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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2018/1541

of 2 October 2018

amending Regulations (EU) No 904/2010 and (EU) 2017/2454 as regards measures to strengthen administrative cooperation in the field of value added tax

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) The current system for the taxation of trade between Member States is based on transitional arrangements introduced in 1993 which have become outdated and prone to fraud in the context of a highly complex value added tax (VAT) system. In October 2017, the Commission put forward a legislative proposal setting out the principles for a definitive VAT system for cross-border business-to-business trade between Member States that would be based on the taxation of cross-border supplies in the Member State of destination. Given the fact that it could take several years for the definitive VAT system for intra-Union trade to be fully implemented, short-term measures are needed to combat cross-border VAT fraud more effectively and in a more timely manner. Improving and simplifying the administrative cooperation instruments, in particular Eurofisc, is also of significant importance in the fight against VAT fraud in general and to strengthen trust between tax authorities before the definitive VAT regime is introduced.
- (2) Carrying out an administrative enquiry is often necessary to combat VAT fraud in particular when the taxable person is not established in the Member States where the tax is due. To ensure the proper enforcement of VAT and to avoid duplication of work and administrative burden of tax authorities and business, where at least two Member States consider that an administrative enquiry into the amounts declared by a taxable person not established on their territory but taxable therein is necessary, the Member State where the taxable person is established should undertake the enquiry unless it is able to provide the information requested. The requesting Member States should stand ready to assist the Member State of establishment by taking part actively in the enquiry. As the officials of the requesting Member States might have better knowledge of the facts and circumstances of the case and where the requested Member State has not required officials from the requesting Member States the officials of the latter should be able to be present during the administrative enquiry in so far as conditions under national law of the requested Member State for such a presence are met. In this occasion the officials of the requesting Member States should have access to the same premises and documents as the officials

⁽¹⁾ Opinion of the European Parliament of 3 July 2018 (not yet published in the Official Journal).⁽²⁾ Opinion of the European Economic and Social Committee of 23 May 2018 (not yet published in the Official Journal).

of the requested Member State through their intermediation. Where the legislation of the requested Member State contains such conditions for providing the presence it should be assumed that the requested Member State shall undertake the necessary actions to satisfy these conditions. In any case, officials from the requesting Member States should, where they deem it necessary, have the possibility to be present for consultation on the enquiry in the requested Member State with its officials after informing them. The purpose of such consultation could be to exchange views and information about the development of the enquiry and to propose and discuss possible actions.

- (3) Forwarding information without a prior request to the competent authorities of other Member States in accordance with Council Regulation (EU) No 904/2010 ⁽¹⁾ should be as simple and effective as possible. It is therefore necessary to allow competent authorities to forward information by means other than the standard forms when they deem other secure means more appropriate and agree to use them or when the information has been received from a third country.
- (4) The VAT exemption for the imports of goods provided for in Article 143(2) of Council Directive 2006/112/EC ⁽²⁾ ('customs procedures 42 and 63') is often abused and goods are diverted to the black market without VAT having been paid. It is therefore essential that customs officials, when checking whether the requirements for applying the exemption are met, have access to the registry of VAT identification numbers and the recapitulative statements. Furthermore, the information collated by the customs authorities, as part of this procedure, should also be made available to the competent authorities of the Member State where the subsequent intra-Community acquisition should take place.
- (5) In order to tackle fraud arising from the dual VAT regime applicable to cars, Eurofisc liaison officials should be able to access vehicle registration data in an automated way. It would allow them to identify swiftly who has committed the fraudulent transactions and where. Such access should be made available via the European Vehicle and Driving Licence Information System (EUCARIS) software application, whose use is mandatory for Member States under Council Decisions 2008/615/JHA ⁽³⁾ and 2008/616/JHA ⁽⁴⁾, as regards vehicle registration data.
- (6) In order to ensure uniform conditions for the implementation of the provisions on automated access to information collated by the customs authorities and to vehicle registration data, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁵⁾.
- (7) For the purpose of ensuring the effective and efficient monitoring of VAT on cross-border transactions, Regulation (EU) No 904/2010 provides for the presence of officials in administrative offices and during administrative enquiries in other Member States. In order to strengthen the capacity of tax authorities to check cross-border supplies, there should be administrative enquiries carried out jointly enabling officials from two or more Member States to form a single team and actively take part in an administrative enquiry carried out jointly.
- (8) In order to combat the most serious cross-border frauds, it is necessary to clarify and strengthen the governance, tasks and functioning of Eurofisc. Eurofisc liaison officials should be able to access, exchange, process and analyse all necessary information swiftly and coordinate any follow-up actions. However, such coordination does not imply a right for requiring any specific enquiry actions from the participating Member State. It is also necessary to strengthen the fight against VAT fraud at Union level, in particular by enabling Eurofisc working field coordinators to request targeted information from the European Union Agency for Law Enforcement Cooperation ('Europol') and the European Anti-Fraud Office ('OLAF'). Therefore, in order to receive relevant information in return held by Europol and OLAF, Eurofisc working field coordinators should be able to send as much information as necessary to Europol and OLAF.
- (9) In order to ensure uniform conditions for the implementation of the provisions on Eurofisc, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

⁽¹⁾ Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 268, 12.10.2010, p. 1).

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽³⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽⁴⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

⁽⁵⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (10) Organising the forwarding of requests for VAT refunds pursuant to Article 5 of Council Directive 2008/9/EC ⁽¹⁾ offers an opportunity to reduce the administrative burden for the competent authorities to recover unpaid tax liabilities in the Member State of establishment.
- (11) Member States may also communicate to OLAF relevant information where they consider it appropriate. This would enable OLAF to fulfil its mandate to carry out administrative investigations into fraud, corruption and other illegal activities affecting the financial interests of the Union, and to provide assistance to the Member States in order to coordinate their action to protect the financial interests of the Union against fraud.
- (12) The Commission may have access to the information communicated or collected pursuant to Regulation (EU) No 904/2010 only in so far as it is necessary for care, maintenance and development of the electronic systems hosted by the Commission and used by the Member States for the purpose of this Regulation.
- (13) Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁾ applies to the processing of personal data for the purpose of Regulation (EU) No 904/2010. Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽³⁾ applies to the processing of personal data by the Union institutions and bodies for the purpose of that Regulation. The fight against VAT fraud is recognised as an important objective of general public interest of both the Union and its Member States. For the purposes of achieving the objectives of Regulation (EU) No 904/2010, namely the objective to cooperate and to exchange information that helps to effect a correct assessment of VAT, to monitor correct application of VAT, particularly on intra-Community transactions, and to combat VAT fraud, it is appropriate to provide for specific and limited restrictions on certain rights and obligations laid down by Regulation (EU) 2016/679.
- (14) More specifically, full application of the rights and obligations foreseen in Regulation (EU) 2016/679 would seriously undermine the effectiveness of the fight against VAT fraud as it would in particular allow the data subjects to obstruct ongoing investigations and risk profiling. This would jeopardise official or legal enquiries, analyses, investigations or procedures that are carried out in accordance with Regulation (EU) No 904/2010. It would also disable the administrative cooperation between the competent authorities which is a key instrument for the purpose of combating VAT fraud. Consequently, restrictions should be provided as regards the right for transparent information, the right to receive information where personal data are collected from the data subject, the right to receive information where personal data have not been obtained from the data subject, the right of access by the data subject, the right to erasure, the right to object to processing of personal data and the right concerning automated individual decision-making, including profiling. Exercise of these rights should be restricted only as long as it is necessary in order not to undermine the purposes pursued under Article 1 of Regulation (EU) No 904/2010. This restriction should only apply as regards certain categories of data referred to in Articles 1, 14 and 17 of that Regulation to the extent it is strictly necessary in order to ensure compliance with VAT legislation, and the relevant provisions of this Regulation.
- (15) As the objective of preventing, investigating and detecting VAT evasion and VAT fraud cannot be achieved by other less restrictive means of equal effectiveness, these restrictions are strictly necessary for the purpose of achieving the specific purpose in question. They are also proportionate in view of the loss of revenue for the Union and the Member States and the crucial importance of making information available in order to combat fraud effectively. The processing and the storage of information collected and exchanged under this Regulation is limited to the objectives of fight against VAT fraud. Information collected and exchanged under this Regulation does not concern sensitive data. It may not be further processed in a way that is incompatible with such purposes, including prohibition to process it for commercial purposes. As regards the safeguards to prevent abuse or unlawful access or transfer, Regulation (EU) No 904/2010 already provides detailed conditions concerning the access of the competent national authorities to the data and their subsequent use in order to achieve the general aim of that Regulation. The data retention period should be limited to what is necessary for the purpose of achieving the objectives pursued.

