GmbH, Moody's Italia S.r.l., Moody's Investors Service España S.A., Moody's Investors Service Ltd</i>							
Global long-term rating scale	Aaa	Aa	A	Baa	Ba	B	Caa, Ca, C
Bond fund rating scale	Aaa-bf	Aa-bf	A-bf	Baa-bf	Ba-bf	B-bf	Caa-bf, Ca-bf, C-bf
Global short-term rating scale		P-1	P-2	P-3	NP		
<i>Rating-Agentur Expert RA GmbH</i>							
International credit rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D, E
International reliability rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D, E
<i>Scope Ratings AG</i>							
Global long-term rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Global short-term rating scale		S-1+	S-1	S-2	S-3, S-4		
<i>Spread Research</i>							
International long-term rating scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
<i>Standard & Poor's Credit Market Services France S.A.S., Standard & Poor's Credit Market Services Italy S.r.l., Standard & Poor's Credit Market Services Europe Limited</i>							
Long-term issuer credit ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, R, SD/D
Long-term issue credit ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D
Insurer financial strength ratings scale	AAA	AA	A	BBB	BB	B	CCC, CC, SD/D, R
Fund credit quality ratings scale	AAAf	AAf	Af	BBBf	BBf	Bf	CCCf

Mid market evaluation ratings scale		MM1	MM2	MM3, MM4	MM5, MM6	MM7, MM8, MMD	
Short-term issuer credit ratings scale	A-1+	A-1	A-2, A-3	B, C, R, SD/D			
Short-term issue credit ratings scale	A-1+	A-1	A-2, A-3	B, C, D			
<i>The Economist Intelligence Unit Ltd</i>							
Sovereign rating band scale	AAA	AA	A	BBB	BB	B	CCC, CC, C, D'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/634**of 24 April 2018****amending Implementing Regulation (EU) 2016/1799 as regards the mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular the third subparagraph of Article 136(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/1799 ⁽²⁾ specifies in its Annex III, the correspondence of the relevant credit assessments issued by an external credit assessment institution ('ECAI') to the credit quality steps set out in Section 2 of Chapter 2 of Title II of Part Three of Regulation (EU) No 575/2013 (mapping).
- (2) Since the adoption of Implementing Regulation (EU) 2016/1799 additional credit rating agencies have been registered or certified in accordance with Regulation (EC) No 1060/2009 of the European Parliament and of the Council ⁽³⁾. Furthermore, one of the ECAIs for which Implementing Regulation (EU) 2016/1799 provided a mapping has been deregistered. Given that Article 136(1) of Regulation (EU) No 575/2013 requires the specification of mappings for all ECAIs, it is necessary to amend Implementing Regulation (EU) 2016/1799 to provide mappings for the newly registered or certified ECAIs, and to remove the mapping for the deregistered ECAI.
- (3) This Regulation is based on the draft implementing technical standards submitted by the European Banking Authority, the European Securities and Markets Authority and the European Insurance and Occupational Pensions Authority jointly (the 'European Supervisory Authorities') to the Commission.
- (4) The European Supervisory Authorities have conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽⁴⁾, the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁵⁾, and the Insurance and Reinsurance Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1094/2010 of the European Parliament and of the Council ⁽⁶⁾.
- (5) Implementing Regulation (EU) 2016/1799 should therefore be amended accordingly,

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2016/1799 of 7 October 2016 laying down implementing technical standards with regard to the mapping of credit assessments of external credit assessment institutions for credit risk in accordance with Articles 136(1) and 136(3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 275, 12.10.2016, p. 3).

⁽³⁾ Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302, 17.11.2009, p. 1).

⁽⁴⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

⁽⁵⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

⁽⁶⁾ Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) 2016/1799

Annex III to Implementing Regulation (EU) 2016/1799 is replaced by the text set out in the Annex to this Regulation.

Article 2

Entry into force

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

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

Done at Brussels, 24 April 2018.

