

Official Journal of the European Union

L 235



English edition

Legislation

Volume 61

19 September 2018

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) 2018/1245 of 18 September 2018 implementing Article 21(1) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya** 1
- ★ **Commission Regulation (EU) 2018/1246 of 18 September 2018 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the inclusion of pyroligneous distillate in the Union list of flavourings ⁽¹⁾** 3

DECISIONS

- ★ **Council Decision (CFSP) 2018/1247 of 18 September 2018 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger)** 7
- ★ **Council Decision (CFSP) 2018/1248 of 18 September 2018 appointing the European Union Special Representative for the Middle East Peace Process** 9
- ★ **Council Decision (CFSP) 2018/1249 of 18 September 2018 on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen** 14
- ★ **Council Implementing Decision (CFSP) 2018/1250 of 18 September 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya** 21
- ★ **Commission Implementing Decision (EU) 2018/1251 of 18 September 2018 not approving empenhthrin as an existing active substance for use in biocidal products of product-type 18 ⁽¹⁾** 24

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2018/1245**of 18 September 2018****implementing Article 21(1) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya, and repealing Regulation (EU) No 204/2011 ⁽¹⁾, and in particular Article 21(1) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 January 2016 the Council adopted Regulation (EU) 2016/44.
- (2) On 11 September 2018 the United Nations Security Council ('UNSC') Committee established pursuant to UNSC Resolution 1970 (2011) added one person to the list of persons and entities subject to restrictive measures.
- (3) Annex II to Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2016/44 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 18 September 2018.

For the Council
The President
G. BLÜMEL

⁽¹⁾ OJ L 12, 19.1.2016, p. 1.

ANNEX

The following person is added to the list in Annex II of Regulation (EU) 2016/44:

‘27. **Name:** 1: Ibrahim 2: Saeed 3: Salim 4: Jadhraan

Title: na **Designation:** Leader of armed militias **DOB:** 1982 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Libya **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 11 Sept. 2018. **Other information:** name of mother Salma Abdula Younis. Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: www.interpol.int/en/notice/search/un/xxxx.

Listed pursuant to paragraphs 11 (b), 11 (c) and 11 (d) of resolution 2213 (2015); paragraph 11 of resolution 2362 (2017).

Additional information:

- Libya’s Attorney General’s Office has issued an arrest warrant against the person concerned accusing him of perpetrating a number of crimes.
- The person concerned carried out armed actions and attacks against oil installations located in the oil crescent region that caused its destruction, the latest of which was on 14 June 2018.
- The attacks on the crescent oil region resulted in many casualties among the inhabitants of the region and endangered the lives of civilians.
- The attacks intermittently halted Libyan oil exports from 2013 to 2018, which led to significant losses for the Libyan economy.
- The person concerned attempted to export oil illegally.
- The person concerned recruits foreign fighters for his repeated attacks against “oil crescent” region.
- The person concerned, through his actions, is working against the stability of Libya, and constitutes an obstacle in the way of the Libyan parties to resolve the political crisis and implement the United Nations Plan of Action.’

COMMISSION REGULATION (EU) 2018/1246**of 18 September 2018****amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the inclusion of pyroligneous distillate in the Union list of flavourings****(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 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC ⁽¹⁾, and in particular Article 11(3) thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials approved for use in and on foods and their conditions of use.
- (2) Commission Implementing Regulation (EU) No 872/2012 ⁽³⁾ adopted the list of flavouring substances and introduced that list in Part A of Annex I to Regulation (EC) No 1334/2008. Regulation (EU) No 872/2012 also introduced Part B ('Flavouring preparations'), Part C ('Thermal process flavourings'), Part D ('Flavour precursors'), Part E ('Other flavourings') and Part F ('Source materials') in Annex I to Regulation (EC) No 1334/2008. Parts B to F of Annex I correspond to the categories of flavourings and source materials referred to in Article 9(b) to (f) of the Regulation (EC) No 1334/2008. Parts B to F contain no entries.
- (3) Commission Regulation (EU) No 873/2012 ⁽⁴⁾ lays down transitional measures concerning the Union list of flavourings and source materials set out in Annex I of Regulation (EC) No 1334/2008.
- (4) Article 4 of Regulation (EU) No 873/2012 lays down a transitional period for foods to which flavourings belonging to the Parts B to F of Annex I to Regulation (EC) No 1334/2008 have been added which have been the object of an application before 22 October 2015 pursuant to Article 3 thereof. Article 4 lays down that the end of the transitional period for placing on the market of such foods is 22 April 2018.
- (5) Annex I of Regulation (EC) No 1334/2008 may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application submitted by a Member State or by an interested party.
- (6) On 16 October 2012, an application was submitted to the Commission for the authorisation of the product pyroligneous distillate [FL no. 21.001] with the name 'rum ether' under the category 'other flavourings'. The applicant requested this flavouring to be used in edible ices, confectionery, chewing gum, cereals and cereal products derived from cereal grains, roots and tubers and pulses and legumes, bakery wares, meat and meat products, salts, spices, soups, sauces, salads, non-alcoholic beverages, and alcoholic beverages up to certain levels.

⁽¹⁾ OJ L 354, 31.12.2008, p. 34.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC (OJ L 267, 2.10.2012, p. 1).

⁽⁴⁾ Commission Regulation (EU) No 873/2012 of 1 October 2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council (OJ L 267, 2.10.2012, p. 162).