⁽¹⁾ Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State (OJ L 44, 20.2.2008, p. 23).

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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

- (16) As Council Regulation (EU) 2017/2454 ⁽¹⁾ has also amended Article 17 of Regulation (EU) No 904/2010, with application from 1 January 2021, it is necessary to amend Regulation (EU) 2017/2454 in order to update the relevant cross-references to that Article. As Regulation (EU) 2017/2454 has also amended Annex I to Regulation (EU) No 904/2010, with application from 1 January 2021, it is necessary to amend Regulation (EU) 2017/2454 as Annex I is no longer necessary and therefore should be deleted.
- (17) As the implementation of the provisions on the automated access to the information collated by the customs authorities and to vehicle registration data will require new technological developments, it is necessary to defer their application to allow the Member States and the Commission to carry out those developments.
- (18) Since the objectives of this Regulation, namely improving the cooperation instruments between Member States and combating cross-border fraud in the field of VAT, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (19) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered its formal comments on 21 March 2018.
- (20) Regulation (EU) No 904/2010 and Regulation (EU) 2017/2454 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 904/2010

Regulation (EU) No 904/2010 is amended as follows:

(1) Article 7 is amended as follows:

- (a) paragraph 3 is deleted;
- (b) paragraph 4 is replaced by the following:

‘4. The request referred to in paragraph 1 may contain a reasoned request for a specific administrative enquiry. The requested authority shall undertake the administrative enquiry in consultation of the requesting authority where necessary. If the requested authority takes the view that no administrative enquiry is necessary, it shall immediately inform the requesting authority of the reasons thereof.

Notwithstanding the first subparagraph, an enquiry into the amounts declared or those that should have been declared by a taxable person established in the Member State of the requested authority, in connection with supplies of goods or services which are made by this taxable person and which are taxable in the Member State of the requesting authority, may be refused solely on any of the following grounds:

- (a) on the grounds provided for in Article 54(1), assessed by the requested authority in conformity with a statement of best practices concerning the interaction of this paragraph and Article 54(1), to be adopted in accordance with the procedure provided for in Article 58(2);
- (b) on the grounds provided for in Article 54(2), (3) and (4);
- (c) on the grounds that the requested authority had already supplied the requesting authority with information on the same taxable person as a result of an administrative enquiry held less than two years previously.

Where the requested authority refuses an administrative enquiry referred to in the second subparagraph on the grounds set out in point (a) or (b), it shall nevertheless provide to the requesting authority the dates and values of any relevant supplies made by the taxable person in the Member State of the requesting authority over the previous two years.’;

⁽¹⁾ Council Regulation (EU) 2017/2454 of 5 December 2017 amending Regulation (EU) No 904/2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 348, 29.12.2017, p. 1).

- (c) the following paragraph is inserted:

‘4a. Where the competent authorities of at least two Member States consider that an administrative enquiry into the amounts referred to in the second subparagraph of paragraph 4 of this Article is required and submit a common reasoned request containing indications or evidence of risks of VAT evasion or fraud, the requested authority shall not refuse to undertake that enquiry except on the grounds provided for in point (b) of Article 54(1), Article 54(2), (3) or (4). Where the requested Member State already possesses the information requested, it shall provide this information to the requesting Member States. Where the requesting Member States are not satisfied with the information received, they shall inform the requested Member State to proceed further with the administrative enquiry.

If the requested Member State so requires, officials authorised by the requesting authorities shall take part in the administrative enquiry. Such administrative enquiry shall be carried out jointly and shall be conducted under the direction and according to the legislation of the requested Member State. The officials of the requesting authorities shall have access to the same premises and documents as the officials of the requested authority and, in so far as it is permitted under the legislation of the requested Member State for its officials, be able to interview taxable persons. The inspection powers of the officials of the requesting authorities shall be exercised for the sole purpose of carrying out the administrative enquiry.

Where the requested Member State has not required officials from the requesting Member States, the officials from any of the requesting Member States shall be able to be present during the administrative enquiry exercising the powers provided for in Article 28(2), in so far as conditions under the national law of the requested Member State are met. In any case, the officials from those requesting Member States shall be able to be present for consultation.

Where officials from the requesting Member States have to participate or have to be present, the administrative enquiry shall be carried out only when such participation or presence for the purposes of the administrative enquiry is ensured.’;

- (2) in Article 13, paragraph 3 is replaced by the following:

‘3. The information shall be forwarded by means of standard forms except in the cases referred to in Article 50 or in specific cases when the respective competent authorities deem other secure means more appropriate and agree to use them.

The Commission shall adopt by means of implementing acts the standard forms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).’;

- (3) Article 17 is amended as follows:

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

‘(f) information which it collects pursuant to points (a) and (b) of Article 143(2) of Directive 2006/112/EC, as well as the country of origin, the country of destination, the commodity code, the currency, the total amount, the exchange rate, the item price and the net weight.’;

- (b) paragraph 2 is replaced by the following:

‘2. The Commission shall adopt by means of implementing acts the technical details concerning the automated enquiry of the information referred to in points (a) to (f) of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).’;

- (c) the following paragraph is added:

‘3. The Commission shall determine by means of implementing acts the data elements of the information referred to in point (f) of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).’;

- (4) Article 21 is amended as follows:

- (a) the following paragraph is inserted:

‘1a. Every Member State shall grant its officials who check the requirements provided for in Article 143(2) of Directive 2006/112/EC access to the information referred to in points (a) to (c) of Article 17(1) of this Regulation for which automated access is granted by the other Member States.’;

(b) in paragraph 2, point (e) is amended as follows:

(i) points (i) and (ii) are replaced by the following:

‘(i) access is in connection with an investigation into suspected fraud or is to detect fraud;

(ii) access is through a Eurofisc liaison official, as referred to in Article 36(1), who holds a personal user identification for the electronic systems allowing access to this information.’;

(ii) point (iii) is deleted;

(c) the following paragraph is inserted:

‘2a. With respect to the information referred to in point (f) of Article 17(1), the following details shall be accessible:

(a) the VAT identification numbers issued by the Member State receiving the information;

(b) the VAT identification numbers of the importer or of his tax representative who supplies the goods to persons holding a VAT identification number referred to in point (a) of this paragraph;

(c) the country of origin, the country of destination, the commodity code, the total amount and the net weight of the imported goods followed by an intra-Community supply of goods from each person referred to in point (b) of this paragraph to each person holding a VAT identification number referred to in point (a) of this paragraph;

(d) the country of origin, the country of destination, the commodity code, the currency, the total amount, exchange rate, the item price and the net weight of the imported goods followed by an intra-Community supply of goods from each person referred to in point (b) of this paragraph to each person holding a VAT identification number issued by another Member State under the following conditions:

(i) access is in connection with an investigation into suspected fraud or is to detect fraud;

(ii) access is through a Eurofisc liaison official, as referred to in Article 36(1), who holds a personal user identification for the electronic systems allowing access to this information.