For the Commission
The President
Jean-Claude JUNCKER

Mapping tables for the purposes of Article 16

Credit quality step	1	2	3	4	5	6
<i>AM Best Europe-Rating Services Ltd</i>						
Long-term issuer credit ratings scale	aaa, aa+, aa, aa-	a+, a, a-	bbb+, bbb, bbb-	bb+, bb, bb-	b+, b, b-	ccc+, ccc, ccc-, cc, c, rs
Long-term debt ratings scale	aaa, aa+, aa, aa-	a+, a, a-	bbb+, bbb, bbb-	bb+, bb, bb-	b+, b, b-	ccc+, ccc, ccc-, cc, c, d
Financial strength ratings scale	A++, A+	A, A-	B++, B+	B, B-	C++, C+	C, C-, D, E, F, S
Short-term ratings scale	AMB-1+	AMB-1-	AMB-2, AMB-3	AMB- 4		
<i>ARC Ratings S.A.</i>						
Medium- and long-term issuers rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Medium- and long-term issues rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term issuers rating scale	A-1+	A-1	A-2, A-3	B, C, D		
Short-term issues rating scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>ASSEKURATA Assekuranz Rating-Agentur GmbH</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC/C, D
Short-term corporate rating scale	A++	A		B, C, D		
<i>Axesor SA</i>						
Global rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D, E
<i>Banque de France</i>						
Global long-term issuer credit ratings scale	3++	3+, 3	4+	4, 5+	5, 6	7, 8, 9, P

<i>BCRA – Credit Rating Agency AD</i>						
Bank long-term ratings scale	AAA, AA	A	BBB	BB	B	C, D
Insurance long-term ratings scale	iAAA, iAA	iA	iBBB	iBB	iB	iC, iD
Corporate long-term ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Municipality long-term ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Issue long-term ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Bank short-term ratings scale	A-1+	A-1	A-2, A-3	B, C, D		
Corporate short-term ratings scale	A-1+	A-1	A-2, A-3	B, C, D		
Municipality short-term ratings scale	A-1+	A-1	A-2, A-3	B, C, D		
Issue short-term rating scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>Capital Intelligence Ltd</i>						
International long-term issuer rating scale	AAA, AA	A	BBB	BB	B	C, RS, SD, D
International long-term issue rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
International short-term issuer rating scale	A-1+	A-1	A-2, A-3	B, C, D		
International short-term issue rating scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>Cerved Rating Agency S.p.A.</i>						
Corporate long-term rating scale	A1.1, A1.2, A1.3	A2.1, A2.2, A3.1	B1.1, B1.2	B2.1, B2.2	C1.1	C1.2, C2.1
<i>Creditreform Ratings AG</i>						
Long-term rating scale	AAA, AA	A	BBB	BB	B	C, D
<i>CRIF S.p.A.</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, D1, D2
<i>Dagong Europe Credit Rating</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	A-1		A-2, A-3	B, C, D		

<i>DBRS Ratings Limited</i>						
Long-term obligations rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Commercial paper and short-term debt rating scale	R-1 H, R-1 M	R-1 L	R-2, R-3	R-4, R-5, D		
Claims paying ability rating scale	IC-1	IC-2	IC-3	IC-4	IC-5	D
<i>Egan-Jones Ratings Co.</i>						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	A-1+	A-1	A-2	A-3, B, C, D		
<i>Euler Hermes Rating GmbH</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, SD, D
<i>European Rating Agency, a.s.</i>						
Long-term rating scale		AAA, AA, A	BBB	BB	B	CCC, CC, C, D
Short-term rating scale		S1	S2	S3, S4, NS		
<i>EuroRating Sp.zo.o.</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
<i>Fitch Ratings</i>						
Long-term issuer credit ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, RD, D
Corporate finance obligations – long-term ratings scale	AAA AA	A	BBB	BB	B	CCC, CC, C
Long-term international IFS ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C
Short-term rating scale	F1+	F1	F2, F3	B, C, RD, D		
Short-term IFS ratings scale	F1+	F1	F2, F3	B, C		
<i>GBB-Rating Gesellschaft für Bonitäts-beurteilung mbH</i>						
Global long-term rating scale	AAA, AA		A, BBB	BB	B	CCC, CC, C, D

HR Ratings de México, S.A. de C.V.						
Global long-term rating scale	HR AAA(G)/HR AA(G)	HR A(G)	HR BBB(G)	HR BB(G)	HR B(G)	HR C(G)/HR D(G)
Global short-term rating scale	HR+1(G)/HR1(G)	HR2(G)	HR3(G)	HR4(G), HR5(G), HR D(G)		
ICAP Group S.A						
Global long-term rating scale		AA, A	BB, B	C, D	E, F	G, H
INC Rating Sp. z o.o.						
Long-term issuer credit rating scale	AAA, AA	A	BBB	BB	B	CCC,CC, C, D
Japan Credit Rating Agency Ltd						
Long-term issuer ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, LD, D
Long-term issue ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term issuer ratings scale	J-1+	J-1	J-2	J-3, NJ, LD, D		
Short-term issue credit ratings scale	J-1+	J-1	J-2	J-3, NJ, D		
Kroll Bond Rating Agency						
Long-term credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Short-term credit rating scale	K1+	K1	K2, K3	B, C, D		
modeFinance S.r.l.						
Global long-term rating scale	A1,A2	A3	B1	B2	B3	C1, C2, C3, D
Moody's Investors Service						
Global long-term rating scale	Aaa, Aa	A	Baa	Ba	B	Caa, Ca, C
Bond fund rating scale	Aaa-bf, Aa-bf	A-bf	Baa-bf	Ba-bf	B-bf	Caa-bf, Ca-bf, C-bf
Global short-term rating scale	P-1	P-2	P-3	NP		