- (7) The application was sent to the European Food Safety Authority ('the Authority') for its opinion. The application was also made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (8) On 24 August 2017, the Authority adopted its 'Scientific Opinion of Flavouring Group Evaluation 500 (FGE.500): rum ether', concerning the evaluation of the safety of pyroligneous distillate [FL no. 21.001] when used as a flavouring under the category 'other flavourings' ⁽¹⁾. This product is a complex mixture composed of more than eighty individual constituents. The Authority concluded that according to the overall strategy for the risk assessment of flavouring substances, the presence of genotoxic substances as constituents of rum ether is of safety concern. It indicated serious safety concerns relating to a number of constituents like furans and derivatives, and other constituents, associated with genotoxicity and carcinogenicity, and also mentioned the carcinogenicity risks involved in the presence of ethanol.
- (9) Czech Republic and Slovak Republic have informed the Commission about the use of pyroligneous distillate [FL no. 21.001] in the traditional spirit drinks *tuzemák* and *tuzemský* and asked to maintain this use for these specific spirit drinks.
- (10) According to Recital 7 of the Regulation (EC) No 1334/2008 the approval of flavourings should also take into account other factors relevant to the matter under consideration, including societal and traditional factors. Since the use of this flavouring is currently necessary for maintaining the specific traditional organoleptic characteristics of the spirit drinks *tuzemák* and *tuzemský* in Czech Republic and Slovak Republic, it is appropriate to authorise this substance under the conditions of use laid down in the Annex to this Regulation.
- (11) Those spirit drinks, like all spirit drinks and alcoholic beverages in general, are not intended to be consumed by children or other vulnerable parts of the population. In addition to existing labelling requirements, Member States should require additional information to be provided regarding the specific risks linked to the presence of pyroligneous distillate (FL no. 21.001) in those traditional alcoholic beverages.
- (12) The spirit drinks to which pyroligneous distillate [FL no. 21.001] has been added should not be used in the manufacture of other foodstuffs.
- (13) When reference is made to the flavouring in the labelling of the spirit drinks *tuzemák* and *tuzemský*, the name or the FL number should be used.
- (14) In addition to the requirements of Article 15 of Regulation (EC) No 1334/2008, when pyroligneous distillate [FL no. 21.001] is marketed as such not intended for the sale to the ultimate consumer, it should be indicated in the labelling that this flavouring may only be used for the manufacture of the spirit drinks *tuzemák* and *tuzemský*.
- (15) In order to ensure legal certainty, this Regulation should be applicable as from 23 April 2018.
- (16) This Regulation should be in force for a period of 5 years in order to allow for alternatives to pyroligneous distillate [FL no. 21.001] to be developed for the use in traditional spirit drinks *tuzemák* and *tuzemský*.
- (17) Part E of Annex I to Regulation (EC) No 1334/2008 should therefore be amended accordingly.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part E of Annex I to Regulation (EC) No 1334/2008 is amended in accordance with the Annex to this Regulation.

The product pyroligneous distillate [FL no.21.001] is authorized in traditional spirit drinks *tuzemák* and *tuzemský* subject to restrictions of use laid in the Annex to this Regulation.

⁽¹⁾ EFSA Journal 2017;15(8):4897.

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*.

It shall apply from 23 April 2018 until 19 September 2023.

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

Done at Brussels, 18 September 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Part E of Annex I to Regulation (EC) No 1334/2008 the following entry concerning pyroligneous distillate [FL no: 21.001] is added:

FL no.	Name	CAS no	JECFA No.	CoE No.	Purity of the named flavouring	Restrictions of use	Footnote	Reference
21.001	Pyroligneous distillate	—	—	—	Complex mixture of substances, obtained by distillation of reaction products of pyroligneous acid and ethanol. Liquid with rum-like tasting odour and taste. Constituents: — Ethanol (determined by Gas Chromatography/Flame Ionization Detector): more than 40 % w/w) — Ethyl acetate: less than 25 % w/w) — Ethyl formate: less than 2 % w/w) — Ethyl propionate: less than 4 % w/w) — Ethyl butyrate: less than 1,5 % w/w) — Methyl acetate: less than 3,5 % w/w) — Furan equivalents (furan and 2 methyl furan) expressed as furan: less than 8 mg/l — Methanol and methanol derivatives, expressed as methanol equivalents: less than 2 % (w/w) — Benzopyrene: less than 1 µg/l — Benz(a)anthracene: less than 2 µg/l — acids (expressed as acetic acid): less than 1,00 g/l	In the following spirit drinks only: <i>tuzemák</i> and <i>tuzemský</i> falling under Regulation (EC) No 110/2008 when marketed in the final package intended only for the final consumer, 3 800 mg/l. - When reference is made in the labelling to the flavouring pyroligneous distillate [FL no: 21.001] in the spirit drinks <i>tuzemák</i> and <i>tuzemský</i>, the name or the FL number shall be used. <i>Tuzemák</i> and <i>tuzemský</i> to which pyroligneous distillate [FL no: 21.001] has been added shall not be used in the manufacture of other foodstuffs. - In addition to the requirements of Article 15 of Regulation (EC) No 1334/2008, when this flavouring is marketed as such, it shall be indicated in the labelling that this flavouring may only be used for the manufacture of the spirit drinks <i>tuzemák</i> and <i>tuzemský</i>. Member States shall require additional labelling, informing consumers about the specific risks linked to the presence of pyroligneous distillate [FL no. 21.001] in the spirit drinks <i>tuzemák</i> and <i>tuzemský</i>.		EFSA'