The values referred to in points (c) and (d) of the first subparagraph shall be expressed in the currency of the Member State providing the information and shall relate to each goods item of the customs declaration submitted.’;

(d) the following paragraph is added:

‘3. The Commission shall determine by means of implementing acts the practical arrangements as regards the conditions provided for in point (e) of paragraph 2 of this Article in order to enable the Member State providing the information to identify the Eurofisc liaison official accessing the information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).’;

(e) paragraph 3 is replaced by the following:

‘3. The Commission shall determine by means of implementing acts the practical arrangements as regards the conditions provided for in point (e) of paragraph 2, and in point (d) of paragraph 2a, of this Article in order to enable the Member State providing the information to identify the Eurofisc liaison official accessing the information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).’;

(5) the following Article is inserted:

‘Article 21a

1. Every Member State shall grant the competent authority of any other Member State automated access to the following information in relation to national vehicle registrations:

(a) identification data relating to vehicles;

(b) identification data relating to the owners and the holders of the vehicle in whose name the vehicle is registered, as defined in the law of the Member State of registration.

2. Access to the information referred to in paragraph 1 shall be granted under the following conditions:

- (a) access is in connection with an investigation into suspected VAT fraud or is to detect VAT fraud;
- (b) access is through a Eurofisc liaison official, as referred to in Article 36(1), who holds a personal user identification for the electronic systems allowing access to this information.

3. The Commission shall determine by means of implementing acts the data elements and the technical details concerning the automated enquiry of the information referred to in paragraph 1 of this Article and the practical arrangements as regards the conditions provided for in paragraph 2 of this Article in order to enable the Member State providing the information to identify the Eurofisc liaison official accessing the information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).;

(6) Article 24 is replaced by the following:

‘Article 24

Where, for the purposes of Articles 17 to 21a, the competent authorities of the Member States exchange information by electronic means, they shall take all measures necessary to ensure compliance with Article 55.

Member States shall be responsible for all necessary developments to their systems to permit the exchange of that information using the CCN/CSI network or any other similar secure network used to exchange the information referred to in Article 21a by electronic means.’;

(7) the title of Chapter VII is replaced by the following:

‘PRESENCE IN ADMINISTRATIVE OFFICES AND DURING ADMINISTRATIVE ENQUIRIES AND ADMINISTRATIVE ENQUIRIES CARRIED OUT JOINTLY’;

(8) Article 28 is amended as follows:

(a) the following paragraph is inserted:

‘2a. By agreement between the requesting authorities and the requested authority, and in accordance with the arrangements laid down by the latter, officials authorised by the requesting authorities may, with a view to collecting and exchanging the information referred to in Article 1, take part in the administrative enquiries carried out in the territory of the requested Member State. Such administrative enquiries shall be carried out jointly by the officials of the requesting and requested authorities and shall be conducted under the direction and according to the legislation of the requested Member State. The officials of the requesting authorities shall have access to the same premises and documents as the officials of the requested authority and, in so far as it is permitted under the legislation of the requested Member State for its officials, be able to interview taxable persons.

Where it is permitted under the legislation of the requested Member State the officials of the requesting Member States shall exercise the same inspection powers as those conferred on officials of the requested Member State.

The inspection powers of the officials of the requesting authorities shall be exercised for the sole purpose of carrying out the administrative enquiry.

By agreement between the requesting authorities and the requested authority, and in accordance with the arrangements laid down by the requested authority, the participating authorities may draft a common enquiry report.’;

(b) paragraph 3 is replaced by the following:

‘3. The officials of the requesting authority present in another Member State in accordance with paragraphs 1, 2 and 2a must at all times be able to produce written authority stating their identity and their official capacity.’;

(9) Article 33 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In order to promote and facilitate multilateral cooperation in the fight against VAT fraud, this Chapter establishes a network for the swift exchange, processing and analysis of targeted information on cross-border fraud between Member States and for the coordination of any follow-up actions (“Eurofisc”).’;

(b) paragraph 2 is amended as follows:

(i) points (b) and (c) are replaced by the following:

‘(b) carry out and coordinate the swift multilateral exchange and the joint processing and analysis of targeted information on cross-border fraud in the subject areas in which Eurofisc operates (“Eurofisc working fields”);

(c) coordinate the work of the Eurofisc liaison officials as referred to in Article 36(1) of the participating Member States in acting on warnings and information received;’;

(ii) the following point is added:

‘(d) coordinate participating Member States’ administrative enquiries of fraud identified by the Eurofisc liaison officials as referred to in Article 36(1) without the power to require Member States to carry out administrative enquiries.’;

(10) in Article 34, paragraph 2 is replaced by the following:

‘2. Member States having chosen to take part in a Eurofisc working field shall actively participate in the multilateral exchange and the joint processing and analysis of targeted information on cross-border fraud between all participating Member States and in the coordination of any follow-up actions.’;

(11) Article 35 is replaced by the following:

‘Article 35

The Commission shall provide Eurofisc with technical and logistical support. The Commission shall not have access to the information referred to in Article 1, which may be exchanged over Eurofisc, except in the circumstances provided for in Article 55(2).’;

(12) Article 36 is amended as follows:

(a) the following paragraph is inserted:

‘1a. The liaison officials of the Member States shall designate a Eurofisc chairperson among the Eurofisc liaison officials, for a limited period of time.

The liaison officials of the Member States shall:

(a) agree on the establishment and termination of Eurofisc working fields;

(b) examine any issues relating to the operational functioning of Eurofisc;

(c) assess, at least on a yearly basis, the effectiveness and efficiency of the operation of Eurofisc activities;

(d) approve the annual report, referred to in Article 37.’;

(b) paragraph 2 is replaced by the following:

‘2. The liaison officials of the Member States participating in a particular Eurofisc working field (“participating Eurofisc liaison officials”) shall designate a Eurofisc working field coordinator, among the participating Eurofisc liaison officials, for a limited period of time.

Eurofisc working field coordinators shall:

(a) collate the information received from the participating Eurofisc liaison officials as agreed by the working field participants and shall make all information available to the other participating Eurofisc liaison officials; this information shall be exchanged by electronic means;

(b) ensure that the information received from the participating Eurofisc liaison officials is processed and analysed together with the relevant targeted information on cross-border fraud communicated or collected pursuant to this Regulation, as agreed by the participants in the working field, and shall make the result available to all participating Eurofisc liaison officials;

(c) provide feedback to all participating Eurofisc liaison officials;

(d) submit an annual report on the activities of the working field to the liaison officials of the Member States.’;

(c) the following paragraphs are added:

‘3. Eurofisc working field coordinators may request relevant information from the European Union Agency for Law Enforcement Cooperation (“Europol”) and the European Anti-Fraud Office (“OLAF”). For this purpose and as agreed by the working field participants they may send them as much information as necessary in order to receive the requested information.

4. Eurofisc working field coordinators shall make the information received from Europol and OLAF available to the other participating Eurofisc liaison officials; this information shall be exchanged by electronic means.

5. Eurofisc working field coordinators shall also ensure that the information received from Europol and OLAF, is processed and analysed together with the relevant targeted information communicated or collected pursuant to this Regulation, as agreed by the working field participants, and shall make the results available to the participating Eurofisc liaison officials.’;

(13) Article 37 is replaced by the following:

‘Article 37

The Eurofisc chairperson shall submit an annual report on the activities of all of the working fields to the Committee referred to in Article 58(1).

The Commission shall adopt by means of implementing acts the procedural arrangements in relation to Eurofisc. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).’;

(14) in Article 48(1), the following subparagraphs are added:

‘Where the Member State of establishment becomes aware that a taxable person making a request for refund of VAT, in accordance with Article 5 of Directive 2008/9/EC, has tax liabilities in that Member State of establishment, it may request the consent of the taxable person for the transfer of the VAT refund directly to this Member State in order to discharge the outstanding tax liabilities. Where the taxable person consents to this transfer, the Member State of establishment shall inform the Member State of refund of the amount regarding which the consent is obtained and the Member State of refund on behalf of the taxable person shall transfer this amount to the Member State of establishment. The Member State of establishment shall inform the taxable person whether the amount transferred amounts to either a full or a partial discharge of the tax liability in accordance with its national law and administrative practices. However, the transfer of the VAT refund to the Member State of establishment shall not affect the right of the Member State of refund to recover the liabilities that the taxable person has in the latter Member State.