<i>Rating-Agentur Expert RA GmbH</i>						
International credit rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D, E
International reliability rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D, E
<i>Scope Ratings AG</i>						
Global long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Global short-term rating scale	S-1+	S-1	S-2	S-3, S-4		
<i>Spread Research</i>						
International long-term rating scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
<i>Standard & Poor's Ratings Services</i>						
Long-term issuer credit ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, R, SD/D
Long-term issue credit ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D
Insurer financial strength ratings scale	AAA, AA	A	BBB	BB	B	CCC, CC, SD/D, R
Fund credit quality ratings scale	AAAf, AAf	Af	BBBf	BBf	Bf	CCCf
Mid Market Evaluation ratings scale		MM1	MM2	MM3, MM4	MM5, MM6	MM7, MM8, MMD
Short-term issuer credit ratings scale	A-1+	A-1	A-2, A-3	B, C, R, SD/D		
Short-term issue credit ratings scale	A-1+	A-1	A-2, A-3	B, C, D		
<i>The Economist Intelligence Unit Ltd</i>						
Sovereign rating band scale	AAA, AA	A	BBB	BB	B	CCC, CC, C, D'

DECISIONS

COUNCIL DECISION (EU) 2018/635

of 17 April 2018

on the position to be adopted, on behalf of the European Union within the EEA Joint Committee concerning an amendment to Annex XXII (Company Law) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50 and 114 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XXII (Company law) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement.
- (3) Regulation (EU) No 537/2014 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Directive 2014/56/EU of the European Parliament and of the Council ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) For the EEA Agreement to function well, Protocol 37 to the EEA Agreement is to be extended to include the Committee of European Auditing Oversight Bodies set up by Regulation (EU) No 537/2014, and Annex XXII to the EEA Agreement is to be amended in order to specify the procedures for association with this Committee.
- (6) Annex XXII and Protocol 37 to the EEA Agreement should therefore be amended accordingly.
- (7) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex XXII (Company law) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77).

⁽⁴⁾ Directive 2014/56/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts (OJ L 158, 27.5.2014, p. 196).

Article 2

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

Done at Luxembourg, 17 April 2018.

For the Council
The President
E. ZAHARIEVA

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No ...

of ...

amending Annex XXII (Company law) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC ⁽¹⁾, as corrected by OJ L 170, 11.6.2014, p. 66, is to be incorporated into the EEA Agreement.
- (2) Directive 2014/56/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) For the EEA Agreement to function well, Protocol 37 to the EEA Agreement is to be extended to include the Committee of European Auditing Oversight Bodies (CEAOB) set up by Regulation (EU) No 537/2014, and Annex XXII to the EEA Agreement is to be amended in order to specify the procedures for association with this Committee.
- (4) Annex XXII and Protocol 37 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXII to the EEA Agreement shall be amended as follows:

1. The following is added in point 10f (Directive 2006/43/EC of the European Parliament and of the Council):

‘— **32014 L 0056:** Directive 2014/56/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 158, 27.5.2014, p. 196).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 30c(3), as regards the EFTA States, the words “as laid down in the Charter of Fundamental Rights of the European Union” shall not apply.’

2. The following is inserted after point 10i (Directive 2013/34/EU of the European Parliament and of the Council):

‘10j. **32014 R 0537:** Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p. 77), as corrected by OJ L 170, 11.6.2014, p. 66.

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

The competent authorities of the EFTA States referred to in Article 32(1) of Directive 2006/43/EC shall have the right to participate fully in the Committee of European Auditing Oversight Bodies (CEAOB), under the same conditions as competent authorities of the EU Member States but without the right to vote. Members from the EFTA States shall not be eligible for the Chairmanship of CEOAB pursuant to Article 30(6).

⁽¹⁾ OJ L 158, 27.5.2014, p. 77.

⁽²⁾ OJ L 158, 27.5.2014, p. 196.

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) The words “Union or national legislation” shall be replaced by the words “the EEA Agreement or national legislation” and the words “Union or national law” shall be replaced by the words “the EEA Agreement or national law”.
- (b) In Article 41, as regards the EFTA States:
 - (i) the words “17 June 2020” shall read “six years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;
 - (ii) the words “17 June 2023” shall read “nine years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;
 - (iii) the words “16 June 2014” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”;
 - (iv) the words “as at 17 June 2016” shall read “two years after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”.
- (c) In Article 44, as regards the EFTA States, the words “17 June 2017” shall read “one year after the date of entry into force of Decision of the EEA Joint Committee No .../... of ...[this decision]”.