DECISIONS

COUNCIL DECISION (CFSP) 2018/1247

of 18 September 2018

amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 42(4) and Article 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 16 July 2012, the Council adopted Decision 2012/392/CFSP ⁽¹⁾ establishing a European Union CSDP mission in Niger to support the capacity building of the Nigerien security actors to fight terrorism and organised crime (EUCAP Sahel Niger).
- (2) The Council extended the Mission until 15 July 2018 through Decision (CFSP) 2016/1172 ⁽²⁾ and provided it with a financial reference until the same date through Decision (CFSP) 2017/1253 ⁽³⁾. Furthermore, the Council extended the Mission and its financial reference amount until 30 September 2018 through Decision (CFSP) 2018/997 ⁽⁴⁾.
- (3) On 28 June 2018, the European Council adopted conclusions on migration.
- (4) Following the Strategic Review of the Mission, the Political and Security Committee recommended that the mandate of EUCAP Sahel Niger be amended and extended by two years.
- (5) EUCAP Sahel Niger will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union.
- (6) Decision 2012/392/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/392/CFSP shall be amended as follows:

- (a) Articles 1, 2 and 3 are replaced by the following:

'Article 1

Mission

The Union establishes a European Union CSDP mission in Niger to support the capacity building of the Nigerien security actors to fight terrorism and organised crime (EUCAP Sahel Niger), including with a view to improving their capacity to control and fight irregular migration and reduce the level of associated crime.

⁽¹⁾ Council Decision 2012/392/CFSP of 16 July 2012 on the European Union CSDP mission in Niger (EUCAP Sahel Niger) (OJ L 187, 17.7.2012, p. 48).

⁽²⁾ Council Decision (CFSP) 2016/1172 of 18 July 2016 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger) (OJ L 193, 19.7.2016, p. 106).

⁽³⁾ Council Decision (CFSP) 2017/1253 of 11 July 2017 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger) (OJ L 179, 12.7.2017, p. 15).

⁽⁴⁾ Council Decision (CFSP) 2018/997 of 13 July 2018 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger) (OJ L 178 of 16.7.2018, p. 7).

*Article 2***Objectives**

In the context of the implementation of the European Union strategy for Security and Development in the Sahel, EUCAP Sahel Niger shall aim at enabling the Nigerien authorities to develop the necessary strategic frameworks and further operationalise existing strategies. EUCAP Sahel Niger shall also aim at contributing to the development of an integrated, multidisciplinary, coherent, sustainable and human-rights approach among the various Nigerien security actors in the fight against terrorism and organised crime. It shall also assist the Nigerien central and local authorities and security forces in developing policies, techniques and procedures to effectively control and fight irregular migration.

*Article 3***Tasks**

1. In order to fulfil the objectives set out in Article 2, EUCAP Sahel Niger shall:
 - (a) improve cooperation between different actors in Niger in the security domain and support the development of strategic frameworks and further operationalise existing strategies in that field;
 - (b) strengthen the Nigerien security forces capacity in the fight against terrorism and organised crime through advice, training and where appropriate mentoring;
 - (c) assist the Niger security forces in developing the procedures and techniques to effectively control and fight irregular migration and reduce the level of associated crime by providing strategic advice and training, including on border control, in support of the Union's objectives on migration;
 - (d) facilitate regional and international coordination in the fight against terrorism, organised crime and irregular migration.
2. EUCAP Sahel Niger shall focus on the activities referred to in paragraph 1 which contribute to improving the control of the territory of Niger, including in coordination with the Nigerien Armed Forces.
3. In discharging its tasks, EUCAP Sahel Niger shall aim at ensuring that Niger's capability to fight terrorism and organised crime are developed in a sustainable way, in particular through improvements to Niger's human resources management, logistics and training policies in that field.
4. EUCAP Sahel Niger shall not carry out any executive function.;

- (b) In Article 13(1), the following sub-paragraph is added:

'The financial reference amount to cover the expenditure related to EUCAP Sahel Niger for the period from 1 October 2018 to 30 September 2020 shall be EUR 63 400 000.;

- (c) In Article 16, the second sentence is replaced by the following:

'It shall apply until 30 September 2020.'

Article 2

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

Done at Brussels, 18 September 2018.

For the Council
The President
G. BLÜMEL

COUNCIL DECISION (CFSP) 2018/1248
of 18 September 2018
appointing the European Union Special Representative for the Middle East Peace Process

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) The resolution of the Israeli-Palestinian conflict is a strategic priority for the Union and the Union must remain actively engaged until it is solved on the basis of the two-State solution.
- (2) A European Union Special Representative (EUSR) for the Middle East Peace Process (MEPP) should be appointed until 29 February 2020.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

Ms Susanna TERSTAL is hereby appointed as the European Union Special Representative (EUSR) for the Middle East Peace Process (MEPP) until 29 February 2020. The Council may decide that the mandate of the EUSR be terminated earlier, on the basis of an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Article 2

Policy objectives

1. The mandate of the EUSR shall be based on the Union's policy objectives regarding the MEPP.
2. The overall objective is a comprehensive peace that should be achieved on the basis of a two-State solution, with Israel and a democratic, contiguous, viable, peaceful and sovereign Palestinian State living side by side within secure and recognised borders enjoying normal relations with their neighbours in accordance with the relevant United Nations (UN) Security Council Resolutions (UNSCRs) 242 (1967) and 338 (1973) and recalling other relevant Resolutions, including UNSCR 2334 (2016), the Madrid principles, including land for peace, the Roadmap, the agreements previously reached by the parties, the Arab Peace Initiative and the recommendations of the Middle East Quartet ('the Quartet') of 1 July 2016. In light of the different strands of the Israeli-Arab relations, the regional dimension constitutes an essential element for a comprehensive peace.
3. In achieving this objective, policy priorities are the preservation of the two-State solution and relaunching and supporting the peace process. Clear parameters defining the basis for negotiations are key elements for a successful outcome and the Union has set out its position with regard to such parameters in the Council conclusions of December 2009, December 2010 and July 2014, which it will continue to actively promote.
4. The Union is committed to working with the parties and with partners in the international community, including through participating in the Quartet and actively pursuing appropriate international initiatives to create a new dynamic for the negotiations.