Where the tax liabilities in the Member State of establishment are disputed, the transfer of the refund amounts can be used by the Member State of establishment as a retention measure, with the consent of the taxable person, in so far as an effective judicial review is ensured in that Member State.’;

(15) the title of Chapter XIII is replaced by the following:

‘RELATIONS WITH THE COMMISSION AND OTHER INSTITUTIONS, BODIES, OFFICES AND AGENCIES OF THE UNION’;

(16) in Article 49, the following paragraph is inserted:

‘2a. The Member States may communicate to OLAF relevant information to enable it to consider appropriate action in accordance with its mandate. Where that information was received from another Member State, the latter may require that the transmission of the information be subject to its prior agreement.’;

(17) Article 55 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. Persons duly accredited by the Security Accreditation Authority of the Commission may have access to this information only in so far as it is necessary for care, maintenance and development of the electronic systems hosted by the Commission and used by the Member States to implement this Regulation.’;

(b) paragraph 5 is replaced by the following:

‘5. All storage, processing or exchange of information referred to in this Regulation is subject to Regulations (EU) 2016/679 (*) and (EC) No 45/2001 (**) of the European Parliament and of the Council. However, Member States shall for the purpose of the correct application of this Regulation, restrict the scope of the obligations and rights provided for in Articles 12 to 15, 17, 21 and 22 of Regulation (EU) 2016/679. Such restrictions shall be limited to what is strictly necessary in order to safeguard the interests referred to in point (e) of Article 23(1) of that Regulation, in particular to:

- (a) enable the competent authorities of the Member States to fulfil their tasks properly for the purposes of this Regulation; or
- (b) avoid obstructing official or legal enquiries, analyses, investigations or procedures for the purposes of this Regulation and to ensure that the prevention, investigation and detection of tax evasion and tax fraud is not jeopardised.

The processing and storage of information referred to in this Regulation shall be carried out only for the purposes referred to in Article 1(1) of this Regulation and the information shall not be further processed in a way that is incompatible with those purposes. The processing of personal data on the basis of this Regulation for any other purposes, such as commercial purposes, shall be prohibited. The storage periods of this information shall be limited to the extent necessary to achieve those purposes. The storage periods of the information referred to in Article 17 of this Regulation shall be determined as per the limitation periods provided for in the legislation of the Member State concerned but no longer than ten years.

(*) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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

(18) in Article 58, paragraph 2 is replaced by the following:

‘2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*) shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).;

(19) Annex I is deleted.

Article 2

Amendments to Regulation (EU) 2017/2454

Article 1 of Regulation (EU) 2017/2454 is amended as follows:

(1) point 5 is replaced by the following:

‘(5) in Article 17, paragraph 2 is replaced by the following:

“2. The Commission shall adopt by means of implementing acts the technical details concerning the automated enquiry of the information referred to in points (a) to (f) of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).”;

(2) point 8 is deleted.

Article 3

Entry into force and application

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

Points (3) (a), (b) and (c), points (4) (a), (c) and (e) and points (5), (6) and (14) of Article 1 shall apply from 1 January 2020.

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

Done at Luxembourg, 2 October 2018.

For the Council

The President

H. LÖGER

COUNCIL REGULATION (EU) 2018/1542**of 15 October 2018****concerning restrictive measures against the proliferation and use of chemical weapons**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2018/1544 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons ⁽¹⁾,

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

Whereas:

- (1) On 22 March 2018, the European Council concluded that the use of chemical weapons, including the use of any toxic chemicals as weapons under any circumstances, is completely unacceptable, must be systematically and rigorously condemned, and constitutes a security threat to us all. On 28 June 2018, the European Council called for the adoption as soon as possible of a new Union regime of restrictive measures to address the use and proliferation of chemical weapons.
- (2) On 15 October 2018 the Council adopted Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons. The Decision (CFSP) 2018/1544 provides for travel restrictions and the freezing of funds and economic resources of certain persons, entities or bodies that are responsible for, provide financial, technical or material support for, or are otherwise involved in, manufacturing or using chemical weapons or engaging in preparations for the use of chemical weapons, as well as those who assist or encourage such activities. Those persons, entities and bodies are listed in the Annex to Decision (CFSP) 2018/1544.
- (3) Further action by the Union is needed in order to implement certain provisions of Decision (CFSP) 2018/1544.
- (4) The High Representative of the Union for Foreign Affairs and Security Policy and the European Commission should make a proposal for a Regulation concerning restrictive measures against the proliferation and use of chemical weapons.
- (5) This Regulation supports the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction, as well as the international framework regarding the proliferation of chemical weapons: the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction ('CWC'), the Decision of the Conference of the States Parties to the CWC addressing the threat from chemical weapons use, adopted on 27 June 2018, the Australia Group, 'the Proliferation Security Initiative' and the International Partnership against the Impunity for the Use of Chemical Weapons. This Regulation also supports the implementation of relevant UNSC Resolutions, notably Resolutions 1540 (2004), 2118 (2013), 2209 (2015), 2235 (2015) and 2325 (2016).
- (6) This Regulation contributes to the Union's efforts to tackle the proliferation and use of chemical weapons and to the Union's efforts to support the Organisation for the Prohibition of Chemical Weapons (OPCW) and its Technical Secretariat. The scope of chemical weapons referred to in this Regulation is based on the scope and definition provided for by the CWC.
- (7) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (8) The power to establish and amend the list in Annex I to this Regulation should be exercised by the Council in order to ensure consistency with the process for establishing, amending and reviewing the Annex to Decision (CFSP) 2018/1544.

⁽¹⁾ See page 25 of this Official Journal.

- (9) For the implementation of this Regulation, and in order to ensure maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation should be made public. Any processing of personal data should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.
- (10) Member States and the Commission should inform each other of the measures taken pursuant to this Regulation and should inform each other of other relevant information at their disposal in connection with this Regulation.
- (11) Member States should lay down rules on sanctions applicable to infringements of the provisions of this Regulation and make sure that they are implemented. Those sanctions should be effective, proportionate and dissuasive.
- (12) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately upon its publication,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (a) ‘chemical weapons’ means chemical weapons as defined in Article II of the Chemical Weapons Convention (CWC);
- (b) ‘claim’ means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (c) ‘contract or transaction’ means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose ‘contract’ includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (d) ‘competent authorities’ refers to the competent authorities of the Member States as identified on the websites listed in Annex II;
- (e) ‘economic resources’ means assets of any kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (f) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (g) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (h) 'funds' means financial assets and benefit of every kind, including, but not limited to:
 - (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly- or privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (i) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.
3. Annex I shall include natural or legal persons, entities and bodies which, in accordance with Article 3(1) of Council Decision (CFSP) 2018/1544, have been identified by the Council as:
 - (a) natural or legal persons, entities or bodies which are responsible for, or provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
 - (ii) using chemical weapons; or
 - (iii) engaging in any preparations for the use of chemical weapons;
 - (b) natural or legal persons, entities or bodies which assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
 - (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities and bodies covered by points (a) and (b) of this paragraph.

Article 3

1. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:
 - (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annex I and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
 - (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to authorisation; or
 - (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.
2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 4

1. By way of derogation from Article 2(1), the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources if the following conditions are met:
- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 2 was listed in Annex I, or are the subject of a judicial or administrative decision rendered in the Union or a judicial decision enforceable in the Member State concerned, prior to or after that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex I; and
 - (d) recognising the decision is not contrary to public policy in the Member State concerned.
2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2(1) and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:
- (a) the funds or economic resources will be used for a payment by a natural or legal person, entity or body listed in Annex I; and
 - (b) the payment is not in breach of Article 2(2).
2. The Member State concerned shall inform the other Member States and the Commission within two weeks of any authorisation granted under paragraph 1.

Article 6

1. Article 2(2) shall not prevent financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body from crediting the frozen accounts, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.
2. Article 2(2) shall not apply to the addition to frozen accounts of:
- (a) interest or other earnings on those accounts;

- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.