Article 2

The following point is added in Protocol 37 to the EEA Agreement:

- ‘40. The Committee of European Auditing Oversight Bodies (CEAOB) (Regulation (EU) No 537/2014 of the European Parliament and of the Council).’

Article 3

The texts of Regulation (EU) No 537/2014, as corrected by OJ L 170, 11.6.2014, p. 66, and Directive 2014/56/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 5

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, ...

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COMMISSION IMPLEMENTING DECISION (EU) 2018/636**of 17 April 2018****on the identification of dicyclohexyl phthalate (DCHP) as a substance of very high concern according to Article 57(c) and (f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council***(notified under document C(2018) 2167)***(Only the English text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Article 59(9) thereof,

Whereas:

- (1) In accordance with Article 59(3) of Regulation (EC) No 1907/2006, on 17 February 2016 Sweden submitted to the European Chemicals Agency ('the Agency') a dossier prepared in accordance with Annex XV to that Regulation ('Annex XV dossier') for the identification of dicyclohexyl phthalate (DCHP) (EC No 201-545-9, CAS No 84-61-7) as a substance of very high concern in accordance with Article 57(c) and (f) of that Regulation, due respectively to its classification as toxic for reproduction category 1B under Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾, and to its endocrine disrupting properties for which there is scientific evidence of probable serious effects to human health or the environment which give rise to an equivalent level of concern to those of other substances listed in paragraphs (a) to (e) of Article 57.
- (2) On 9 June 2016 the Member State Committee of the Agency (MSC) adopted its opinion ⁽³⁾ on the Annex XV dossier. Before the MSC adopted its opinion, Sweden withdrew its proposal to identify DCHP under Article 57(f) of Regulation (EC) No 1907/2006 due to its endocrine disrupting properties for which there is scientific evidence of probable serious effects to the environment, in order to further elaborate on the justifications provided in the dossier.
- (3) The MSC reached a unanimous agreement on the identification of DCHP as a substance of very high concern because it meets the criteria of Article 57(c) of Regulation (EC) No 1907/2006.
- (4) The MSC unanimously acknowledged that for DCHP there is scientific evidence on the endocrine activity and on the link between this activity and the adverse effects to human health, and, further, that the substance can be considered an endocrine disruptor for human health as it fulfils the WHO/IPCS definition for an endocrine disruptor.
- (5) However, the MSC did not reach unanimous agreement on the identification of DCHP under Article 57(f) of Regulation (EC) No 1907/2006 as giving rise to an equivalent level of concern to those of other substances listed in points (a) to (c) of that Article due to endocrine disrupting properties in relation to human health. According to five members of the MSC, the effects for human health pointed out in the Annex XV dossier were the same effects, caused by the same mode of action, as those already taken into account in the dossier for identification of the substance as a substance of very high concern in accordance with Article 57(c) due to the adverse effects on development.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ <https://echa.europa.eu/documents/10162/a0ed7099-d284-45e4-87ae-9984c71024c8>

- (6) On 22 June 2016, pursuant to Article 59(9) of Regulation (EC) No 1907/2006, the Agency referred the MSC opinion to the Commission for a decision on the identification of DCHP on the basis of Article 57(f).
- (7) The Commission notes the unanimous agreement in the MSC that DCHP has endocrine disrupting properties and that the adverse effects caused by this mode of action are the same effects that led to its classification as toxic for reproduction and to the proposal for its identification as a substance of very high concern according to Article 57(c) of Regulation (EC) No 1907/2006. The Commission also notes that the majority of members of the MSC considered that the level of concern of those effects is equivalent to those of substances referred to in Article 57 (a) to (e).
- (8) The Commission notes that Article 57 does not preclude identifying a substance as being of very high concern several times based on more than one intrinsic property causing the same effect on human health and relying on the same scientific evidence. This approach was also followed for the identification of bis(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP) and diisobutyl phthalate (DIBP) in accordance with Article 57(f) of REACH ⁽¹⁾.
- (9) Therefore DCHP should be identified under Article 57 (c) as a substance of very high concern meeting the criteria for classification as toxic for reproduction category 1B under Regulation (EC) No 1272/2008 and under Article 57(f) due to its endocrine disrupting properties with probable serious effects to human health.
- (10) This Decision is without prejudice to the outcome of the on-going activities related to the definition of criteria for the identification of endocrine disruptors in accordance with the provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽²⁾.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS DECISION:

Sole Article

1. Dicyclohexyl phthalate (DCHP) (EC No 201-545-9, CAS No 84-61-7) is identified in accordance with Article 57(c) of Regulation (EC) No 1907/2006 due to its classification as toxic for reproduction category 1B under Regulation (EC) No 1272/2008, and in accordance with Article 57(f) of Regulation (EC) No 1907/2006, due to its endocrine disrupting properties with probable serious effects to human health.
2. The substance shall be included in the candidate list referred to in Article 59(1) of Regulation (EC) No 1907/2006 with the following indication under 'Reason for inclusion': 'Toxic for reproduction (Article 57(c)); endocrine disrupting properties (Article 57(f) - human health)'.

This Decision is addressed to the European Chemicals Agency.

Done at Brussels, 17 April 2018.

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

⁽¹⁾ Commission Implementing Decision (EU) 2017/1210 of 4 July 2017 on the identification of bis(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP) and diisobutyl phthalate (DIBP) as substances of very high concern according to Article 57(f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council (OJ L 173, 6.7.2017, p. 35).

⁽²⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

COMMISSION IMPLEMENTING DECISION (EU) 2018/637**of 20 April 2018****amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community as regards relevant technical conditions for the Internet of Things***(notified under document C(2018) 2261)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) The efficient use of the 900 MHz and 1 800 MHz bands has been reviewed by the Member States with a view to covering additional technologies while ensuring technical compatibility with the GSM system and other wireless broadband systems by appropriate means in accordance with Council Directive 87/372/EEC ⁽²⁾.
- (2) The Internet of Things (IoT) generally refers to the interconnection via the internet of devices embedded in everyday objects, which enable these objects to exchange data. Wireless IoT may also be realised through electronic communications services based on cellular technologies, which normally make use of licensed spectrum. Wireless IoT applications serve a wide range of industrial sectors such as energy or automotive and rely on spectrum availability.
- (3) In its Spectrum Roadmap for IoT ⁽³⁾, the Radio Spectrum Policy Group (RSPG) set up by Commission Decision 2002/622/EC ⁽⁴⁾, takes the view that frequency bands designated for electronic communications services (mobile networks) may be used for emerging IoT applications and services. Union-harmonised frequency bands used for the provision of terrestrial wireless broadband electronic communications services by mobile networks may therefore be an important resource for wireless IoT. The RSPG concluded that, in line with the principle of technology neutrality, the harmonised technical conditions for the use of these bands should take into account wireless IoT requirements.
- (4) On 14 July 2017, the Commission issued under Article 4(2) of the Radio Spectrum Decision a mandate to the European Conference of Postal and Telecommunications Administrations (CEPT), a mandate to review the harmonised technical conditions for use of the 900 MHz and 1 800 MHz bands for terrestrial wireless broadband electronic communications services to also allow their use by the Internet of Things. This mandate noted in particular that, in accordance with Report 266 of the CEPT's Electronic Communications Committee, there is no need to modify the technical conditions based on the frequency division duplex mode and least restrictive technical conditions (block edge masks) in any other Union-harmonised frequency band in order to allow for IoT use.
- (5) Based on this mandate, on 13 March 2018 the CEPT presented its Report 66 (the CEPT Report) to the Commission, which identified the following wireless IoT technologies in relation to mobile broadband (i.e. cellular) communications systems, which have been recently specified by the European Telecommunications Standards Institute (ETSI) ⁽⁵⁾: Extended Coverage GSM IoT (EC-GSM-IoT), LTE Machine Type Communications (LTE-MTC),

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.⁽²⁾ Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (OJ L 196, 17.7.1987, p. 85).⁽³⁾ Document RSPG17-006 final of 9 November 2016.⁽⁴⁾ Commission Decision 2002/622/EC of 26 July 2002 establishing a Radio Spectrum Policy Group (OJ L 198, 27.7.2002, p. 49).⁽⁵⁾ Corresponding to standards up to and including 3GPP Release 13.

LTE evolved Machine Type Communications (LTE-eMTC), and Narrowband IoT (NB-IoT). The CEPT Report does not identify relevant wireless IoT technologies related to UMTS systems.