Article 3

Mandate

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:
 - (a) provide an active and efficient Union contribution to actions and initiatives leading to a final settlement of the Israeli-Palestinian conflict based on the two-State solution and in line with the Union parameters and relevant UNSCRs including UNSCR 2334 (2016) and put forward proposals for Union action in this regard;

- (b) facilitate and maintain close contacts with all the parties to the peace process, relevant political actors, other countries of the region, members of the Quartet and other relevant countries, as well as the UN and other relevant international organisations, like the League of Arab States, in order to work with them in strengthening the peace process;
 - (c) work as appropriate to promote and contribute to a possible new framework of negotiations in consultation with all the key stakeholders and the Union Member States, in particular through advancing the objectives of the Joint Declaration adopted by the participants of the conference held in Paris on 15 January 2017 ⁽¹⁾;
 - (d) actively support and contribute to peace negotiations between the parties, including by putting forward proposals on behalf of the Union and in line with its consolidated longstanding policy in the context of those negotiations;
 - (e) ensure the continued presence of the Union in relevant international fora;
 - (f) contribute to crisis management and prevention, including with regard to Gaza;
 - (g) contribute, where requested, to the implementation of international agreements reached between the parties and engage with them diplomatically in the event of non-compliance with the terms of those agreements;
 - (h) contribute to political efforts to bring about a fundamental change leading to a sustainable solution for the Gaza Strip which is an integral part of a future Palestinian State and should be addressed in the negotiations;
 - (i) pay particular attention to factors affecting the regional dimension of the peace process, to the engagement with Arab partners and to the implementation of the Arab Peace Initiative;
 - (j) engage constructively with signatories to agreements within the framework of the peace process in order to promote compliance with the basic norms of democracy, including respect for international humanitarian law, human rights and the rule of law;
 - (k) make proposals for Union intervention in the peace process and on the best way of pursuing Union initiatives and ongoing peace process related Union efforts, such as the Union's contribution to Palestinian reforms and including the political aspects of relevant Union development projects;
 - (l) engage the parties in refraining from unilateral actions threatening the viability of the two-State solution, notably in Jerusalem and in Area C of the Occupied West Bank;
 - (m) report regularly, as Envoy to the Quartet, on progress and evolution in the negotiations, as well as on the Quartet activities, and contribute to the preparation of Quartet Envoys meetings on the basis of Union positions and through coordination with other Quartet members;
 - (n) contribute to the implementation of the Union's human rights policy in cooperation with the EUSR for Human Rights, including the Union Guidelines on human rights, in particular the Union Guidelines on Children and Armed Conflict as well as on violence against women and girls and combating all forms of discrimination against them, and Union policy regarding UNSCR 1325 (2000) on Women, Peace and Security, including by monitoring and reporting on developments as well as formulating recommendations in this regard;
 - (o) contribute to a better understanding of the role of the Union among opinion leaders in the region.
2. The EUSR shall support the work of the HR, while maintaining an overview of all MEPP related activities of the Union in the region.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

⁽¹⁾ One Member State (United Kingdom) only attended as an observer and did not sign up to the Joint Declaration adopted at the conference.

4. The EUSR will undertake regular visits to the region and will ensure close coordination with the Union Representative Office in Jerusalem, the Union delegation in Tel Aviv, as well as with other relevant Union delegations in the region.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate for the period until 29 February 2020 shall be EUR 1 730 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract signed between the EUSR and the Commission.
4. The EUSR shall be accountable to the Commission for all expenditure until the approval by the Commission of the final report formalising the financial closure of the mandate.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.
2. Member States and the institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the sending authority. Experts seconded by Member States to the institutions of the Union may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending authority and shall carry out their duties and act in the interest of the EUSR's mandate.
4. The EUSR staff shall be co-located with the relevant EEAS department, Union delegation in Tel Aviv and Union Representative Office in Jerusalem in order to ensure the coherence and consistency of their respective activities.

Article 7

Privileges and immunities of the EUSR and the EUSR's staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mission and EUSR staff members shall be agreed with the host countries, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission, the EEAS and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations in the region and/or the Member States shall, as appropriate, provide logistical support in the region.

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and on the basis of the security situation in the area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

- (a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to and within the area of responsibility, as well as management of security incidents, and including a contingency plan and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance, as required by the conditions in the area of responsibility;
- (c) ensuring that all members of the EUSR team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties, as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

*Article 12***Coordination**

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently to attain the Union's policy objectives. Liaison with Member States shall be sought where appropriate. The activities of the EUSR shall be coordinated with those of the Commission services. The EUSR shall provide regular briefings to the Union's delegations and to Member States' missions, particularly the Union Representative Office in Jerusalem and the Union delegation in Tel Aviv.

2. Close liaison shall be maintained in the field with the relevant Heads of Member States' Missions, Heads of Union delegations and heads of CSDP Missions. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR, in close coordination with the Head of Union delegation in Tel Aviv and the Union Representative Office in Jerusalem, shall provide the Heads of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) and of the European Union Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah) with local political guidance. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Assistance in relation to claims**

The EUSR and the EUSR's staff shall assist in providing elements to respond to any claims and obligations arising from the mandates of the previous EUSRs for the MEPP, and shall provide administrative assistance and access to relevant files for such purposes.