Article 7

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:
 - (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 2, to the competent authority of the Member State where they are resident or located, and they shall transmit such information, directly or through the Member State, to the Commission; and
 - (b) cooperate with the competent authority in any verification of this information.
2. Any additional information received directly by the Commission shall be made available to the Member States.
3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 8

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures referred to in Article 2.

Article 9

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.
2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 10

1. No claims in connection with any contract or transaction, the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - (a) designated natural or legal persons, entities or bodies listed in Annex I;
 - (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).
2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.
3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 11

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information:
 - (a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3, 4 and 5;
 - (b) in respect of violation and enforcement problems and judgments handed down by national courts.
2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 12

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2, it shall amend Annex I accordingly.
2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.
3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.
4. The list in Annex I shall be reviewed at regular intervals and at least every 12 months.
5. The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 13

1. Annex I shall include the grounds for the listing of natural or legal persons, entities or bodies concerned.
2. Annex I shall include, where available, information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 14

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.
2. Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 15

1. The Commission shall process personal data in order to carry out its tasks under this Regulation. These tasks include:
 - (a) adding the contents of Annex I in the electronic 'Consolidated list of persons, groups and entities subject to EU financial sanctions' and in the interactive EU Sanctions Map, which are both accessible to the public;
 - (b) processing of information on the impact of the measures of this Regulation such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. For the purpose of paragraph 1, the Commission service listed in Annex II is designated as ‘controller’ for the Commission within the meaning of Article 2(d) of Regulation (EC) No 45/2001, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EC) No 45/2001.

Article 16

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex II. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 17

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any natural person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 18

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 Luxembourg, 15 October 2018.

For the Council
The President
F. MOGHERINI

ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 2

ANNEX II

WEBSITES FOR INFORMATION ON THE COMPETENT AUTHORITIES AND ADDRESS FOR NOTIFICATIONS TO THE COMMISSION

BELGIUM

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/101>

CZECH REPUBLIC

www.financnianalytickyrad.cz/mezinarodni-sankce.html

DENMARK

<http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

https://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html>

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

<https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Boards/Sanctions-Monitoring-Board-.aspx>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancties>

AUSTRIA

<https://www.bmeia.gv.at/en/european-foreign-policy/foreign-policy/europe/eu-sanctions-national-authorities/>

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 07/99

B-1049 Brussels, Belgium

Email: relex-sanctions@ec.europa.eu

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1543**of 15 October 2018****concerning the authorisation of a preparation of *Pediococcus pentosaceus* DSM 32291 as a feed additive for all animal species****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of *Pediococcus pentosaceus* DSM 32291. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of a preparation of *Pediococcus pentosaceus* DSM 32291 as a feed additive for all animal species, to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 21 February 2018 ⁽²⁾ that, under the proposed conditions of use, the preparation of *Pediococcus pentosaceus* DSM 32291 does not have an adverse effect on animal health, human health or the environment. The Authority also concluded that the preparation concerned has the potential to improve the production of silage from easy, and moderately difficult to ensile forage materials. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of *Pediococcus pentosaceus* DSM 32291 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) 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

The preparation specified in the Annex, belonging to the additive category 'technological additives' and to the functional group 'silage additives', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

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*.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2018; 16(3):5202.

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

Done at Brussels, 15 October 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Identification number of the additive	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Technological additives: silage additives								
1k21015	<i>Pediococcus pentosaceus</i> DSM 32291	<i>Additive composition</i> Preparation of <i>Pediococcus pentosaceus</i> DSM 32291 containing a minimum of 8 × 10 ¹⁰ CFU/g additive. <i>Characterisation of the active substance</i> Viable cells <i>Pediococcus pentosaceus</i> DSM 32291 <i>Analytical method</i> ⁽¹⁾ Enumeration in the feed additive: spread plate method on MRS agar (EN 15786) Identification of the feed additive: Pulsed Field Gel Electrophoresis (PFGE).	All animal species	—	—	—	1. In the directions for use of the additive and premixture, the storage conditions shall be indicated. 2. Minimum content of <i>Pediococcus pentosaceus</i> DSM 32291 when used without combination with other micro-organisms as silage additives: 5 × 10⁷ CFU/kg of easy and moderately difficult to ensile fresh material ⁽²⁾. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.	5.11.2028

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Easy to ensile forage: > 3 % soluble carbohydrates in fresh material. Moderately difficult to ensile forage: 1,5 %-3,0 % soluble carbohydrates in the fresh material. Commission Regulation (EC) No 429/2008 of 25 April 2008 on detailed rules for the implementation of Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the preparation and the presentation of application and the assessment and the authorisation of feed additives (OJ L 133, 22.5.2008, p. 1).

DECISIONS

COUNCIL DECISION (CFSP) 2018/1544

of 15 October 2018

concerning restrictive measures against the proliferation and use of chemical weapons

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) The European Union supports the international treaties and regimes for disarmament, non-proliferation and arms controls.
- (2) The Union supports the effective implementation and universalisation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereafter 'CWC'), and underlines its support for and the importance of the Organisation for the Prohibition of Chemical Weapons (OPCW) and its Technical Secretariat. The Union strongly condemns the proliferation and use of chemical weapons anywhere, by anyone, under any circumstances. In order to support the prohibition laid down by the CWC against the use of chemical weapons, which poses a serious threat to international security, the Union considers it necessary to take specific measures against those who resort to such weapons or contribute to developing or using them. The Union is committed to contributing to identifying and holding accountable individuals, entities, groups or governments responsible for the use of chemical weapons, as well as those who assist or encourage such activities. It is equally important to address the preparatory steps before use such as the development, production, acquisition, transfer and stockpiling of chemical weapons.
- (3) In this regard, the Union expressed its support to the Decision of the Conference of the States Parties to the CWC addressing the threat from chemical weapons use, adopted on 27 June 2018.
- (4) The Union and its Member States support the other international initiatives aimed at tackling the threat of chemical weapons, such as the Australia Group which, by coordinating and harmonising national export control measures, assists in the fulfilment of obligations under the CWC and the Biological and Toxin Weapons Convention, as well as 'the Proliferation Security Initiative' and the International Partnership against Impunity for the Use of Chemical Weapons. The Union and its Member States also support the implementation of relevant UNSC Resolutions, notably Resolutions 1540 (2004), 2118 (2013), 2209 (2015), 2235 (2015) and 2325 (2016).
- (5) On 22 March 2018, the European Council concluded that the use of chemical weapons, including the use of any toxic chemicals as weapons under any circumstances, is completely unacceptable, must be systematically and rigorously condemned and constitutes a security threat to us all. On 28 June 2018, the European Council called for the adoption as soon as possible of a new EU regime of restrictive measures to address the use and proliferation of chemical weapons.
- (6) This Decision contributes to the Union's efforts to counter the proliferation and use of chemical weapons. The scope and definition of chemical weapons referred to in this Decision should be the same as provided for by the CWC.
- (7) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

'Chemical weapons' means chemical weapons as defined in Article II of the Chemical Weapons Convention (CWC).

Article 2

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of:
 - (a) natural persons who are responsible for, provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;
 - (ii) using chemical weapons;
 - (iii) engaging in any preparations for the use of chemical weapons;
 - (b) natural persons who assist, encourage or induce any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
 - (c) natural persons associated with the natural persons listed in points (a) and (b);as listed in the Annex.
2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:
 - (a) as a host country of an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
 - (c) under a multilateral agreement conferring privileges and immunities; or
 - (d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.
4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings and those promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of the restrictive measures, including implementing the legal prohibitions against chemical weapons and the achievement of chemical weapons disarmament. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process.
7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.
8. Where, pursuant to paragraphs 3, 4, 6 or 7 a Member State authorises the entry into, or transit through its territory of persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.