- (6) The aforementioned cellular IoT technologies can be deployed in three modes: (a) independently of the provision of wireless broadband electronic communications services ('standalone'), (b) by pre-empting a portion of the resources within a frequency block used for the provision of wireless broadband electronic communications services ('in-band'), or (c) on the side of a frequency block used for the provision of wireless broadband electronic communications services ('guard-band').
- (7) According to the CEPT Report, EC-GSM-IoT is an integrated part of the GSM system under Directive 87/372/EEC. It inherently has the spectrum characteristics of the GSM system and can be deployed either in-band or standalone. Therefore, EC-GSM-IoT complies with the technical conditions applicable to a GSM system without any need to amend these conditions.
- (8) As regards LTE-MTC and LTE-eMTC, the CEPT Report emphasises that these two technologies only use the in-band deployment mode, whereby the transmitter requirements are equal to or tighter than those of an LTE system. Therefore, both LTE-MTC and LTE-eMTC comply with the technical conditions applicable to an LTE system without any need of amending those conditions.
- (9) As regards NB-IoT, the CEPT Report concludes that the use of all three deployment modes, this is to say, in-band, standalone or guard-band, is possible. It recommends an amendment to the technical conditions for use of the 900 MHz and 1 800 MHz bands regarding the standalone and guard-band deployment modes.
- (10) ETSI has adopted harmonised standards in order to give presumption of conformity with Article 3(2) of Directive 2014/53/EU of the European Parliament and of the Council ⁽¹⁾ ('the Radio Equipment Directive') in order to include wireless IoT technologies in the three deployment modes.
- (11) The CEPT Report has not identified any unmanageable cross-border coordination issues between the Member States that may result from the introduction of the aforementioned wireless IoT technologies in the 900 MHz and 1 800 MHz frequency bands.
- (12) The results of the work carried out pursuant to the mandate issued to CEPT should be integrated in the Union law as soon as possible given the increasing market demand for wireless IoT applications, provided that cellular IoT use within the 900 MHz and 1 800 MHz frequency bands gives appropriate protection to existing systems in adjacent bands.
- (13) Commission Decision 2009/766/EC ⁽²⁾, which refers to the types of terrestrial systems which may use the 900 MHz and 1 800 MHz bands, should therefore be amended accordingly.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2009/766/EC is amended as follows:

- (1) in Article 2, point (a) is replaced by the following:

'(a) "GSM system" means an electronic communications network as specified by ETSI standards, in particular EN 301 502, EN 301 511, and EN 301 908-18, also including Extended Coverage GSM IoT (EC-GSM-IoT);'

⁽¹⁾ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

⁽²⁾ Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community (OJ L 274, 20.10.2009, p. 32).

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

‘1. The 1 800 MHz band shall be designated and made available for:

(a) GSM systems, with the exception of EC-GSM-IoT, by 9 November 2009;

(b) EC-GSM-IoT by 30 September 2018.’;

(3) the following Article 4a is added:

‘Article 4a

The 900 MHz band shall be designated and made available for EC-GSM-IoT by 30 September 2018.’;

(4) the Annex to Decision 2009/766/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 April 2018.

For the Commission

Mariya GABRIEL

Member of the Commission

ANNEX

‘ANNEX

LIST OF TERRESTRIAL SYSTEMS REFERRED TO IN ARTICLE 3 AND ARTICLE 4(2)

The following technical parameters shall be applied as an essential component of the conditions necessary to ensure coexistence in the absence of bilateral or multilateral agreements between neighbouring networks, without precluding less stringent technical parameters if agreed among the operators of such networks.

Systems	Technical parameters	Implementation deadlines
UMTS, as specified by ETSI Standards, in particular EN 301 908-1, EN 301 908-2, EN 301 908-3 and EN 301 908-11	1. Carrier separation of 5 MHz or more between two neighbouring UMTS networks. 2. Carrier separation of 2,8 MHz or more between a neighbouring UMTS network and a GSM network.	9 May 2010
LTE ⁽¹⁾ , as specified by ETSI Standards, in particular EN 301 908-1, EN 301 908-13, EN 301 908-14, EN 301 908-15, and EN 301 908-18	1. A frequency separation of 200 kHz or more between the LTE channel edge and the GSM carrier's channel edge between a neighbouring LTE network and a GSM network. 2. No frequency separation is required between LTE channel edge and the UMTS carrier's channel edge between a neighbouring LTE network and a UMTS network. 3. No frequency separation is required between LTE channel edges between two neighbouring LTE networks.	31 December 2011, except 30 September 2018 for LTE-MTC and LTE-eMTC
WiMAX, as specified by ETSI Standards, in particular EN 301 908-1, EN 301 908-21 and EN 301 908-22	1. A frequency separation of 200 kHz or more between the WiMAX channel edge and the GSM carrier's channel edge between a neighbouring WiMAX network and a GSM network. 2. No frequency separation is required between the WiMAX channel edge and the UMTS carrier's channel edge between a neighbouring WiMAX network and a UMTS network. 3. No frequency separation is required between WiMAX channel edges between two neighbouring WiMAX networks.	31 December 2011
Narrowband IoT (NB-IoT) as specified by ETSI standards, in particular EN 301 908-1, EN 301 908-13, EN 301 908-14, EN 301 908-15, and EN 301 908-18	1. Standalone mode: — A frequency separation of 200 kHz or more between the standalone NB-IoT channel edge of a network and the UMTS/LTE channel edge of the neighbouring network; — A frequency separation of 200 kHz or more between the standalone NB-IoT channel edge of a network and the GSM channel edge of the neighbouring network. 2. In-band mode: the same parameters apply as for LTE. 3. Guard-band mode: a frequency separation of 200 kHz or more, between the NB-IoT channel edge and the edge of the operator's block, taking into account existing guard bands between operators' block edges or the edge of the operating band (adjacent to other services).	30 September 2018