*Article 14***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by 31 January 2019 and a comprehensive mandate implementation report by 30 November 2019.

*Article 15***Entry into force**

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

Done at Brussels, 18 September 2018.

For the Council

The President

G. BLÜMEL

COUNCIL DECISION (CFSP) 2018/1249
of 18 September 2018
on a European Union action in support of the United Nations Verification and Inspection Mechanism in Yemen

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 14 April 2015, the United Nations Security Council adopted Resolution (UNSCR) 2216 (2015), which imposed an embargo on the supply, sale or transfer of arms and related materiel of all types to Ali Abdullah Saleh, the former President of Yemen, and certain other persons, as well as other persons and entities to be designated by the relevant Security Council Sanctions Committee.
- (2) Pursuant to a request by the Government of Yemen of 6 August 2015, and in accordance with UNSCR 2216 (2015), the Secretary General of the United Nations, by a letter to the Government of Yemen dated 11 August 2015, agreed to institute a United Nations (UN) verification and inspection mechanism ('UNVIM') with the aim of facilitating the unimpeded flow of commercial items to Yemen and to revive the economy of the country.
- (3) On 5 May 2016, UNVIM became operational. The United Nations Office for Project Services (UNOPS) operationalises and manages UNVIM on behalf of the UN Office for Coordination of Humanitarian Affairs (UN OCHA), the Government of Yemen, and the UN Member States concerned.
- (4) On 3 April 2017, the Council stressed the importance of ensuring the effective and timely processing for commercial shipping to Yemen and expressed its full support to the continuation of UNVIM and the full and unhindered implementation of its mandate. The Council also called for the full implementation of the targeted arms embargo imposed by the UN Security Council, and, in this regard, reiterated the strict application of the rules set out in Council Common Position 2008/944/CFSP ⁽¹⁾.
- (5) On 27 December 2017, UNVIM made a proposal aiming at strengthening and expanding its activities for a further one year period until March 2019, in particular by further accelerating the clearance process of commercial shipments, and by increasing its ability to deploy additional personnel and resources in the ports concerned. This reinforcement requires support to increase UNVIM's staff and acquire additional inspection equipment. The Union should contribute financially to such support.
- (6) On 25 June 2018, the Council stressed the importance of ensuring effective and timely processing for commercial shipping in the ports concerned, including fuel, and expressed its full support to the continuation of UNVIM and the full and unhindered implementation of its mandate, and decided to consider a reinforcement of UNVIM.
- (7) The technical implementation of this Decision should be entrusted to UNOPS. The Union's contribution to UNVIM will be instrumental in enabling UNVIM to continue fulfilling its tasks of monitoring and inspection services that ensure that commercial cargos entering Yemen territorial waters are compliant with UNSCR 2216 (2015). Should UNVIM's mandate or needs change in a way that questions the adequacy or relevance of the project in achieving its objectives, the Union contribution will have to be reassessed accordingly.
- (8) The supervision of the proper implementation of the Union's financial contribution should be entrusted to the Commission,

⁽¹⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

HAS ADOPTED THIS DECISION:

Article 1

1. The Union shall support UNVIM with the overall objective of contributing to the restoration of the unimpeded free flow of commercial items to Yemen through the provision of a transparent and effective clearance process for commercial shipments destined for Yemeni ports which are not under the control of the Government of Yemen.
2. The specific objectives of this project are as follows:
 - to increase the flow of commercial cargo to Yemen by accelerating further the clearance process of commercial shipments and restoring the confidence of shipping companies as regards the accessibility of the port of Hodeidah and Saleef,
 - to increase UNVIM's ability to deploy additional personnel and resources in Djibouti, King Abdullah Port (KSA), Salalah and Sohar (Oman) and Dubai (UAE) ports as well as its capability to respond in case UNVIM is given additional responsibilities in the Hodeidah port during the duration of the project.
3. The Union shall contribute through this Decision to costs associated with the reinforcement of UNVIM and thereby also helping to respond to the needs of the Yemeni population as part of a broader humanitarian strategy.

A detailed description of the activities of the project is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) shall be responsible for the implementation of this Decision.
2. The technical implementation of the activities referred to in Article 1 shall be entrusted to UNOPS. It shall perform this task under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with UNOPS.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1(2) shall be EUR 4 915 504,24.
2. The amount intended to cover the period of six months following the conclusion of the financing agreement referred to in paragraph 4 of this Article shall be EUR 2 748 472,96. The remaining amount of EUR 2 167 031,28 shall be used if the Council so decides, following the review referred to in Article 5(2).
3. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.
4. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with UNOPS. The financing agreement shall stipulate that UNOPS is to ensure visibility of the Union's contribution.
5. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 4 as soon as possible after 18 September 2018. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by UNVIM, including on the monthly UNVIM's Steering Committee meetings. Those reports shall form the basis for the evaluation by the Council.
2. The Commission shall provide the Council with information on the financial aspects of the implementation of the project referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.
2. The Council shall review this Decision five months after the date of the conclusion of the financing agreement referred to in Article 3(4).

3. This Decision shall expire 12 months after the date of the conclusion of the financing agreement between the Commission and UNOPS referred to in Article 3(4). However, it shall expire six months after its entry into force if no financing agreement has been concluded by that time.

Done at Brussels, 18 September 2018.