Article 3

1. All funds and economic resources belonging to, owned, held or controlled by:
 - (a) natural or legal persons, entities or bodies who are responsible for, provide financial, technical or material support for or are otherwise involved in:
 - (i) manufacturing, acquiring, possessing, developing, transporting, stockpiling or transferring chemical weapons;

- (ii) using chemical weapons;
- (iii) engaging in any preparations for the use of chemical weapons;
- (b) natural or legal persons, entities or bodies which assist, encourage or induce, in any way, any natural or legal person, entity or body to engage in any activity referred to in point (a) of this paragraph and thereby cause or contribute to a danger that such activities may be carried out; and
- (c) natural or legal persons, entities or bodies associated with the natural or legal persons, entities and bodies covered by points (a) and (b) of this paragraph;

as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural or legal persons, entities or bodies listed in the Annex.

3. By way of derogation from paragraphs 1 and 2, the competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the natural or legal persons, entities or bodies listed in the Annex and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was listed in the Annex, or a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognition of the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 1 shall not prevent a natural or legal person, an entity or body listed in the Annex from making a payment due under a contract entered into prior to the date on which such natural or legal person, entity or body was listed therein, provided that the Member State concerned has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned;

provided that any such interest, other earnings and payments remain subject to the measures provided for in paragraph 1.

Article 4

1. The Council, acting by unanimity upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy, shall establish and amend the list in the Annex.

2. The Council shall communicate the decision referred to in paragraph 1, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision referred to in paragraph 1 and inform the natural or legal person, entity or body concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the natural and legal persons, entities and bodies referred to in Articles 2 and 3.

2. The Annex shall also contain, where available, the information necessary to identify the natural or legal persons, entities or bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.

Article 6

No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in the Annex;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

Article 7

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 8

This Decision shall apply until 16 October 2019. This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 9

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

Done at Luxembourg, 15 October 2018.

For the Council
The President
F. MOGHERINI

ANNEX

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLES 2 AND 3

COUNCIL DECISION (CFSP) 2018/1545**of 15 October 2018****amending Decision (CFSP) 2017/1869 on the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 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 October 2017, the Council adopted Decision (CFSP) 2017/1869 ⁽¹⁾ establishing a European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq).
- (2) Following the Strategic Review of EUAM Iraq, the Political and Security Committee recommended that the mandate of EUAM Iraq be amended and extended by 18 months.
- (3) Decision (CFSP) 2017/1869 should therefore be amended accordingly.
- (4) EUAM Iraq 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,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2017/1869 is amended as follows:

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

*'Article 2***Objectives**

The strategic objectives of EUAM Iraq shall be to:

- (1) provide advice and expertise to the Iraqi authorities at strategic level to identify and define the requirements for the coherent implementation of the Security Sector Reform civilian related aspects of the Iraqi National Security Programme and associated plans;
- (2) analyse, assess and identify opportunities at national, regional and provincial levels for further Union engagement in support of the needs of the civilian Security Sector Reform, informing and facilitating the Union's and Member States' planning and implementation;
- (3) assist the Union Delegation in the coordination of the Union's and Member States' support in the field of Security Sector Reform, ensuring coherence of Union action.

*Article 3***Tasks**

1. In order to fulfil the objectives set out in point (1) of Article 2, EUAM Iraq shall:
 - (a) strengthen the strategic advice on the development of national strategies countering and preventing terrorism (including countering violent extremism) and organised crime, including the definition of policies and action plans for their drafting and their implementation, ensuring an inclusive approach;
 - (b) support the Planning Directorate of the Ministry of Interior to plan and follow the implementation of the institutional reforms of the department, as part of the implementation of the National Security Strategy;

⁽¹⁾ Council Decision (CFSP) 2017/1869 of 16 October 2017 on the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq) (OJ L 266, 17.10.2017, p. 12).

- (c) support a harmonised implementation of national strategies and contribute to the management and running of the Security Sector Reform architecture within the Security Sector Reform Programme Systems and the overarching framework;
- (d) define and support the implementation at strategic level of a comprehensive strategy countering organised crime with specific reference to border management, financial crime in particular corruption, money laundering and trafficking of cultural heritage goods;
- (e) provide advice to facilitate the inclusion of human rights and gender equality concepts within all national strategies and policies, with a focus on implementation plans in the Ministry of Interior and through the Inspector General's Office, the Human Resources General Directorate and Training Directorate of the Ministry of Interior;
- (f) support the adoption of oversight concepts in the Ministry of Interior as well as those related to countering financial and administrative corruption;
- (g) contribute to the institutional reform process within the Ministry of Interior by promoting enhanced institutional coordination, providing conceptual tools to improve their planning, implementation and assessment capabilities at strategic level and delivering advice on managing the human resources dimension of the reform;
- (h) provide advice on outreach beyond Baghdad through support to authorities in assessing the needs of institutions at the provincial and regional level and identifying the opportunities for, and the challenges to, their integration in the reform process;
- (i) establish and maintain an effective link with key international actors operating in the civilian Security Sector Reform, notably the United Nations, NATO, the Global Coalition and the United States of America.

2. In order to fulfil the objectives set out in point (2) of Article 2, EUAM Iraq shall:

- (a) maintain and update a mapping of ongoing and planned activities in support of Security Sector Reform and identify lessons and gaps country-wide;
- (b) identify medium- to long-term needs and opportunities for possible future Union engagement in support of Security Sector Reform, including at regional and provincial levels, with a view to informing and supporting further Union planning for possible future engagement, including with NATO, in full respect of the principles of inclusiveness, reciprocity and decision-making autonomy of the Union. Planning will be coordinated with NATO in Iraq, with a view to strengthening coherence between their respective activities in a mutually reinforcing way, with the objective of building synergies and acquiring support in areas such as logistics, while ensuring full transparency and Member States' ownership;
- (c) identify, in coordination with international donors, quick impact projects which could be delivered through either Union instruments or Member States' bilateral engagement, such as border management at Baghdad airport.

3. In order to fulfil the objectives set out in point (3) of Article 2, EUAM Iraq shall:

- (a) support the cooperation and coordination of national and international stakeholders, focusing on the three levels envisaged under the Security Sector Reform strategy;
- (b) maintain the lead coordination role within the National Security Legislation System and in the Defence and Internal Security Strategy System;
- (c) maintain engagement with the Support Committee on Security Sector Reform as part of the Privileged Partner status;
- (d) continue close coordination with the Union Delegation on civilian Security Sector Reform, including counter-terrorism and intelligence, and with Member States present in Baghdad through regular meetings at both Head of Mission and expert levels;
- (e) support, in close coordination with the Union Delegation, the incorporation of the principles of the EU Strategic Framework in support of Iraqi Security Sector Reform.

4. In fulfilling the objectives set out in point (3) of Article 2, EUAM Iraq shall support coordination with the United Nations, in particular the UN Development Programme, and other international actors on the ground, including NATO, the Global Coalition and the United States of America, in order to promote synergies and coherence with due respect to the Union's institutional framework.;

(2) in Article 14, paragraph 1 is replaced by the following:

‘1. The financial reference amount to cover the expenditure related to EUAM Iraq for the period from 16 October 2017 to 17 October 2018 shall be EUR 17 300 000.

The financial reference amount to cover the expenditure related to EUAM Iraq for the period from 18 October 2018 to 17 April 2020 shall be EUR 64 800 000.

The financial reference amount for any subsequent period shall be decided by the Council.’;

(3) in Article 17, the second paragraph is replaced by the following:

‘It shall apply until 17 April 2020.’.

Article 2

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

Done at Luxembourg, 15 October 2018.

For the Council

The President

F. MOGHERINI

COUNCIL DECISION (CFSP) 2018/1546
of 15 October 2018
amending Decision (CFSP) 2017/1425 on a European Union stabilisation action in Mopti and Segou

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

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

Whereas:

- (1) On 4 August 2017, the Council adopted Decision (CFSP) 2017/1425 ⁽¹⁾ on a European Union stabilisation action in Mopti and Segou (the 'EU stabilisation action').
- (2) In light of the progress achieved by the EU stabilisation action, the importance of ensuring its continuity through follow-up activities and the need to capitalise on its results and on the knowledge derived from it for future Union programmes in Mali, the EU stabilisation action should be extended for three months.
- (3) Decision (CFSP) 2017/1425 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2017/1425 is amended as follows:

- (1) Article 1(1) is replaced by the following:

'1. The Union shall undertake a stabilisation action in Mopti and Segou. The action shall be implemented by an EU stabilisation team, under the auspices of the Union Delegation in Mali, for an operating phase of 15 months.';

- (2) Article 15 is replaced by the following:

'Article 15

Entry into force and duration

This Decision shall enter into force on the date of its adoption. It shall expire on 31 January 2019.'.

Article 2

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

Done at Luxembourg, 15 October 2018.

For the Council

The President

F. MOGHERINI

⁽¹⁾ Council Decision (CFSP) 2017/1425 of 4 August 2017 on a European Union stabilisation action in Mopti and Segou (OJ L 204, 5.8.2017, p. 90).

COMMISSION IMPLEMENTING DECISION (EU) 2018/1547**of 15 October 2018****laying down the specifications for the connection of the central access points to the Entry/Exit System (EES) and for a technical solution to facilitate the collection of data by Member States for the purpose of generating statistics on the access to the EES data for law enforcement purposes**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes and amending the Convention implementing the Schengen Agreement and Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 ⁽¹⁾, and in particular Article 36(l) thereof,

Whereas:

- (1) Regulation (EU) 2017/2226 established the Entry/Exit System (EES) as a system which registers electronically the time and place of entry and exit of third-country nationals admitted for a short stay to the territory of the Member States and which calculates the duration of their authorised stay.
- (2) The EES aims to improve the management of external borders, to prevent irregular immigration and to facilitate the management of migration flows. The EES should, in particular, contribute to the identification of any person who does not fulfil or no longer fulfils the conditions of duration of the authorised stay on the territory of the Member States. Additionally, the EES should contribute to the prevention, detection and investigation of terrorist offences and of other serious criminal offences.
- (3) Regulation (EU) 2017/2226 establishes the conditions of access to the EES data for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences. Both Member States and Europol should make requests for access to EES data through the so called central access points, a body or entity entrusted by national law to exercise public authority and that should be capable of effectively verifying whether the conditions to request access to the EES are fulfilled in each case. The central access points should process the requests for access to the EES data for the purposes of the prevention, detection or investigation and transmit the EES data accessed to the requesting operating unit. In order to enable these data processing operations, each Member State should connect their respective central access points to the National Uniform Interface. Europol should also connect, and be responsible for the connection of, the Europol central access point to the EES.
- (4) In accordance with Regulation (EU) 2017/2226, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council ⁽²⁾ should be responsible for the development and operational management of the EES.
- (5) Regulation (EU) 2017/2226 requires that prior to the development of the EES the Commission adopts measures necessary for the development and technical implementation of the EES. In this regard, Article 36(l) of Regulation (EU) 2017/2226 specifically refers to adoption of measures for the specifications for the connection of the central access points to the EES and for a technical solution to facilitate the collection of data by Member States for the purpose of generating statistics on the access to the EES data for law enforcement purposes.
- (6) Based on those measures, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice should then be able to define the design of the physical architecture of the EES including its Communication Infrastructure, as well as the technical specifications of the system and to develop the EES.
- (7) In this framework, it is thus necessary to adopt measures laying down the specifications for technical solutions to be deployed to connect the central access points of the Member States to the National Uniform Interface and to

⁽¹⁾ OJ L 327, 9.12.2017, p. 20.

⁽²⁾ Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

connect the Europol central access point to the EES. The specifications for a technical solution facilitating the collection of data for the purpose of generating the statistics that Member States are required to produce on the access to the EES data for law enforcement purposes should also be adopted.

- (8) The technical solution selected for implementing the EES should take into consideration the need to have a better integration of already existing and future Union border management systems, as well as the interoperability of these systems. These technical solutions should be scalable and enable further evolution in order to be capable, where required, to integrate additional functionalities, to manage bigger number of operations and to store more data.
- (9) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark did not take part in the adoption of Regulation (EU) 2017/2226 and is not bound by it or subject to its application. However, given that Regulation (EU) 2017/2226 builds upon the Schengen *acquis*, Denmark, in accordance with Article 4 of that Protocol, notified on 30 May 2018 its decision to implement Regulation (EU) 2017/2226 in its national law. Denmark is therefore bound under international law to implement this Decision.
- (10) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽¹⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (11) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (12) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC ⁽⁴⁾.
- (13) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁶⁾.
- (14) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁸⁾.

⁽¹⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁷⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁸⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (15) As regards Cyprus, Bulgaria, Romania and Croatia, the operation of the EES requires the granting of passive access to the VIS and the putting into effect of all the provisions of the Schengen *acquis* relating to the SIS in accordance with the relevant Council Decisions. Those conditions can only be met once the verification in accordance with the applicable Schengen evaluation procedure has been successfully completed. Therefore, the EES should be operated only by those Member States which fulfil those conditions by the start of operations of the EES. Member States not operating the EES from the initial start of operations should be connected to the EES in accordance with the procedure set out in Regulation (EU) 2017/2226 as soon as all of those conditions are met.
- (16) The European Data Protection Supervisor delivered an opinion on 23 April 2018.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Smart Borders Committee,

HAS ADOPTED THIS DECISION:

Article 1

Connection of the central access point(s) of each Member State

For the purposes of Articles 31 and 32 of Regulation (EU) 2017/2226, the central access point(s) referred to in Article 29(3) of Regulation (EU) 2017/2226 shall have access to the EES to process the requests of the operating units within the designated authorities.

In accordance with Article 38(1)(a) and (c) of Regulation (EU) 2017/2226, each Member State shall connect its central access point(s) to the respective national uniform interface in accordance with the technical specifications referred to in Article 37(1) of Regulation (EU) 2017/2226.

Article 2

Connection of the Europol central access point

For the purposes of Article 33 of Regulation (EU) 2017/2226, the Europol central access point referred to in Article 30(2) of Regulation (EU) 2017/2226 shall have access to the EES to process the requests of the Europol designated authority referred to in Article 30(1) of Regulation (EU) 2017/2226.

In accordance with Article 38(7) of Regulation (EU) 2017/2226, Europol shall connect its central access point to a dedicated Uniform Interface in accordance with the technical specifications referred to in Article 37(1) of Regulation (EU) 2017/2226.

Article 3

Collection of data for the purpose of generating the statistics referred to in Article 72(8) of Regulation (EU) 2017/2226

In order to facilitate the collection of the data needed to generate the statistics that Member States and Europol have to produce pursuant to Article 72(8) of Regulation (EU) 2017/2226, a technical solution shall be made available by eu-LISA to the central access point(s) referred to Article 29(3) and Article 30(2) of that Regulation. The use of this solution shall be optional. If used, each Member State and Europol shall be responsible for the national deployment as well as for the technical and operational management of this solution. This solution shall allow the collection of the following statistical data for each request for access to the EES:

- (a) designated authority, central access point and operating unit initiating the request referred to in Article 29(5) of Regulation (EU) 2017/2226;
- (b) flag informing if the request led to a successful match;
- (c) flag mentioning if the consultation was carried out for the purpose of identification or for entry/exit records;

- (d) flag informing if the consultation was carried out using the urgency procedures referred to in Article 31(2) of Regulation (EU) 2017/2226 and in the second subparagraph of Article 32(2) of Regulation (EU) 2017/2226 and flag informing if the urgency was not accepted by the *ex post* verification carried out by the central access point;
- (e) the type of terrorist offence or serious criminal offence as defined in points (24) and (25) of Article 3(1) of the Regulation (EU) 2017/2226 that led to the consultation;
- (f) the grounds given to substantiate the suspicion that the person concerned was covered by Regulation (EU) 2017/2226 by selecting a value from a code table with the possibility to select 'other' value complemented by a free text field;
- (g) the grounds given not to launch the search in other Member States' automated fingerprint identification systems under Decision 2008/615/JHA in accordance with point (b) of Article 32(2) of Regulation (EU) 2017/2226 by selecting a value from a code table with the possibility to select 'other' value complemented by a free text field.

This information shall be stored at local level, by the central access point(s) to support the generation of statistics referred to in Article 72(8) of Regulation (EU) 2017/2226.