⁽¹⁾ Including LTE Machine Type Communications (LTE-MTC) and LTE evolved Machine Type Communications (LTE-eMTC), which operate under the same technical conditions as LTE.’

COMMISSION IMPLEMENTING DECISION (EU) 2018/638**of 23 April 2018****establishing emergency measures to prevent the introduction into and the spread within the Union of the harmful organism *Spodoptera frugiperda* (Smith)***(notified under document C(2018) 2291)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the third sentence of Article 16(3) thereof,

Whereas:

- (1) *Spodoptera frugiperda* (Smith) (hereinafter: 'the specified organism'), is listed in point 22 of Section I(a) of Part A of Annex I to Directive 2000/29/EC as a harmful organism not known to occur in the Union.
- (2) Specific measures to prevent the introduction into and the spread within the Union of the specified organism are laid down in point 27.2 of Section I of Part A of Annex IV to Directive 2000/29/EC. Those measures consist of special requirements concerning the introduction into the Union of plants of *Dendranthema* (DC.) Des Moul., *Dianthus* L. and *Pelargonium* l'Hérit. ex Ait., which may host the harmful organism.
- (3) The European Food Safety Authority (EFSA) has provided a scientific opinion on the pest categorisation of the specified organism, which was adopted on 28 June 2017 ⁽²⁾. Furthermore, Member States have submitted interception data of that organism on trading commodities.
- (4) In view of the recent introduction and spread of the specified organism in Africa, its distribution in the Americas and the interception data submitted by Member States, certain other plants hosting the specified organism and originating in Africa or in the Americas (hereinafter: 'the specified plants'), should be subject to specific measures when introduced into the Union.
- (5) Those specific measures should provide for timely detection of the specified organism in the Union territory, requirements for the introduction into the Union of the specified plants, including a phytosanitary certificate, as well as official checks at introduction of those plants into the Union. Member States should carry out annual surveys for the presence of the specified organism in their territories and should ensure that professional operators are informed about its potential presence and the measures to be taken.
- (6) Those measures are necessary to ensure an enhanced protection of the Union territory from the entry, establishment and spread of the specified organism.
- (7) In order to allow the responsible official bodies and the professional operators to adapt to those requirements, this Decision should apply from 1 June 2018.
- (8) This Decision should be temporary and apply until 31 May 2020 to allow for its review before that time.
- (9) 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***Definitions**

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

- (a) 'specified organism' means *Spodoptera frugiperda* (Smith);

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ EFSA Journal 2017;15(7):4927.

- (b) 'specified plants' means fruits of *Capsicum* L., *Momordica* L., *Solanum aethiopicum* L., *Solanum macrocarpon* L. and *Solanum melongena* L., and plants, other than live pollen, plant tissue cultures, seeds and grains, of *Zea mays* L. originating in Africa or in the Americas;
- (c) 'production site' means a defined part of a place of production, that is managed as a separate unit for phytosanitary purposes. 'Place of production' means any premises or collection of fields operated as a single production or farming unit.

Article 2

Detection or suspected presence of the specified organism

1. Member States shall ensure that any person who suspects or becomes aware of the presence of the specified organism in their territory informs immediately the responsible official body and provides it with all relevant information concerning the presence, or suspected presence, of the specified organism.
2. The responsible official body shall immediately record such information.
3. Where the responsible official body has been informed of the presence, or suspected presence, of the specified organism it shall take all necessary measures to confirm that presence, or the suspected presence.
4. Member States shall ensure that any person having under its control plants which may be infested with the specified organism is immediately informed of the presence or the suspected presence of the specified organism, of the possible consequences and risks and of the measures to be taken.

Article 3

Requirements for the introduction into the Union of the specified plants

The specified plants shall only be introduced into the Union if the following requirements are fulfilled:

- (a) they shall be accompanied by a phytosanitary certificate, as referred to in Article 13(1)(ii) of Directive 2000/29/EC;
- (b) they shall comply with points (a), (b), (c), (d) or (e) of Article 4 of this Decision. The appropriate point shall be indicated in the phytosanitary certificate under the rubric 'Additional Declaration'. In the case of points (c) and (d) of Article 4, the phytosanitary certificate shall also indicate the information ensuring traceability, indicated under point (c)(iv);
- (c) on entry into the Union, they shall be checked by the responsible official body in accordance with Article 5 of this Decision, and no presence of the specified organism shall be found.

Article 4

Origin of the specified plants

The specified plants shall fulfil the requirements set out in one of the following points:

- (a) they originate in a third country where the specified organism is not known to be present;
- (b) they originate in an area free from the specified organism, as established by the national plant protection organisation concerned, in accordance with the relevant International Standards for Phytosanitary Measures; the name of that area shall be stated in the phytosanitary certificate under the rubric 'place of origin';
- (c) they originate in areas other than those referred to in points (a) and (b), and they comply with the following conditions:
 - (i) the specified plants have been produced in a production site which is registered and supervised by the national plant protection organisation in the country of origin;
 - (ii) official inspections have been carried out in the production site during the three months prior to export, and no presence of the specified organism has been detected on the specified plants;

- (iii) prior to their export, the specified plants have been subject to an official inspection and found free from the specified organism;
- (iv) information ensuring the traceability of the specified plants to their site of production has been ensured during their movement prior to export;
- (v) the specified plants have been produced in a production site which is provided with complete physical protection against the introduction of the specified organism;
- (d) they originate in areas other than those referred to in points (a) and (b), and they comply with points (c)(i to iv) and have been subjected to an effective treatment to ensure freedom from the specified organism;
- (e) they originate in areas other than those referred to in points (a) and (b), and they have been subjected to an effective post-harvest treatment to ensure freedom from the specified organism, and the treatment is indicated on the phytosanitary certificate.

Article 5

Official checks at introduction into the Union

1. All consignments of specified plants introduced into the Union shall be officially checked at the point of entry into the Union or at the place of destination determined in accordance with Commission Directive 2004/103/EC ⁽¹⁾.
2. The responsible official body shall carry out the following checks:
 - (a) a visual inspection
 - and
 - (b) in the case of suspicion of the presence of the specified organism, sampling and identification of the organism found.

Article 6

Surveys of the specified organism in the territories of the Member States

1. Member States shall conduct annual surveys for the presence of the specified organism on host plants in their territory.
2. Those surveys shall be carried out by the responsible official body, or under official supervision of the responsible official body. They shall at least include the use of appropriate traps, such as pheromone or light traps, and, in the case of any suspicion of infestation by the specified organism, collection of samples and identification. Those surveys shall be based on sound scientific and technical principles and shall be carried out at appropriate times of the year with regard to the possibility to detect the specified organism.
3. Each Member State shall notify to the Commission and the other Member States, by 30 April of each year, the results of the surveys carried out in the previous calendar year.

Article 7

Date of application

This Decision shall apply from 1 June 2018.

Article 8

Date of expiration

This Decision shall apply until 31 May 2020.

⁽¹⁾ Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).

*Article 9***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 23 April 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

CORRIGENDA**Corrigendum to the Agreement between the European Union and the Government of the Socialist Republic of Vietnam on certain aspects of air services, signed at Brussels on 4 October 2010**

(Official Journal of the European Union L 288 of 5 November 2010)

1. Annex 1, 'List of agreements referred to in Article 1 of this Agreement', point (a), entry concerning the Agreement with Poland:

(OJ L 288, 5.11.2010, page 5)

(page EU/VN/Annex 1/en 3)

for: '— Agreement between the Government of the People's Republic of Poland and the Government of the Socialist Republic of Vietnam on Air Services, done at Warsaw on 11 September 1976, hereinafter referred to as the "Vietnam – Poland Agreement" in Annex 2.'

read: '— Agreement between the Government of the Polish People's Republic and the Government of the Socialist Republic of Vietnam on Air Services, done at Warsaw on 11 September 1976, hereinafter referred to as the "Vietnam – Poland Agreement" in Annex 2.'

2. Annex 2, 'List of articles in the agreements listed in Annex 1 and referred to in Articles 2 to 4 of this Agreement', point (c), entry concerning the Agreement with the Netherlands:

(OJ L 288, 5.11.2010, page 8)

(page EU/VN/Annex 2/en 4)

for: '— Article 14 of the Vietnam – Netherlands Agreement,'

read: '— Article 14 *bis* of the Vietnam – Netherlands Agreement,'