For the Council

The President

G. BLÜMEL

ANNEX

1. Background

- (a) The current conflict in Yemen has resulted in a widespread humanitarian crisis, and has left approximately 75 % of the population (22,2 million people) in need of assistance. The impediments on commercial imports to Yemen have led to a severe lack of basic items, a surge in the prices of available goods, an increase of the black market and of smuggling networks.

In order to address the dire humanitarian situation in Yemen, the continuation of regular commercial cargo flows into the country is essential. UN Security Council resolution 2216 (2015) mandates UN Member States to take necessary measures to prevent the direct or indirect supply, sale or transfer from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the abovementioned, to certain individuals and entities to be designated by the Committee set up pursuant to that resolution. In order to facilitate the unimpeded flow of commercial items to Yemen, the UN has been requested by the Government of Yemen to provide a monitoring and inspection service that ensures that commercial cargo entering Yemen's territorial waters is compliant with UNSCR 2216 (2015).

In December 2015, the United Nations Office for Project Services (UNOPS) was requested to operationalise and manage a mechanism to oversee the monitoring and inspection services on behalf of the UN Office for Coordination of Humanitarian Affairs (UN OCHA), the Government of Yemen, and the UN Member States concerned in order to facilitate the unimpeded flow of commercial items to areas of Yemen not under the control of the Government of Yemen. UNVIM became operational on 5 May 2016.

Following the November 2017 restrictions imposed by the Coalition on shipping to the north of Yemen, UNVIM conducted discussions with donors and external partners, as well as with the Coalition. The proposal for UNVIM's extension from April 2018 to March 2019 reflected the content of these discussions on strengthening its capacity, allaying concerns regarding the smuggling of weapons on board commercial vessels and reducing delays to commercial shipping.

UNVIM operates currently in Djibouti with 4 Monitors, 4 Inspectors, 4 EDD Teams, 13 Management/Technical staff and up to 7 United Kingdom secondees as well as in Jeddah (KSA) with 2 Monitors. Discussions are ongoing to expand UNVIM monitoring activities in King Abdullah Port (KSA), Salalah and Sohar (Oman) and Dubai (UAE) ports.

- (b) The EU has consistently stressed the importance of the effective and timely processing of commercial shipping and has supported the continuation of UNVIM and the unhindered implementation of its mandate. Any form of EU support for the continuation of UNVIM should therefore be seen in the perspective of improving the efficiency of the mechanism in order to increase the ability for operators and states to deliver commercial items to the Yemeni population. As recognised in the Council Conclusions of April 2017, the full support of the Coalition and the Government of Yemen is needed in order for UNVIM to operate effectively and at full capacity. Furthermore, any EU activities should also be seen in the framework of the broader EU commitment towards a political solution to the conflict, in full support of the efforts of the UN Special Envoy.

2. UNVIM Inspection and Verification process

At present, UNVIM applies to all vessels above 100 MT destined for Yemeni ports not under the control of the Government of Yemen and to (1) all vessels transporting commercial goods purchased by Yemen-based commercial or government entities intended for sale in Yemen; (2) bilateral assistance from UN Member States not channelled through a UNAFPs or a recognised international humanitarian organisation.

The verification process starts when a shipping company submits an online clearance request at www.vimye.org, uploads the necessary documents and submits all the requested documentation to UNVIM. Within 48 hours, UNVIM reviews the documentation, and sends notification to external partners such as the Evacuation and Humanitarian Operations Cell of the Coalition Forces (EHOC). UNVIM then decides whether to inspect the vessel or not based on its own process including discrepancies in the documentation received, undeclared port calls, suspicious vessel movement, switching-off the Automatic Identification System (AIS) for more than four hours, and feedback received from external partners. Vessel inspections are either conducted at port in territorial waters or at sea in international waters.

A clearance certificate is then either granted or denied (cancelled, declined or revoked). For cleared vessels, UNVIM keeps monitoring their movements through the AIS, including the transit to the Coalition holding area; from the holding area to anchorage area; from the anchorage to the berth for discharge. UNVIM tracking ends once the cleared vessels depart from Yemen's Red Sea ports after discharging their cargo and sailing out from the port. Throughout the entire process, UNVIM maintains strong contact with the shipping companies and the vessels' Master (Captain) and plays a critical role in addressing any issues the vessels encounter at sea, including advocating with EHO and the Coalition. UNVIM's facilitation of the entire clearance process and consistent communication with the shipping companies is crucial in maintaining the trust of international shipping lines and, therefore, in ensuring commercial imports to the majority of the Yemeni population continues despite the ongoing conflict.

UNVIM has also sought to reassure the international shipping community through quarterly meetings with their representatives to ensure their difficulties and challenges are correctly understood and addressed.

3. Overall objectives

In order to ensure UNVIM unhindered implementation of its mandate, the overall objective of the Action is to contribute to the restoration of the unimpeded free-flow of commercial items to Yemen through the provision of a transparent and effective clearance process for commercial shipments destined for Yemeni ports not under the control of the Government of Yemen.

The specific objectives are as follows:

- Increase the flow of commercial cargo to Yemen by accelerating further the clearance process of commercial shipments and restoring the confidence of shipping companies as regards the accessibility of the port of Hodeidah and Saleef despite the current conflict,
- Increase UNVIM's ability to deploy additional personnel and resources in Djibouti, King Abdullah Port (KSA), Salalah and Sohar (Oman) and Dubai (UAE) ports as well as its margin of responsiveness should UNVIM be given additional responsibilities in the Hodeidah port during the duration of the project.