The data inserted in the technical solution shall be used by each Member State or by Europol to generate its statistics referred to in Article 72(8) of Regulation (EU) 2017/2226.

Article 4

Entry into force and applicability

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, 15 October 2018.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2018/1548**of 15 October 2018****laying down measures for the establishment of the list of persons identified as overstayers in the Entry-Exit System (EES) and the procedure to make that list available to Member States**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes and amending the Convention implementing the Schengen Agreement and Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 ⁽¹⁾, and in particular Article 36(k) thereof,

Whereas:

- (1) Regulation (EU) 2017/2226 established the Entry/Exit System (EES) as a system which registers electronically the time and place of entry and exit of third-country nationals admitted for a short stay to the territory of the Member States and which calculates the duration of their authorised stay.
- (2) The EES aims to improve the management of external borders, to prevent irregular immigration and to facilitate the management of migration flows. The EES should, in particular, contribute to the identification of any person who does not fulfil or no longer fulfils the conditions of duration of the authorised stay on the territory of the Member States. Additionally, the EES should contribute to the prevention, detection and investigation of terrorist offences and of other serious criminal offences.
- (3) Regulation (EU) 2017/2226 specifies the objectives of the EES, the categories of data to be entered into the EES, the purposes for which the data are to be used, the criteria for their entry, the authorities authorised to access the data, further rules on data processing and the protection of personal data, as well as the technical architecture of the EES, rules concerning its operation and use, and interoperability with other information systems. It also defines responsibilities for the EES.
- (4) According to Regulation (EU) 2017/2226, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice, established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council ⁽²⁾ should be responsible for the development and operational management of the EES.
- (5) Regulation (EU) 2017/2226 requires that prior to the development of the EES the Commission adopts measures necessary for the development and technical implementation of the EES. In this regard, Article 36(k) of Regulation (EU) 2017/2226 specifically refers to adoption of measures for the establishment of the list of persons identified as overstayers in the EES and the procedure to make that list available to Member States.
- (6) Based on those measures, the European agency for the operational management of large-scale information systems in the area of freedom, security and justice should then be able to define the design of the physical architecture of the EES including its Communication Infrastructure, as well as the technical specifications of the system and to develop the EES.
- (7) In this framework it is thus necessary to adopt measures for the establishment of the list of persons identified as overstayers by the EES and the procedure to make that list available to Member States.
- (8) The access to the list of overstayers should be limited to competent authorities responsible, in accordance with national law, for checking within the territory of the Member States whether the conditions for entry to, or stay on, the territory of the Member States are fulfilled or for examining the conditions for, and taking decisions related to, the residence of third-country nationals on the territory of the Member States or for the return of third-country nationals to a third country of origin or transit.

⁽¹⁾ OJ L 327, 9.12.2017, p. 20.

⁽²⁾ Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

- (9) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark did not take part in the adoption of Regulation (EU) 2017/2226 and is not bound by it or subject to its application. However, given that Regulation (EU) 2017/2226 builds upon the Schengen *acquis*, Denmark, in accordance with Article 4 of that Protocol, notified on 30 May 2018 its decision to implement Regulation (EU) 2017/2226 in its national law. Denmark is therefore bound under international law to implement this Decision.
- (10) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC ⁽¹⁾; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (11) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (12) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC ⁽⁴⁾.
- (13) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁶⁾.
- (14) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁸⁾.
- (15) As regards Cyprus, Bulgaria, Romania and Croatia, the operation of the EES requires the granting of passive access to the VIS and the putting into effect of all the provisions of the Schengen *acquis* relating to the SIS in accordance with the relevant Council Decisions. Those conditions can only be met once the verification in accordance with the applicable Schengen evaluation procedure has been successfully completed. Therefore, the EES should be operated only by those Member States which fulfil those conditions by the start of operations of the EES. Member States not operating the EES from the initial start of operations should be connected to the EES in accordance with the procedure set out in Regulation (EU) 2017/2226 as soon as all of those conditions are met.

⁽¹⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁷⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁸⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

- (16) The European Data Protection Supervisor delivered an opinion on 23 April 2018.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Smart Borders Committee,

HAS ADOPTED THIS DECISION:

Article 1

Content and generation of the list

The EES shall generate automatically a list of all third-country nationals referred to in Article 12(3) of Regulation (EU) 2017/2226 who do not fulfil or no longer fulfil the conditions relating to the duration of their authorised short stay on the territory of the Member States. The list shall be constantly and automatically updated so as to accurately reflect any amendment or erasure of EES data referred to in Article 16(1)(a), (b) and (c), Article 16(2)(a), (b), (d) and (f), second subparagraph of Article 16(2), and Article 17(1)(a) of Regulation (EU) 2017/2226.

For each third-country national identified as overstayer by the EES, the list shall contain the following data:

- (a) surname (family name); first name or names (given names); date of birth; nationality or nationalities; sex;
- (b) the type and number of the travel document or documents and the three letter code of the issuing country of the travel document or documents;
- (c) the date of expiry of the validity of the travel document or documents;
- (d) the individual reference number created by the EES upon creation of the individual file of the third country national;
- (e) for the last entry of the third-country national:
 - the date and time of the entry;
 - the border crossing point of the entry and the authority that authorised the entry;
- (f) three letter code of the Member State issuing visa;
- (g) the date when the third-country national was entered on the list.

Where a third-country national included in the list exits the territory of the Member States, his or her data shall be automatically and immediately erased from the list.

Where a Member State rectifies or completes the EES data of a third-country national included in the list, restricts the processing of such data, or erases such data, the corresponding data on the list shall be amended accordingly or, where applicable, erased from the list by the EES with no delay and through an automated process.

The mechanisms to produce automatically the list shall comply with the privacy by design principle that will be further developed in the technical specifications referred to in Article 37(1) of Regulation (EU) 2017/2226. This list shall be generated in the EES Central System.

Article 2

Procedure to make the list available to the competent authorities of the Member States

The competent national authorities designated as immigration authorities as defined in point (4) of Article 3(1) of Regulation (EU) 2017/2226 shall be responsible for accessing the list of persons identified by the EES as overstayers.

The EES shall make available to the designated immigration authorities the continuously updated list of persons identified by the EES as overstayers in the form of a report. That report shall be securely stored in the National Uniform Interface.

The EES shall control, at the level of the National Uniform Interface, the access to the report so as to ensure that only the designated immigration authorities can access and consult them.

All data processing operations carried out within the report shall be logged in accordance with Article 46 of Regulation (EU) 2017/2226.

*Article 3***Format of the report**

The content of the report shall be presented in a structured and workable format which can be searched and can be transmitted via the Communication Infrastructure in accordance with the technical specifications referred to in Article 37(1) of Regulation (EU) 2017/2226.

*Article 4***Entry into force and applicability**

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, 15 October 2018.

For the Commission

The President

Jean-Claude JUNCKER

CORRIGENDA

Corrigendum to Commission Implementing Decision (EU) 2018/1522 of 11 October 2018 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants

(Official Journal of the European Union L 256 of 12 October 2018)

On the cover and on page 87:

- for:* 'Commission Implementing Decision (EU) 2018/1522 of 11 October 2018 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants (notified under document C(2018) 6549)',
- read:* 'Commission Implementing Decision (EU) 2018/1522 of 11 October 2018 laying down a common format for national air pollution control programmes under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants'
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Corrigendum to Commission Implementing Decision (EU) 2018/1524 of 11 October 2018 establishing a monitoring methodology and the arrangements for reporting by Member States in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies

(Official Journal of the European Union L 256 of 12 October 2018)

On the cover and on page 108:

- for:* 'Commission Implementing Decision (EU) 2018/1524 of 11 October 2018 establishing a monitoring methodology and the arrangements for reporting by Member States in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies (notified under document C(2018) 6560)',
- read:* 'Commission Implementing Decision (EU) 2018/1524 of 11 October 2018 establishing a monitoring methodology and the arrangements for reporting by Member States in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies'.
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