Should UNVIM's mandate or needs change in a way that questions the adequacy or relevance of the project in achieving the abovementioned objectives, the EU contribution shall be reassessed accordingly.

4. Description of activities

UNOPS will hold the responsibility for the technical implementation of the project.

Activity 1: Increasing the number of UNVIM Monitors. Up to five (5) additional monitors and up to two (2) additional cargo inspectors will be recruited for Djibouti, King Abdullah Port and Jeddah (KSA), Salalah and Sohar (Oman), Dubai (UAE) ports or for any other locations, including tentatively Hodeidah. This increase in capacity would allow UNVIM to adjust quickly to any developments and increase UNVIM's operational reach to conduct vessel inspections whilst ensuring UNVIM's operational continuity. UNVIM will also recruit one additional officer based in Djibouti who will inter alia liaise with the EU and in particular the EU Delegations in the Red Sea region.

Planned activities are as follows:

- UNOPS will recruit the new monitors, inspectors and officer in accordance with the UNOPS recruitment rules and procedures,
- UNOPS will pre-inform the EEAS of any opening of positions.

Timeline: throughout the duration of the project.

Activity 2: Renting of a part of the Djibouti port. Following the Project Cooperation Agreement signed with the Djiboutian authorities on 1 May 2018, UNVIM rents quays and berths in the port of Djibouti to ensure a constant location to conduct inspections. A new facility within the port is currently under renovation to ease the work of the monitors, inspectors and EDDs. This will also contribute to accelerate the inspection process.

Timeline: Throughout the duration of the project

Activity 3: Increasing the number of explosive-detection dogs (EDD) from four to six in Djibouti: UNVIM will increase the number of EDDs and dog-handlers from four to six. As EDDs need rest during inspections and considering the climate conditions in Djibouti, the increase in the number of inspections necessitates additional capacity to ensure the EDDs' welfare and operational continuity.

Planned activities:

- as per UN procurement procedures, UNOPS will either launch a new call for tender for EDDs and their handlers for a contract award or amend the existing contract with the current service provider of UNVIM (TDI — The Development Initiative),
- New EDDs to be integrated into the existing team of 4 EDDs and dog handlers.

Timeline: Throughout the duration of the project

Activity 4: Purchasing additional inspection equipment: to assist the UNVIM team in Djibouti with the scanning of containers and cargo, UNVIM will purchase two (2) portable scanners. This additional equipment will facilitate the timely inspection of vessels in Djibouti port and in international waters.

Planned activities are as follows:

- Development of technical specifications currently ongoing,
- As per UNOPS procurement procedures, launch of a call for an international call for tender for supplies and award of contract,
- Delivery of the equipment and training of the relevant personnel.

Timeline: Months 1 through 4 of the project.

At the end of the project, the disposal of the assets will be done in accordance with the contract signed with the European Commission.

Activity 5: Project Implementation

UNOPS will provide program management oversight; this is to include development of milestones, internal reviews, oversight of contractual agreements, and financial management. Anticipated activities include:

- Procurement of external services or Special Services Agreement for technical assistance for the implementation of the project,
- Financial and contractual management of services that UNOPS sub-contracts to third parties.

Timeline: throughout the duration of the project.

5. Expected results

In stepping up UNVIM operational activities, the expected results of the project are as follows:

- Prevent the flow of prohibited items from entering Yemen's Red Sea ports,
- Facilitate the free-flow of commercial goods to Yemen's Red Sea ports,
- Build trust amongst the international shipping community by projecting a transparent and efficient process for the entry of commercial goods to Yemen's Red Sea ports, despite the ongoing conflict,
- Support the Government of Yemen in meeting its population's needs of basic commodities not fully met by humanitarian assistance and local sources.

6. Estimated duration

The duration of the project is envisaged for 12 months in two terms of 6 months (6 + 6). The first term will run until March 2019, the second term will run as from April 2019. Since the current UNVIM funding arrangements with donors only apply until March 2019 the Council Decision foresees a specific arrangement with regard to the period beyond March 2019.

This arrangement consists in a review clause stipulating that the EU contribution has to be reassessed, in view of a favourable opinion by Member States on the undisrupted extension of the EU contribution for a further six months.

Accordingly, the Delegation agreement between the Commission and UNOPS will be signed for an initial terms of six months only extendable for further term of six months upon positive opinion by Member States.

7. Union visibility

UNOPS' being responsible for the technical implementation of the project will ensure proper visibility of the financial support of the Union, for example in reports, events or meetings. An EU flag will be displayed on all UNVIM documentation.

UNVIM/UNOPS will display appropriate visibility on all equipment purchased using EU funds that is not consumable, including the display of the EU logo. Where such display could jeopardise the UNOPS' privileges and immunities or the safety its staff or of the final beneficiaries, appropriate alternative arrangements will be made.

8. EU participation in the UNVIM Steering Committee

The UNVIM Steering Committee comprises the Kingdom of Saudi Arabia (EHOC and the Ministry of Defence), the UAE, the Government of Yemen (a Djibouti-based UNVIM liaison officer and a Ministry of Transport representative), UNOPS and OCHA. As for the United States, the Netherlands and the United Kingdom which attend this meeting with 'observer status' in their capacity of donors to UNVIM, the EU will participate in the monthly meetings of the UNVIM Steering Committee.

9. Reporting

UNVIM/UNOPS will provide to the EEAS a monthly report to review progress towards the completion of project results. These reports will be shared with the relevant Council body.

EEAS will report to the relevant Council body on the monthly UNVIM Steering committee meetings.

UNVIM/UNOPS will report directly to the relevant Council body on a quarterly basis in Brussels.

UNVIM/UNOPS will submit a final narrative and financial report within six months of the end of the implementation period.

COUNCIL IMPLEMENTING DECISION (CFSP) 2018/1250
of 18 September 2018
implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation
in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 12(1) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 July 2015 the Council adopted Decision (CFSP) 2015/1333.
- (2) On 11 September 2018 the United Nations Security Council ('UNSC') Committee established pursuant to UNSC Resolution 1970 (2011) added one person to the list of persons and entities subject to restrictive measures.
- (3) Annexes I and III to Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and III to Decision (CFSP) 2015/1333 are amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 18 September 2018.

For the Council
The President
G. BLÜMEL

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

The following person is added to the list in Annex I to Decision (CFSP) 2015/1333:

‘27. **Name:** 1: Ibrahim 2: Saeed 3: Salim 4: Jadhnan

Title: na **Designation:** Leader of armed militias **DOB:** 1982 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Libya **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 11 Sept. 2018. **Other information:** name of mother Salma Abdula Younis. Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: www.interpol.int/en/notice/search/un/xxxx.

Listed pursuant to paragraphs 11 (b), 11 (c) and 11 (d) of resolution 2213 (2015); paragraph 11 of resolution 2362 (2017).

Additional information:

- Libya’s Attorney General’s Office has issued an arrest warrant against the person concerned accusing him of perpetrating a number of crimes.
- The person concerned carried out armed actions and attacks against oil installations located in the oil crescent region that caused its destruction, the latest of which was on 14 June 2018.
- The attacks on the crescent oil region resulted in many casualties among the inhabitants of the region and endangered the lives of civilians.
- The attacks intermittently halted Libyan oil exports from 2013 to 2018, which led to significant losses for the Libyan economy.
- The person concerned attempted to export oil illegally.
- The person concerned recruits foreign fighters for his repeated attacks against “oil crescent” region.
- The person concerned, through his actions, is working against the stability of Libya, and constitutes an obstacle in the way of the Libyan parties to resolve the political crisis and implement the United Nations Plan of Action.’

The following person is added to the list in Annex III to Decision (CFSP) 2015/1333:

‘27. **Name:** 1: Ibrahim 2: Saeed 3: Salim 4: Jadhnan

Title: na **Designation:** Leader of armed militias **DOB:** 1982 **POB:** na **Good quality a.k.a.:** na **Low quality a.k.a.:** na **Nationality:** Libya **Passport no:** na **National identification no:** na **Address:** na **Listed on:** 11 Sept. 2018. **Other information:** name of mother Salma Abdula Younis. Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: www.interpol.int/en/notice/search/un/xxxx.

Listed pursuant to paragraphs 11 (b), 11 (c) and 11 (d) of resolution 2213 (2015); paragraph 11 of resolution 2362 (2017).

Additional information:

- Libya’s Attorney General’s Office has issued an arrest warrant against the person concerned accusing him of perpetrating a number of crimes.
- The person concerned carried out armed actions and attacks against oil installations located in the oil crescent region that caused its destruction, the latest of which was on 14 June 2018.
- The attacks on the crescent oil region resulted in many casualties among the inhabitants of the region and endangered the lives of civilians.
- The attacks intermittently halted Libyan oil exports from 2013 to 2018, which led to significant losses for the Libyan economy.

-
- The person concerned attempted to export oil illegally.
 - The person concerned recruits foreign fighters for his repeated attacks against “oil crescent” region.
 - The person concerned, through his actions, is working against the stability of Libya, and constitutes an obstacle in the way of the Libyan parties to resolve the political crisis and implement the United Nations Plan of Action.’
-

COMMISSION IMPLEMENTING DECISION (EU) 2018/1251**of 18 September 2018****not approving empenthrin as an existing active substance for use in biocidal products of product-type 18****(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 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾ establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That list includes empenthrin (EC No: n.a., CAS No: 54406-48-3).
- (2) Empenthrin has been evaluated for use in products of product-type 18, insecticides, acaricides and products to control other arthropods, as described in Annex V to Regulation (EU) No 528/2012.
- (3) Belgium was designated as evaluating competent authority and submitted the assessment reports together with its recommendations on 24 June 2016.
- (4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency was formulated on 13 December 2017 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority ⁽³⁾.
- (5) According to that opinion, biocidal products used for product-type 18 containing empenthrin may not be expected to satisfy the requirements laid down in Article 19(1)(b) of Regulation (EU) No 528/2012.
- (6) In particular, according to Article 6(2) of Regulation (EU) No 528/2012, sufficient data is to be provided by the applicant in order to make it possible to determine whether an active substance meets the exclusion criteria referred to in Article 5(1) of that Regulation. The applicant has been requested on several occasions by the evaluating competent authority to provide data on carcinogenicity to perform this assessment, and failed to provide sufficient data in due time, making it impossible to assess the exclusion criterion set out in Article 5(1)(a) of that Regulation.
- (7) In addition, the scenarios evaluated in the human health and environmental risk assessments identified unacceptable risks and no safe use could be identified.
- (8) It is therefore not appropriate to approve empenthrin for use in biocidal products of product-type 18.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

Empenthrin (EC No: n.a., CAS No: 54406-48-3) is not approved as an active substance for use in biocidal products of product-type 18.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

⁽³⁾ Biocidal Products Committee (BPC), Opinion on the application for approval of the active substance Empenthrin, Product type: 18, ECHA/BPC/182/2017, Adopted on 13 December 2017.

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, 18 September 2018.

For the Commission

The President

Jean-Claude JUNCKER

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN