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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/1227

of 20 March 2017

on the conditions for classification, without testing, of glued laminated timber products covered by the harmonised standard EN 14080 and structural finger jointed solid timber products covered by the harmonised standard EN 15497 with regard to their reaction to fire and amending Decision 2005/610/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) A system for classifying the performance of construction products with regard to their reaction to fire was adopted in Commission Delegated Regulation (EU) 2016/364 ⁽²⁾. Glued laminated timber products and structural finger jointed solid timber products are among the construction products to which that Delegated Regulation applies.
- (2) Commission Decision 2005/610/EC ⁽³⁾ established classes of the reaction to fire performance for glued laminated timber products covered by the harmonised standard EN 14080 in Table 1 of the Annex to that Decision. However, further testing of these products has justified the adjustment of the conditions set out in that Decision for these products.
- (3) Tests have shown glued laminated timber products covered by the harmonised standard EN 14080 and structural finger jointed solid timber products covered by the harmonised standard EN 15497 to have a stable and predictable performance concerning reaction to fire provided that they meet certain conditions regarding the minimum mean density of the wood and the minimum mean thickness of the product.
- (4) Glued laminated timber products covered by the harmonised standard EN 14080 and structural finger jointed solid timber products covered by the harmonised standard EN 15497 should therefore be deemed to satisfy a certain class of performance for reaction to fire established in Delegated Regulation (EU) 2016/364 on those conditions without further testing being required.
- (5) For the sake of legal certainty, Table 1 of the Annex to Decision 2005/610/EC should be deleted and the Annex to this Regulation should be applied instead for glued laminated timber products covered by the harmonised standard EN 14080,

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

⁽²⁾ Commission Delegated Regulation (EU) 2016/364 of 1 July 2015 on the classification of the reaction to fire performance of construction products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ L 68, 15.3.2016, p. 4).

⁽³⁾ Commission Decision 2005/610/EC of 9 August 2005 establishing the classes of reaction-to-fire performance of certain construction products (OJ L 208, 11.8.2005, p. 21).

HAS ADOPTED THIS REGULATION:

Article 1

Glued laminated timber products covered by the harmonised standard EN 14080 and structural finger jointed solid timber products covered by the harmonised standard EN 15497 which fulfil the conditions set out in the Annex shall be deemed to satisfy the classes of performance indicated in the Annex without testing.

Article 2

Table 1 of the Annex to Decision 2005/610/EC is deleted.

Article 3

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

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

Done at Brussels, 20 March 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Products ⁽¹⁾	Minimum mean density ⁽²⁾ (in kg/m ³)	Minimum overall thickness (in mm)	Class ⁽³⁾
Glued laminated timber products covered by the harmonised standard EN 14080 and structural finger jointed solid timber products covered by the harmonised standard EN 15497	380	22	D-s2, d0

⁽¹⁾ Applies to all species and glues covered by the product standards.

⁽²⁾ Conditioned in accordance with standard EN 13238.

⁽³⁾ Class as set out in Table 1 of the Annex to Delegated Regulation (EU) 2016/364.

COMMISSION DELEGATED REGULATION (EU) 2017/1228
of 20 March 2017

on the conditions for classification, without testing, of external renders and internal plasters based on organic binders covered by the harmonised standard EN 15824 and rendering and plastering mortars covered by the harmonised standard EN 998-1 with regard to their reaction to fire

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) A system for classifying the performance of construction products with regard to their reaction to fire was adopted in Commission Delegated Regulation (EU) 2016/364 ⁽²⁾. External renders and internal plasters based on organic binders, as well as rendering and plastering mortars are among the construction products to which that Delegated Regulation applies.
- (2) Tests have shown external renders and internal plasters based on organic binders covered by the harmonised standard EN 15824 and rendering and plastering mortars covered by the harmonised standard EN 998-1 to have a stable and predictable performance concerning reaction to fire provided that they meet certain conditions regarding the maximum organic content of the product, the maximum mass per unit area applied on the substrate and the fire performance of the substrate.
- (3) External renders and internal plasters based on organic binders covered by the harmonised standard EN 15824 and rendering and plastering mortars covered by the harmonised standard EN 998-1 should therefore be deemed to satisfy a certain class of performance for reaction to fire established in Delegated Regulation (EU) 2016/364 on those conditions without further testing being required,

HAS ADOPTED THIS REGULATION:

Article 1

External renders and internal plasters based on organic binders covered by the harmonised standard EN 15824 and rendering and plastering mortars covered by the harmonised standard EN 998-1 which fulfil the conditions set out in the Annex shall be deemed to satisfy the classes of performance indicated in the Annex without testing.

Article 2

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

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

Done at Brussels, 20 March 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

⁽²⁾ Commission Delegated Regulation (EU) 2016/364 of 1 July 2015 on the classification of the reaction to fire performance of construction products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ L 68, 15.3.2016, p. 4).

ANNEX

Products ⁽¹⁾	Maximum organic content ⁽²⁾ (% in weight)	Maximum mass per unit area ⁽³⁾ (kg/m ²)	Class ⁽⁴⁾
External renders and internal plasters based on organic binders covered by the harmonised standard EN 15824	≤ 9,0	≤ 4,0	B - s2, d0
External renders and internal plasters based on organic binders covered by the harmonised standard EN 15824 and Rendering and plastering mortars covered by the harmonised standard EN 998-1	≤ 2,5	≤ 6,0	A2 - s1, d0
	≤ 4,0	≤ 4,0	
	≤ 5,0	≤ 2,0	

⁽¹⁾ Products delivered in paste or in powder form and used for external and internal covering on walls, columns, partitions, and ceilings. The performance of substrates shall be at least class A2 — s1, d0 and the density shall not be less than 525 kg/m³.

⁽²⁾ Related to the solids content (comparable to the fully dried plaster/render as applied to the substrate).

⁽³⁾ Related to the wet product (ready to use state).

⁽⁴⁾ Class as set out in Table 1 of the Annex to Delegated Regulation (EU) 2016/364.

COMMISSION DELEGATED REGULATION (EU) 2017/1229**of 3 May 2017****correcting certain language versions of Implementing Regulation (EU) No 1333/2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 75(2) thereof,

Whereas:

- (1) The Dutch, Maltese and Slovenian language versions of Commission Implementing Regulation (EU) No 1333/2011 ⁽²⁾ contain an error in recital (3), in the first paragraph of Article 1, in Article 3 and in point I of Annex I, concerning the varieties of bananas subject to the marketing standards established in that Regulation. Therefore, a correction of the Dutch, Maltese and Slovenian language versions is necessary. The other language versions are not affected.
- (2) Implementing Regulation (EU) No 1333/2011 should therefore be corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1**(Does not concern the English language)**Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 3 May 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector (OJ L 336, 20.12.2011, p. 23).

COMMISSION DELEGATED REGULATION (EU) 2017/1230**of 31 May 2017****supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards further specifying the additional objective criteria for the application of a preferential liquidity outflow or inflow rate for cross-border undrawn credit or liquidity facilities within a group or an institutional protection scheme****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of 26 June 2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾ and in particular Article 422(10) and Article 425(6) thereof,

Whereas:

- (1) The application of a preferential liquidity outflow or inflow rate for cross-border undrawn credit or liquidity facilities within a group or an institutional protection scheme (IPS), as provided for in Articles 29 and 34 of Commission Delegated Regulation (EU) 2015/61 ⁽²⁾, is limited to those cases where the necessary safeguards are in place and only with the prior approval of the competent authorities. These safeguards are provided for in Articles 29(2) and 34(2) of Delegated Regulation (EU) 2015/61 in terms of additional objective criteria to be met in the context of these transactions. Those safeguards should be further specified so as to clearly define the conditions for their compliance.
- (2) It should be ensured that the application of such preferential rates does not endanger the liquidity soundness of the liquidity provider and that it effectively alleviates the compliance with the liquidity coverage ratio of the liquidity receiver. A low liquidity risk profile should be demonstrated by the credit institutions' compliance with the liquidity coverage ratio and any other liquidity-related supervisory requirements and measures applied pursuant to Title VII, Chapter 2, Sections III and IV of Directive 2013/36/EU of the European Parliament and of the Council ⁽³⁾, together with the competent authorities' assessment, according to the latest supervisory review and evaluation process, that the institution's liquidity position poses a low level of risk, as objective references of their liquidity positions.
- (3) The effectiveness of the liquidity support within a group or an IPS on a cross-border basis should be guaranteed by a sound contractual framework evidenced by a legal opinion approved by the credit institutions' management body. A minimum remaining maturity of the line should ensure that the commitment is not punctual for a specific transaction but durable over a minimum period of time.
- (4) It should be ensured that the liquidity provider can provide the liquidity receiver with the necessary liquidity support in a timely manner, even in times of stress. For these purposes, the liquidity provider should monitor the liquidity position of the liquidity receiver and any contingency funding plans of the liquidity provider and receiver should address the effects of applying a preferential outflow or inflow rate.
- (5) The conditions for compliance with the additional objective criteria set out in Article 29(2) and Article 34(2) of Delegated Regulation (EU) 2015/61 should be aimed at providing sufficient ground to expect a higher than normal cross-border liquidity flows within a group or an IPS in stress while not hampering the efficiency and effectiveness of a model where the liquidity is normally centrally managed. In certain specific cases of non-compliance with those conditions, namely where the liquidity provider or receiver does not meet or expects not to meet the liquidity coverage ratio or any liquidity related supervisory requirements or measures, or where the remaining maturity of the liquidity or credit line falls below the prescribed minimum or a notice of cancellation of the line is given, the relevant competent authorities should reassess whether the application of preferential

⁽¹⁾ OJ L 321, 27.6.2013, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2015/61 of 10 October 2014 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to liquidity coverage requirement for Credit Institutions (OJ L 11, 17.1.2015, p. 1).

⁽³⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firm, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

liquidity outflow or inflow rates may be continued with the aim of avoiding the unintended consequences that an automatic suspension of the preferential treatment might cause in terms of procyclical and contagion effects.

- (6) The further specification of those additional objective criteria should not alter the responsibility of the credit institutions — as liquidity provider or liquidity receiver — to manage their liquidity risk on a prudent basis.
- (7) The further specification of those additional objective criteria should also be aimed at providing competent authorities with sufficient tools to determine the application of a preferential outflow or inflow rate.
- (8) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority to the Commission.
- (9) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits, in accordance with Article 10 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾, and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation further specifies the additional objective criteria laid down in Article 29(2) and Article 34(2) of Delegated Regulation (EU) 2015/61 for the purposes of the application of the waiver set out therein.

Article 2

Low liquidity risk profile of the liquidity provider and receiver

1. The low liquidity risk profile referred to in point (a) of Article 29(2) and in point (a) of Article 34(2) of Delegated Regulation (EU) 2015/61 shall satisfy the following conditions:

- (a) the liquidity provider and receiver have complied with the required level of the liquidity coverage ratio as set out in Articles 4 and 38 of Delegated Regulation (EU) 2015/61, as well as any liquidity-related supervisory requirements or measures applied pursuant to Title VII, Chapter 2, Sections III and IV of Directive 2013/36/EU, on an on-going basis and for at least 12 months prior to the authorisation to apply the preferential outflow or inflow rate for undrawn credit or liquidity facilities pursuant to Article 29(1) and Article 34(1) of Delegated Regulation (EU) 2015/61;
- (b) the liquidity provider and receiver's liquidity positions pose a low level of risk according to the latest supervisory review and evaluation process conducted in accordance with Title VII, Chapter 2, Section III of Directive 2013/36/EU.

For the purposes of determining whether the condition referred to in point (a) of this paragraph is satisfied, the required level of the liquidity coverage ratio shall be calculated on the basis that the preferential liquidity outflow or inflow rate applied during the twelve month period referred to in that point.

2. Where the liquidity provider or receiver has been granted permission from the relevant competent authorities to waive the condition set out in point (d) of Article 29(1) and point (d) of Article 34(1) of Delegated Regulation (EU) 2015/61 and a liquidity provider or receiver does not meet or expects not to meet the required level of the liquidity coverage ratio set out in Articles 4 and 38 of that Delegated Regulation, or any liquidity related supervisory

⁽¹⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

requirements or measures applied under Title VII, Chapter 2, Sections III and IV of Directive 2013/36/EU, it shall immediately notify the relevant competent authorities and include a description of the effects of such failure to meet that liquidity coverage ratio or any liquidity related supervisory requirements or measures on the corresponding preferential outflow or inflow rate applied to its counterparty.

3. Where the liquidity provider or receiver has been granted permission from the relevant competent authorities to waive the condition set out in point (d) of Article 29(1) and point (d) of Article 34(1) of Delegated Regulation (EU) 2015/61 and a liquidity provider or receiver does not meet or expects not to meet the required level of the liquidity coverage ratio set out in that Delegated Regulation, the notification referred to in paragraph 2 shall be included in the immediate notification and restoration plan required under Article 414 of Regulation (EU) No 575/2013.

4. In the cases referred to in paragraphs 2 and 3, the relevant competent authorities shall determine whether the preferential outflow or inflow rates continue to apply in accordance with the process referred to in point (b) of Article 20(1) of Regulation (EU) No 575/2013.

Article 3

Legally binding agreements and commitments between the group entities regarding the undrawn credit or liquidity line

1. The legally binding agreements and commitments referred to in point (b) of Article 29(2) and in point (b) of Article 34(2) of Delegated Regulation (EU) 2015/61 shall satisfy the following conditions:

- (a) the credit or liquidity line is a committed line which is legally and practically available at any time, for the duration of the facility, even during a period of stress, on a cross-border basis. It is specifically dedicated to the application of the preferential outflow or inflow rate provided for in Articles 29 and 34 of Delegated Regulation (EU) 2015/61 and available on demand. For these purposes, credit institutions have conducted sufficient legal review supported by a written and reasoned legal opinion approved by their management bodies, confirming the legal validity and enforceability of the credit or liquidity line agreement or commitment in all relevant jurisdictions;
- (b) the currency denomination of the committed credit or liquidity line is consistent with the distribution by currency of the net liquidity outflows of the liquidity receiver that are unrelated to the line;
- (c) the amount and the cost of the committed credit or liquidity line are clearly specified in the relevant contract;
- (d) the agreements and commitments do not contain any clause that would allow the liquidity provider to:
 - (i) require any conditions to be fulfilled before the liquidity is provided;
 - (ii) withdraw from its obligations to fulfil these agreements and commitments;
 - (iii) change the terms of the agreements and commitments without prior approval from the relevant competent authorities;
- (e) the credit or liquidity line has a remaining maturity of over six months at all times. If the credit or liquidity line does not have a maturity date, it has a minimum notice period for cancellation of six months.

2. The legal review referred to in point (a) of paragraph 1 shall be regularly updated to reflect any changes in the laws of all relevant jurisdictions. Competent authorities shall be notified of the outcome of these legal reviews.

3. The amount of the credit or liquidity line referred to in point (c) of paragraph 1 shall not be revised without the prior consent of the relevant competent authorities.

4. If the remaining maturity referred to in point (e) of paragraph 1 falls below six months or a notice for cancellation of the credit or liquidity line is given, credit institutions shall immediately notify the relevant competent authorities. Those authorities shall determine whether the preferential outflow or inflow rates continue to apply in accordance with the process referred to in point (b) of Article 20(1) of Regulation (EU) No 575/2013.

*Article 4***Consideration of the liquidity risk profile of the liquidity receiver in the liquidity risk management of the liquidity provider**

The liquidity risk profile of the liquidity receiver is taken into account in the liquidity risk management of the liquidity provider as referred to in point (c) of Article 29(2) and in point (c) of Article 34(2) of Delegated Regulation (EU) 2015/61 where the following conditions are satisfied:

- (a) the liquidity provider monitors and oversees the liquidity position of the receiver on a daily basis. In case of correspondent banking, the monitoring and the oversight of the liquidity position of the receiver may be limited to the balances of the vostro accounts of the liquidity receiver;
- (b) the effects of the preferential outflow or inflow rate are fully considered and integrated into the contingency funding plans of the liquidity provider and the liquidity receiver, which take into account potential impediments to the transfer of such liquidity and assess the time needed to implement such a transfer. For these purposes, the liquidity provider demonstrates to the relevant competent authorities that it can reasonably be expected to continue to provide the liquidity facility to the liquidity receiver even in times of stress, without having a material adverse impact on its own liquidity position. The contingency funding plan of the liquidity provider ensures that it does not rely on the liquidity needed to honour the committed credit or liquidity line of the liquidity receiver;
- (c) the contingency funding plan of the liquidity provider takes into account the preferential outflow or inflow rate in order to ensure its ability to provide the necessary liquidity when required.

*Article 5***Entry into force**

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

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

Done at Brussels, 31 May 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1231**of 6 June 2017****amending Implementing Regulation (EU) 2017/1153 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure for the purpose of clarifying procedural elements and amending Regulation (EU) No 1014/2010****(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 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular the first subparagraph of Article 8(9) and the first subparagraph of Article 13(7) thereof,

Whereas:

- (1) The methodologies for determining the correlation parameters necessary for reflecting the change in the regulatory procedure are set out in Commission Implementing Regulation (EU) 2017/1153 ⁽²⁾ and, with regard to light commercial vehicles, in Commission Implementing Regulation (EU) 2017/1152 ⁽³⁾. To facilitate the transition to the new regulatory test procedure for measuring CO₂ emissions and fuel consumption from light duty vehicles (the Worldwide Harmonised Light Vehicles Test Procedure, the WLTP), the correlation procedure for passenger cars should be aligned with that for light commercial vehicles to the extent possible.
- (2) The designation of contact points at type approval authorities and technical services by Member States should be clarified so that the electronic signing keys needed for the formal correlation tool runs can be provided in an efficient and secure way.
- (3) In the case of M1 vehicles with a technically permissible maximum laden mass of 3 000 kg or more, it is appropriate to provide manufacturers with the same possibility as for N1 vehicles to either derive NEDC road load coefficients from the WLTP tests or use the tabulated values set out in Table 3 of Annex 4a to Regulation No 83 of the Economic Commission for Europe of the United Nations (UNECE) (UN/ECE Regulation No 83) ⁽⁴⁾. This should facilitate the type approval testing of this specific group of vehicles.
- (4) Based on the further development of the correlation tool, certain input data parameters are no longer needed while other data of an administrative nature should be added to ensure a traceable and verifiable process.
- (5) It is also appropriate to introduce the use of electronic hash codes for the correlation output files. Certain limited and non-confidential output of the correlation tool should be made available to the Commission to ensure the continuous development and improvement of the correlation tool and provide the means for further verification of the correlation results.
- (6) The calculation of the NEDC CO₂ reference value should be simplified by removing the need for post-processing of the WLTP test results and the calculation of the delta between the correlation tool simulated WLTP CO₂ value and the NEDC CO₂ value. The new calculation method provides an absolute NEDC CO₂ reference value and any deviation of the correlation tool should be easily calculated and shown in the non-confidential summary output file. This approach reduces significantly the risk for errors in the calculation of the reference values.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010 (OJ L 175, 7.7.2017, p. 679).

⁽³⁾ Commission Implementing Regulation (EU) 2017/1152 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012 (OJ L 175, 7.7.2017, p. 644).

⁽⁴⁾ Regulation No 83 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the approval of vehicles with regard to the emission of pollutants according to engine fuel requirements [2015/1038] (OJ L 172, 3.7.2015, p. 1).

- (7) It is moreover appropriate to simplify the calculation of the combined and phase-specific fuel consumption values. The fuel consumption should be calculated from the final NEDC CO₂ value (declared, correlation tool, or physical test values) using the formulae specified in Annex XII to Commission Regulation (EC) No 692/2008 ⁽¹⁾.
- (8) Annexes I and II to Implementing Regulation (EU) 2017/1153 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2017/1153 is amended in accordance with Annex I to this Regulation.

Article 2

Annex I to Commission Regulation (EU) No 1014/2010 ⁽²⁾ is amended in accordance with Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 6 June 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 199, 28.7.2008, p. 1).

⁽²⁾ Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 293, 11.11.2010, p. 15).

ANNEX I

Annex I to Implementing Regulation (EU) 2017/1153 is amended as follows:

- (1) point 2.1.2 is replaced by the following:

‘2.1.2. Designation of correlation tool users

Member States shall inform the Commission of the respective contact points responsible for executing the correlation tool runs at the approval authority and, where applicable, at the technical services. Only one contact point per authority or service shall be designated. The information provided to the Commission shall include the following (the name of the organisation, the name of the person responsible, the postal address, the email address and the telephone number). This information shall be sent to the following functional mailbox (*):

EC-CO2-LDV-IMPLEMENTATION@ec.europa.eu

Electronic signing keys for the purpose of the execution of the correlation tool shall be provided only at the request of the contact point (**). The Commission shall publish guidance on the procedure to follow for such requests.

(*) Any up-dates of the mailbox address will be made available on the website.

(**) Electronic signing keys to be provided by the European Commission Joint Research Centre’;

- (2) in point 2.2, points (a) and (b) are replaced by the following:

‘(a) In the case two type approval tests are performed, the test results with the highest combined CO₂ emissions shall be used;

(b) In the case three type approval tests are performed, the test results with the median combined CO₂ emissions shall be used.’;

- (3) point 2.3.1 is replaced by the following:

‘2.3.1. Determination of the NEDC vehicle inertia

The NEDC reference mass of vehicles H and, where applicable, of vehicles L and R shall be determined as follows:

$$RM_{n,L} = (MRO_L - 75 + 100) \text{ [kg]}$$

$$RM_{n,H} = (MRO_H - 75 + 100) \text{ [kg]}$$

$$RM_{n,R} = (MRO_R - 75 + 100) \text{ [kg]}$$

Where,

Vehicle R is the representative vehicle of the Road Load Matrix Family as defined in point 5.1 of Sub-Annex 4 to Annex XXI to Commission Regulation (EU) 2017/1151 (*);

MRO is the mass in running order as defined in Article 2(4)(a) of Commission Regulation (EU) No 1230/2012 (**) for vehicles H, L and R respectively.

The reference mass to be used as input for the simulations and, where applicable, for a physical vehicle test shall be the inertia value set out in Table 3 of Annex 4a to UN/ECE Regulation No 83 which is equivalent to the reference mass, RM, determined in accordance with this point and referred to as $TM_{n,L}$, $TM_{n,H}$ and $TM_{n,R}$;

(*) Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).

(**) Commission Regulation (EU) No 1230/2012 of 12 December 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council with regard to type-approval requirements for masses and dimensions of motor vehicles and their trailers and amending Directive 2007/46/EC of the European Parliament and of the Council (OJ L 353, 21.12.2012, p. 31.);

(4) points 2.3.5 and 2.3.6 are replaced by the following:

‘2.3.5. *Determination of the difference in tyre pressure prescriptions*

According to point 6.6.3 of Appendix 3 to Annex I to Regulation (EU) 2017/1151, the lowest recommended tyre pressure for the vehicle test mass shall be used during the coast down for the road load determination, while this is not specified in the NEDC. The tyre pressure to be taken into account for the purpose of calculating the NEDC road load in accordance with point 2.3.8 shall be the average between the two axles of the average between the minimum and maximum tyre pressure permitted for the selected tyres on each axle for the NEDC reference mass of the vehicle. The calculation shall be carried out for vehicle H and, where applicable, for vehicles L and R with the following formulae:

$$\text{For vehicle H: } P_{\text{avg,H}} = \left(\frac{P_{\text{max,H}} + P_{\text{min,H}}}{2} \right)$$

$$\text{For vehicle L: } P_{\text{avg,L}} = \left(\frac{P_{\text{max,L}} + P_{\text{min,L}}}{2} \right)$$

$$\text{For vehicle R: } P_{\text{avg,R}} = \left(\frac{P_{\text{max,R}} + P_{\text{min,R}}}{2} \right)$$

Where,

P_{max} is the average of the maximum tyre pressures of the selected tyres for the two axles;

P_{min} is the average of the minimum tyre pressures of the selected tyres for the two axles.

The corresponding effect in terms of resistance applied to the vehicle shall be calculated using the following formulae for vehicles H, L and R:

$$\text{For vehicle H: } TP_H = \left(\frac{P_{\text{avg,H}}}{P_{\text{min,H}}} \right)^{-0,4}$$

$$\text{For vehicle L: } TP_L = \left(\frac{P_{\text{avg,L}}}{P_{\text{min,L}}} \right)^{-0,4}$$

$$\text{For vehicle R: } TP_R = \left(\frac{P_{\text{avg,R}}}{P_{\text{min,R}}} \right)^{-0,4}$$

2.3.6. *Determination of the tyre tread depth (TTD)*

According to point 4.2.2.2 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151 the minimum tyre tread depth is 80 % for the WLTP test, while pursuant to point 4.2 of Appendix 7 to Annex 4a to UN/ECE Regulation No 83, the minimum allowed tyre tread depth for the purpose of the NEDC test is 50 % of the nominal value. That results in an average difference of 2 mm in tread depth between the two procedures. The corresponding effect in terms of the resistance applied to the vehicle shall be determined for the purpose of the NEDC road load calculation in point 2.3.8 in accordance with the following formulae for vehicles H, L and R:

$$\text{For vehicle H: } TTD_H = \left(2 \cdot \frac{0,1 \cdot RM_{n,H} \cdot 9,81}{1\,000} \right)$$

$$\text{For vehicle L: } TTD_L = \left(2 \cdot \frac{0,1 \cdot RM_{n,L} \cdot 9,81}{1\,000} \right)$$

$$\text{For vehicle R: } TTD_R = \left(2 \cdot \frac{0,1 \cdot RM_{n,R} \cdot 9,81}{1\,000} \right)$$

Where,

$RM_{n,H}$, $RM_{n,L}$, and $RM_{n,R}$ are the reference masses of vehicles H, L and R determined in accordance with point 2.3.1.;

(5) in point 2.3.8.1 the following two paragraphs are added:

‘The NEDC road load coefficients shall be calculated in accordance with the formulae specified in point 2.3.8.1.1 (for vehicle H) and in point 2.3.8.1.2 (for vehicle L).

Unless otherwise specified, those formulae shall apply both in the case of simulations and in the case of physical vehicle tests.’;

(6) point 2.3.8.2 is replaced by the following:

‘2.3.8.2. Determination of the road loads where, for the purpose of the WLTP test, the road loads have been determined in accordance with point 5 of Sub-Annex 4 of Annex XXI to Regulation (EU) 2017/1151.

2.3.8.2.1. Road load matrix family in accordance with point 5.1 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151.

Where the road load of a vehicle has been calculated in accordance with point 5.1 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151, the NEDC road load to be used as input for the correlation tool simulations shall be determined as follows:

(a) NEDC tabulated road load values in accordance with Table 3 of Annex 4a to Regulation UN/ECE No 83

Vehicle H:

$$F_{0n,H} = T_{0n,H} + (F_{0w,H} - A_{w,H})$$

$$F_{1n,H} = F_{1w,H} - B_{w,H}$$

$$F_{2n,H} = T_{2n,H} + (F_{2w,H} - C_{w,H})$$

Vehicle L:

$$F_{0n,L} = T_{0n,L} + (F_{0w,L} - A_{w,L})$$

$$F_{1n,L} = F_{1w,L} - B_{w,L}$$

$$F_{2n,L} = T_{2n,L} + (F_{2w,L} - C_{w,L})$$

Where,

$F_{0n,i}$, $F_{1n,i}$, $F_{2n,i}$, with $i = H,L$, are the NEDC road load coefficients for vehicle H or L;

$T_{0n,i}$, $T_{2n,i}$, with $i = H,L$ are the NEDC chassis dynamometer coefficients for vehicles H or L determined in accordance with Table 3 of Annex 4a to UN/ECE Regulation No 83;

$A_{w,H/L}$, $B_{w,H/L}$, $C_{w,H/L}$ are the chassis dynamometer coefficients for the vehicle used for the purpose of the preparation of the chassis dynamometer in accordance with points 7 and 8 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151;

(b) NEDC road loads derived from the representative vehicle

In the case of vehicles designed for a technically permissible maximum laden mass equal to or exceeding 3 000 kg, the NEDC road loads may, at the request of the manufacturer, be determined in accordance with the following:

(1) Determination of the road load coefficients of the representative vehicle of the road load matrix family

(i) Effect of different inertia:

$$F_{0n,R}^1 = F_{0w,R} \cdot \left(\frac{RM_{n,R}}{TM_{w,R}} \right)$$

Where the factors in the formula are as defined in point 2.3.1, with the exception of the following:

$F_{0w,R}$ is the road load coefficient F_0 determined for the WLTP test of vehicle R; $TM_{w,R}$ is the WLTP test mass used for the representative vehicle R.

(ii) Effect of different tyre pressure:

$$F_{0n,R}^2 = F_{0n,R}^1 \cdot TP_R$$

Where the factors in the formula are as defined in point 2.3.5.

(iii) Effect of the inertia of rotating parts:

$$F_{0n,R}^3 = F_{0n,R}^2 \cdot \left(\frac{1,015}{1,03} \right)$$

In the case of a physical vehicle test, the following formula shall apply:

$$F_{0n,R}^3 = F_{0n,R}^2 \cdot \left(\frac{1}{1,03} \right)$$

(iv) Effect of different tyre tread depth:

$$F_{0n,R}^4 = F_{0n,R}^3 - TTD_R$$

Where the factors in the formula are as defined in point 2.3.6.

(v) Effect of preconditioning:

$$F_{0n,R} = F_{0n,R}^4 - 6$$

In the case of a physical vehicle test, the correction for the effect of preconditioning shall not be applied.

(vi) The road load coefficient F_{1n} for vehicle R shall be determined as follows:

Effect of the inertia of rotating parts:

$$F_{1n,R} = F_{1w,R} \cdot \left(\frac{1,015}{1,03} \right)$$

In the case of a physical vehicle test, the following formula shall apply:

$$F_{1n,R} = F_{1w,R} \cdot \left(\frac{1}{1,03} \right)$$

(vii) The road load coefficient F_{2n} for vehicle R shall be determined as follows:

Effect of the inertia of rotating parts:

$$F_{2n,R} = F_{2w,R}^* \cdot \left(\frac{1,015}{1,03} \right)$$

In the case of a physical vehicle test, the following formula shall apply:

$$F_{2n,R} = F_{2w,R}^* \cdot \left(\frac{1}{1,03} \right)$$

Where the factor $F_{2w,R}^*$ is the road load coefficient F_2 determined for the WLTP test of vehicle R from which the effect of all aerodynamic optional equipment has been removed.

(2) Determination of the NEDC road load coefficients for vehicle H

For the calculation of the NEDC road loads of vehicle H the following formulae shall be used:

(i) The $F_{0n,H}$ for vehicle H shall be determined as follows:

$$F_{0n,H} = \text{Max} \left(\left(0,05 \cdot F_{0n,R} + 0,95 \cdot \left(F_{0n,R} \cdot \frac{RM_{n,H}}{RM_{n,R}} + \left(\frac{RR_H - RR_R}{1\,000} \right) \cdot 9,81 \cdot RM_{n,H} \right) \right); \left(0,2 \cdot F_{0n,R} + 0,8 \cdot \left(F_{0n,R} \cdot \frac{RM_{n,H}}{RM_{n,R}} + \left(\frac{RR_H - RR_R}{1\,000} \right) \cdot 9,81 \cdot RM_{n,H} \right) \right) \right)$$

Where,

$F_{0n,R}$ is the constant road load coefficient of vehicle R in N;

$RM_{n,H}$ is the reference mass of vehicle H,

$RM_{n,R}$ is the reference mass of vehicle R;

RR_H is the tyre rolling resistance of vehicle H in kg/tonne;

RR_R is the tyre rolling resistance of vehicle R in kg/tonne;

(ii) The $F_{2n,H}$ for vehicle H shall be determined as follows:

$$F_{2n,H} = \text{Max} \left(\left(0,05 \cdot F_{2n,R} + 0,95 \cdot F_{2n,R} \cdot \frac{A_{f,H}}{A_{f,R}} \right); \left(0,2 \cdot F_{2n,R} + 0,8 \cdot F_{2n,R} \cdot \frac{A_{f,H}}{A_{f,R}} \right) \right)$$

Where,

$F_{2n,R}$ is the second order road load coefficient of vehicle R in N/(km/h)²;

$A_{f,H}$ is the frontal area of vehicle H in m²;

$A_{f,R}$ is the frontal area of vehicle R in m².

(iii) The $F_{1n,H}$ for vehicle H shall be set to 0.

(3) Determination of the NEDC road load coefficient for vehicle L

For the calculation of NEDC road loads of vehicle L the following formulae shall be used:

(i) The $F_{0n,L}$ for vehicle L shall be determined as follows:

$$F_{0n,L} = \text{Max} \left(\left(0,05 \cdot F_{0n,R} + 0,95 \cdot \left(F_{0n,R} \cdot \frac{RM_{n,L}}{RM_{n,R}} + \left(\frac{RR_L - RR_R}{1\,000} \right) \cdot 9,81 \cdot RM_{n,L} \right) \right); \left(F_{0n,R} \cdot \frac{RM_{n,L}}{RM_{n,R}} + \left(\frac{RR_L - RR_R}{1\,000} \right) \cdot 9,81 \cdot RM_{n,L} \right) \right)$$

Where,

$F_{0n,R}$ is the constant road load coefficient of vehicle R in N;

$RM_{n,L}$ is the reference mass of vehicle L;

$RM_{n,R}$ is the reference mass of vehicle R;

RR_L is the tyre rolling resistance of vehicle L in kg/tonne;

RR_R is the tyre rolling resistance of vehicle R in kg/tonne;

(ii) The $F_{2n,L}$ for vehicle L shall be determined as follows:

$$F_{2n,L} = \text{Max} \left(\left(0,05 \cdot F_{2n,R} + 0,95 \cdot F_{2n,R} \cdot \frac{A_{f,L}}{A_{f,R}} \right); \left(0,2 \cdot F_{2n,R} + 0,8 \cdot F_{2n,R} \cdot \frac{A_{f,L}}{A_{f,R}} \right) \right)$$

Where,

$F_{2n,R}$ is the second order road load coefficient of vehicle R in N/(km/h)²;

$A_{f,L}$ is the frontal area of vehicle L in m²;

$A_{f,R}$ is the frontal area of vehicle R in m².

(iii) The $F_{1n,L}$ for vehicle L shall be set to 0.

2.3.8.2.2. Default road loads in accordance with point 5.2 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151

Where default road loads have been calculated in accordance with point 5.2 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151, the NEDC road loads shall be calculated in accordance with point 2.3.8.2.1.(a) of this Annex.

In the case of physical vehicle testing, the test shall be performed with the NEDC chassis dynamometer coefficients for vehicles H or L determined in accordance with Table 3 of Annex 4a to UN/ECE Regulation No 83.;

(7) in section 2.4, Table 1 is amended as follows:

(a) in the row for entry 30 ('Vehicle inertia NEDC') the reference in the column 'Source' is replaced by the following:

'Table 3 of Annex 4a to UN/ECE Regulation No 83. To be completed by the type approval authority or Technical Service';

(b) the row for entry 34 is replaced by the following:

'34	Inertia setting WLTP	kg	Point 2.5.3 of sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151	Chassis dynamometer inertia applied during WLTP test'
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(c) in the row for entry 59 ('WLTP Engine Coolant Temperature') the reference in the column 'Remarks' is replaced by the following:

'Array: OBD Data, 1hz, 1 °C resolution';

(d) the rows for entries 63 to 66 are replaced and row 67 is added as follows:

'63	Declared combined NEDC CO ₂ emissions for vehicle H and L	gCO ₂ /km		Declared value for NEDC test. In case of vehicles with periodically regenerative systems the value shall be Ki corrected
64	NEDC velocity (theoretical)	km/h	As defined in point 6 of Annex 4 to Un/ECE Regulation No 83	Array: 1 hz, resolution 0,1 km/h. If not provided the speed profile defined in point 6 of Annex 4 to UN/ECE Regulation No 83 shall apply
65	NEDC gear (theoretical)	—	Idem	Array: 1 hz. If not provided the speed profile defined in point 6 of Annex 4 to UN/ECE Regulation No 83 shall apply
66	Vehicle family identification number	—	Point 5.0 of Annex XXI to Regulation (EU) 2017/1151	
67	K _i regenerative factor	—	Appendix 1 to Sub-Annex 6 to Annex XXI to Regulation (EU) 2017/1151	For vehicles without periodically regenerating systems this value is equal to 1. For vehicles with periodically regenerating systems this value if not provided is set to 1,05.'

(8) in point 3.1, the second paragraph is replaced by the following:

'Where the difference between vehicle H and vehicle L is due only to a difference in optional equipment (i.e. MRO, bodyshape and road load coefficients are the same) the NEDC CO₂ reference value shall be determined for vehicle H only';

(9) points 3.1.1, 3.1.2 and 3.1.3 are replaced by the following:

‘3.1.1. *Correlation tool input and output*

3.1.1.1. Original correlation output report

The type approval authority or designated technical service shall ensure that the input data file for the correlation tool is complete. Following a completed test run on the correlation tool, an original correlation output report shall be issued and attributed with a hash code. The report shall include the following sub-files:

- (a) the input data as specified in point 2.4;
- (b) the output data resulting from the execution of the simulation;
- (c) the summary file, including
 - (i) the vehicle family identification number;
 - (ii) the delta between the manufacturer declared CO₂ value and the value resulting from the correlation tool (CO₂ combined);
 - (iii) non-confidential technical data (i.e. fuel type, engine capacity, gear-box type, turbo).

3.1.1.2. Complete correlation file

Where the original correlation output report has been issued in accordance with point 3.1.1.1, the type approval authority, or where applicable the designated technical service shall use the relevant commands in the correlation tool to send the summary file to a time stamp-server from which a time stamped reply is returned to the sender (with the relevant services of the Commission in copy), including a randomly generated integer number between 1 and 99.

A complete correlation file shall be created, including the time-stamped reply and the original correlation output report referred to in point 3.1.1.1. A hash code shall be attributed to the complete correlation file. The file shall be maintained by the type approval authority as a test report in accordance with Annex VIII to Directive 2007/46/EC.

3.1.2. *NEDC CO₂ reference value for vehicle H*

The correlation tool shall be used to execute the simulated NEDC test of vehicle H using the relevant input data referred to in point 2.4.

The NEDC CO₂ reference value for vehicle H shall be determined as follows:

$$CO_{2,H} = NEDC CO_{2,C,H} \cdot K_{i,H}$$

Where,

CO_{2,H} is the NEDC CO₂ reference value for vehicle H;

NEDC CO_{2,C,H} is the correlation tool simulated combined NEDC CO₂ result for vehicle H;

K_{i,H} is the value determined in accordance with appendix 1 to Sub-Annex 6 to Annex XXI to Regulation (EU) 2017/1151 for vehicle H.

In addition to the NEDC CO₂ reference value, the correlation tool shall also provide the phase-specific CO₂ values for vehicle H.

3.1.3. *NEDC CO₂ reference value for vehicle L*

Where applicable, the simulated NEDC test of vehicle L shall be performed using the correlation tool and the relevant input data referred to in point 2.4.

The NEDC CO₂ reference value for vehicle L shall be determined as follows:

$$CO_{2,L} = NEDC CO_{2,C,L} \cdot K_{i,L}$$

Where,

CO_{2,L} is the NEDC CO₂ reference value for vehicle L;

NEDC CO_{2,C,L} is the correlation tool simulated combined NEDC CO₂ result for vehicle L;

K_{i,L} is the value determined in accordance with appendix 1 to Sub-Annex 6 to Annex XXI to Regulation (EU) 2017/1151 for vehicle L.

In addition to the NEDC CO₂ reference value, the correlation tool shall also provide the phase-specific CO₂ values for vehicle L.;

(10) point 3.2.6 is replaced by the following:

‘3.2.6. Where the randomly generated number referred to in point 3.1.1.2 is in the range of 90 to 99 the vehicle shall be selected for one physical measurement in accordance with the procedure referred to in Annex XII to Regulation (EC) No 692/2008, taking into account the precisions set out in section 2 of this Annex. The test results shall be documented in accordance with Annex VIII to Directive 2007/46/EC.

Where the NEDC CO₂ value for both vehicles H and L is determined in accordance with point 3.2.1, the vehicle configuration selected for physical measurement shall be vehicle L, if the random number is in the range 90 to 94, and vehicle H, if the random number is in the range 95 to 99.

Where the NEDC CO₂ value is determined in accordance with point 3.2.1 for only one of the vehicles H or L in the interpolation family, that vehicle shall be selected for one physical measurement if the random number is in the range 90 to 99.

Where the NEDC CO₂ values are not determined in accordance with point 3.2.1, but both vehicle H and L are physically tested, the random number shall be disregarded.;

(11) in point 3.2.8, the second paragraph is replaced by the following:

‘The De factor shall be calculated with three decimals and shall be recorded in the type approval certificate and in the certificate of conformity.;

(12) points 3.3.1, 3.3.2 and 3.3.3 are replaced by the following:

‘3.3.1. *Calculation of the NEDC phase-specific CO₂ values for vehicle H*

The NEDC phase-specific values for vehicle H shall be calculated as follows:

$$NEDC CO_{2,p,H} = NEDC CO_{2,p,H,c} \cdot CO_{2,AF,H}$$

Where:

p is the NEDC phase “UDC” or “EUDC”;

NEDC CO_{2,p,H,c} is the correlation tool simulated NEDC CO₂ value for the phase p referred to in point 3.1.2 or, where applicable, the physical measurement result as referred to in point 3.2.2;

NEDC CO_{2,p,H} is the NEDC phase-specific value for vehicle H of the applicable phase p, gCO₂/km;

CO_{2,AF,H} is the adjustment factor for vehicle H calculated by the ratio between the NEDC CO₂ value determined in accordance with point 3.2 and the correlation tool simulated NEDC test result referred to in point 3.1.2 or, where applicable, the physical measurement result.

3.3.2. Calculation of the NEDC phase-specific CO₂ values for vehicle L

The NEDC phase-specific values for vehicle L shall be calculated as follows:

$$NEDC\ CO_{2,p,L} = NEDC\ CO_{2,p,L,c} \cdot CO_{2,AF,L}$$

Where:

- p is the NEDC phase “UDC” or “EUDC”;
- NEDC CO_{2,p,L,c} is the correlation tool simulated NEDC CO₂ value for the phase p referred to in point 3.1.2 or, where applicable, the physical measurement result as referred to in point 3.2.2;
- NEDC CO_{2,p,L} is the NEDC phase-specific value for vehicle L of the applicable phase p, gCO₂/km;
- CO_{2,AF,L} is the adjustment factor for vehicle L calculated by the ratio between the NEDC CO₂ value determined in accordance with point 3.2 and the correlation tool simulated NEDC test result referred to in point 3.1.2 or, where applicable, the physical measurement result.

3.3.3. Calculation of the NEDC fuel consumption for vehicle H and L

3.3.3.1. Calculation of the NEDC fuel consumption (combined)

The NEDC fuel consumption (combined) for vehicles H and L shall be calculated using the combined NEDC CO₂ emissions determined in accordance with point 3.2 and the provisions set out in Annex XII to Regulation (EC) No 692/2008. The emissions of other pollutants relevant to the fuel consumption calculation (hydrocarbons, carbon monoxide) shall be considered equal to 0 (zero) g/km.

3.3.3.2. Calculation of the NEDC phase-specific fuel consumption

The NEDC phase-specific fuel consumption for vehicles H and L shall be calculated using the phase-specific NEDC CO₂ emissions determined in accordance with point 3.3 and the provisions set out in Annex XII to Regulation (EC) No 692/2008. The emissions of other pollutants relevant to the fuel consumption calculation (hydrocarbons, carbon monoxide) shall be considered equal to 0 (zero) g/km.;

(13) the following point 4.2.1.4a is inserted:

‘4.2.1.4a. NEDC road loads derived from the representative vehicle of a road load matrix family

Where the NEDC road load of the representative vehicle has been calculated from a WLTP representative vehicle in accordance with point 2.3.8.2.1(b), the NEDC road load of an individual vehicle shall be calculated using the following formulae:

(a) The F_{0n,ind} for the individual vehicle shall be determined as follows:

$$F_{0n,ind} = \text{Max} \left(\left(0,05 \cdot F_{0n,R} + 0,95 \cdot \left(F_{0n,R} \cdot \frac{RM_{n,ind}}{RM_{n,R}} + \left(\frac{RR_{ind} - RR_r}{1\,000} \right) \cdot 9,81 \cdot RM_{n,ind} \right) \right); \left(0,2 \cdot F_{0n,R} + 0,8 \cdot \left(F_{0n,R} \cdot \frac{RM_{n,ind}}{RM_{n,R}} + \left(\frac{RR_{ind} - RR_r}{1\,000} \right) \cdot 9,81 \cdot RM_{n,ind} \right) \right) \right)$$

Where,

- F_{0n,R} is the constant road load coefficient of the vehicle R in N;
- RM_{n,ind} is the reference mass of the individual vehicle;
- RM_{n,R} is the reference mass of vehicle R;
- RR_{ind} is the tyre rolling resistance of individual vehicle in kg/tonne;
- RR_r is the tyre rolling resistance of vehicle R in kg/tonne.

(b) The $F_{2n,ind}$ for the individual vehicle shall be determined as follows:

$$F_{2n,ind} = \text{Max} \left(\left(0,05 \cdot F_{2n,R} + 0,95 \cdot F_{2n,R} \cdot \frac{A_{f,ind}}{A_{f,R}} \right); \left(0,2 \cdot F_{2n,R} + 0,8 \cdot F_{2n,R} \cdot \frac{A_{f,ind}}{A_{f,R}} \right) \right)$$

Where,

$F_{2n,R}$ is the second order road load coefficient of the vehicle R in N/(km/h)²;

$A_{f,ind}$ is the frontal area of the individual vehicle in m²;

$A_{f,R}$ is the frontal area of the vehicle R in m².

(c) The $f_{1n,ind}$ for the individual vehicle shall be set to 0.;

(14) in point (a) of section 5, the words ‘correlation tool output report’ is replaced by the words ‘complete correlation file’.

ANNEX II

In Annex I to Regulation (EU) No 1014/2010, in the table ‘Data Sources’ the following row is added:

‘Vehicle family identification number	Point 5.0 of Annex XXI to Commission Regulation (EU) 2017/1151 (*)
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(*) Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).’

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1232
of 3 July 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 3 July 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A circular article with a diameter of approximately 500 mm and a weight of approximately 23 kg. It is made of a spheroidal graphite cast iron (ductile iron, EN-GJS-500-7). The article is painted with black bitumen for protection against corrosion.</p> <p>The article is certified according to EN 124 standard (gully tops and manhole tops for vehicular and pedestrian areas) and it is used as a sewer cover (for example, for rainwater sewers).</p> <p>See image (*).</p>	7325 99 10	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7325, 7325 99 and 7325 99 10.</p> <p>The Explanatory notes to the Combined Nomenclature (CNEN) to CN code 7307 19 10 define malleable cast iron. According to those notes, the expression 'malleable' includes spheroidal graphite cast iron. For reasons of legal certainty and in order to ensure coherent interpretation of the CN those CNEN should be applied by analogy also to heading 7325. Classification of the article under CN code 7325 10 00 as other cast articles of non-malleable cast iron is consequently excluded.</p> <p>The article is therefore to be classified under CN code 7325 99 10 as other cast articles of malleable cast iron.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/1233
of 3 July 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 3 July 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A new, four-wheel drive multipurpose motor vehicle (of the van-type). The vehicle has a compression-ignition internal combustion piston engine of a cylinder capacity exceeding 1 500 cm³ but not exceeding 2 500 cm³. Its total gross weight is approximately 2 800 kg.</p> <p>The vehicle has two rows of seats, the first row with two seats (a driver's seat and a 'bench seat' to be used by two passengers) and a second row with three seats. There are doors with a window on both sides of the first row of seats and, in respect of the second row of seats, a window on the left side and a sliding door with a window on the right side.</p> <p>Behind the second row of seats there is a permanent barrier (partition grille) dividing the passenger area from an area for the transport of goods. There are neither safety belts nor fittings for their installation in the area for the transport of goods. There is a back door of a swing-out type but no windows in the area for the transport of goods. The vehicle has comfort features and interior finish and fittings which are associated with the passenger areas of vehicles.</p> <p>The area for the transport of goods is of a length of approximately 1,9 m and of a load capacity of 4,4 m³.</p>	8703 32 19	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8703, 8703 32 and 8703 32 19.</p> <p>The classification of multipurpose motor vehicles is determined by certain features which indicate whether the vehicles are principally designed for the transport of persons or for the transport of goods (see also the Harmonized System Explanatory Notes to headings 8703 and 8704 and the Explanatory notes to the Combined Nomenclature to heading 8703).</p> <p>Classification under heading 8704 as a vehicle for the transport of goods is excluded as the objective characteristics and the general appearance of the vehicle are those of a vehicle principally designed for the transport of persons (presence of a second row of seats with safety equipment, presence of four windows, presence of a sliding door with a window for the rear passengers, presence of comfort features in the area for both front and rear passengers). The presence of a permanent barrier between the area for passengers and the area for the transport of goods cannot be taken as the decisive criterion for excluding classification under heading 8703 as this is a typical feature of many vehicles classified as vehicles for the transport of persons (typically SUV vehicles). See also the Harmonized System classification opinions 8703 32/1 and 8703 32/2.</p> <p>The vehicle is therefore to be classified under CN code 8703 32 19 as new motor vehicles principally designed for the transport of persons.</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1234
of 3 July 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 3 July 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A composite product consisting of the following components:</p> <ul style="list-style-type: none"> — a vertical aluminium column approximately 95 cm high, with an axle at the base and a plastic wheel affixed at either end of the axle, — a foldable, horizontal aluminium board designed for standing on, with a plastic wheel affixed at the far end with a brake mechanism attached to it, — a suitcase with an outer surface made of moulded plastic material, measuring approximately 55 cm × 30 cm × 20 cm and fixed to the vertical column by clamps which can be opened. <p>The product is intended for use by anyone aged 8 or over. Its function as a means of transporting goods can be combined with its function as a scooter or, it can be drawn or pushed along in order to transport the suitcase on the wheels, when the horizontal board is up.</p> <p>See images of the article (*).</p>	4202 12 50	<p>Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 4202, 4202 12 and 4202 12 50.</p> <p>The product is composite goods. Its main function is essentially to transport goods in the suitcase. This can be done either by someone standing on the horizontal board and propelling the product along (with the board folded down) or by someone pushing or pulling it along in the same way as a conventional trolley suitcase on wheels (with the board folded up).</p> <p>The scooter components (components not being parts of standard trolley bags, that is, the foldable horizontal board with a plastic wheel (with a brake)) are of subordinate character that facilitates the transport of goods contained in the suitcase. It is therefore the suitcase that gives the product its essential character. Classification under heading 8716 as other vehicles, or under heading 9503 as a scooter, is accordingly excluded.</p> <p>The product is therefore to be classified under CN code 4202 12 50 as a suitcase with an outer surface of moulded plastic material.</p>

(*). The images are purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/1235**of 6 July 2017****amending for the 270th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 3 July 2017, the Sanctions Committee of the United Nations Security Council decided to remove three natural persons from the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Done at Brussels, 6 July 2017.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002, the following entries under the heading 'Natural persons' are deleted:

'Ahmad **Zerfaoui** (alias (a) Abdullah, (b) Abdalla, (c) Smail, (d) Abu Khaoula, (e) Abu Cholder, (f) Nuhr). Date of birth: 15.7.1963. Place of birth: Chr ea, Algeria. Nationality: Algerian. Other information: (a) Former member of the Organization of Al-Qaida in the Islamic Maghreb, (b) Confirmed to have died in northern Mali on 19.9.2006. Date of designation referred to in Article 2a(4)(b): 3.5.2004.'

'Dhou **El-Aich** (alias Abdel Hak). Date of birth: 5.8.1964. Place of birth: Blida, Algeria. Nationality: Algerian. Other information: Confirmed to have died in Chad on 8.3.2004. Date of designation referred to in Article 2a(4)(b): 3.5.2004.'

'Hacene **Allane** (alias (a) Hassan the Old, (b) Al Sheikh Abdelhay, (c) Boulahia, (d) Abu al-Foutouh, (e) Cheib Ahc ene). Date of birth: 17.1.1941. Place of birth: M ed ea, Algeria. Nationality: Algerian. Other information: Confirmed to have died on 16.4.2004 in northern Niger. Date of designation referred to in Article 2a(4)(b): 3.5.2004.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1236**of 7 July 2017****fixing the adjustment rate for direct payments pursuant to Regulation (EU) No 1306/2013 of the European Parliament and of the Council in respect of the calendar year 2017**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 26(3) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Pursuant to Article 25 of Regulation (EU) No 1306/2013 a reserve intended to provide additional support for the agricultural sector in the case of major crises affecting the agricultural production or distribution is to be established by applying, at the beginning of each year, a reduction to direct payments with the financial discipline mechanism referred to in Article 26 of that Regulation.
- (2) Article 26(1) of Regulation (EU) No 1306/2013 provides that in order to ensure that the annual ceilings set out in Council Regulation (EU, Euratom) No 1311/2013 ⁽²⁾ for the financing of the market related expenditure and direct payments are respected, an adjustment rate for direct payments is to be determined when the forecasts for the financing of the measures financed under that sub-ceiling for a given financial year indicate that the applicable annual ceilings will be exceeded.
- (3) The amount of the reserve for crises in the agricultural sector, included in the Commission 2018 Draft Budget, amounts to EUR 459,5 million in current prices. To cover that amount, the financial discipline mechanism has to apply to direct payments under the support schemes listed in Annex I to Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽³⁾ in respect of the calendar year 2017.
- (4) The forecasts for the direct payments and market related expenditure determined in the Commission 2018 Draft Budget indicate that there is no need for any further financial discipline.
- (5) Acting in accordance with Article 26(2) of Regulation (EU) No 1306/2013, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council fixing the adjustment rate provided for in Regulation (EU) No 1306/2013 for direct payments in respect of the calendar year 2017 ⁽⁴⁾ on 30 March 2017.
- (6) The European Parliament and the Council have not determined that adjustment rate by 30 June 2017. Therefore, in accordance with Article 26(3) of Regulation (EU) No 1306/2013, the Commission is to fix the adjustment rate by means of an implementing act and inform the European Parliament and the Council immediately thereof.
- (7) In accordance with Article 26(4) of Regulation (EU) No 1306/2013, the adjustment rate may be adapted by the Commission until 1 December 2017, on the basis of new information in its possession. In the event of new information, the Commission will take it into account and will adopt an implementing regulation adapting the adjustment rate by 1 December 2017, in the context of the Amending Letter to the Draft Budget 2018.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

⁽³⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁴⁾ COM(2017) 150.

- (8) As a general rule, farmers submitting an aid application for direct payments for one calendar year (N) are paid within a fixed payment period falling within the financial year (N+1). However, Member States may make late payments to farmers beyond that payment period, within certain limits. Such late payments may be made in a subsequent financial year. When financial discipline is applied for a given calendar year, the adjustment rate should not be applied to payments for which aid applications have been submitted in calendar years other than the calendar year for which the financial discipline applies. Therefore, in order to ensure equal treatment of farmers, it is appropriate to provide that the adjustment rate is to be applied only to payments for which aid applications have been submitted in the calendar year for which the financial discipline is applied, irrespective of when the payment to farmers is made.
- (9) Article 8(1) of Regulation (EU) No 1307/2013 provides that the adjustment rate applied to direct payments determined in accordance with Article 26 of Regulation (EU) No 1306/2013 is to apply only to direct payments in excess of EUR 2 000 to be granted to farmers in the corresponding calendar year. Furthermore, Article 8(2) of Regulation (EU) No 1307/2013 provides that, as a result of the gradual introduction of direct payments, the adjustment rate is to apply to Croatia only from 1 January 2022. The adjustment rate to be determined by this Regulation should therefore not apply to payments to farmers in that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purpose of fixing the adjustment rate in accordance with Articles 25 and 26 of Regulation (EU) No 1306/2013, and in accordance with Article 8(1) of Regulation (EU) No 1307/2013, the amounts of direct payments under the support schemes listed in Annex I to Regulation (EU) No 1307/2013 to be granted to farmers in excess of EUR 2 000 for an aid application submitted in respect of the calendar year 2017 shall be reduced by an adjustment rate of 1,388149 %.
2. The reduction provided for in paragraph 1 shall not apply in Croatia.

Article 2

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

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

Done at Brussels, 7 July 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2017/1237**of 7 July 2017****amending Regulation (EC) No 1881/2006 as regards a maximum level of hydrocyanic acid in unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for certain contaminants in foodstuffs.
- (2) The Scientific Panel on Contaminants in the Food Chain (Contam) of the European Food Safety Authority (EFSA) adopted a scientific opinion on acute health risks related to the presence of cyanogenic glycosides in raw apricot kernels and products derived from raw apricot kernels ⁽³⁾. The term 'raw apricot kernels and products derived from raw apricot kernels' referred to in the scientific opinion concern the same products as the term 'unprocessed whole, ground, milled, cracked, chopped apricot kernels' referred to in this Regulation.
- (3) Amygdalin is the major cyanogenic glycoside present in unprocessed apricot kernels and is degraded to hydrocyanic acid (cyanide) by chewing. Hydrocyanic acid (cyanide) is highly toxic to humans. An acute reference dose (ARfD) of 20 µg/kg bw was derived by the Contam Panel for assessing the risks associated with the presence of cyanogenic glycosides in unprocessed whole, ground, milled, cracked, chopped apricot kernels. Taking into account the reported levels of cyanogenic glycosides in unprocessed apricot kernels, the ARfD would be exceeded already by consumption of only a very few unprocessed apricot kernels.
- (4) It is therefore appropriate to establish a maximum level for hydrocyanic acid (cyanide) in unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer.
- (5) Given the very fragmented market of unprocessed apricot kernels and the possible acute health risks for public health, it should be provided that the operator guarantees that all unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer comply with the maximum level.
- (6) It is appropriate to establish the sampling rules to be applied for the control of compliance with the maximum level.
- (7) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (8) 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 Annex to Regulation (EC) No 1881/2006 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).⁽³⁾ EFSA Contam Panel (EFSA Panel on Contaminants in the Food Chain), 2016. Scientific opinion on the acute health risks related to the presence of cyanogenic glycosides in raw apricot kernels and products derived from raw apricot kernels. *EFSA Journal* 2016;14(4):4424, 47 pp doi:10.2903/j.efsa.2016.4424
http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/4424.pdf

Article 2

The operator who places unprocessed whole, ground, milled, cracked, chopped apricot kernels on the market for the final consumer shall provide upon request from the competent authority evidence of compliance of the marketed product with the maximum level.

Article 3

The sampling for the control of compliance with the maximum level shall be performed in accordance with the rules set out in part D.2 of Annex I to Commission Regulation (EC) No 401/2006 ⁽¹⁾.

Article 4

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

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

Done at Brussels, 7 July 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs (OJ L 70, 9.3.2006, p. 12).

ANNEX

In Section 8 of the Annex to Regulation (EC) No 1881/2006, the following entry is added:

'8.3	Hydrocyanic acid, including hydrocyanic acid bound in cyanogenic glycosides	
8.3.1	Unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer ⁽⁵⁴⁾ ⁽⁵⁵⁾	20,0

⁽⁵⁴⁾ "Unprocessed products" as defined in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

⁽⁵⁵⁾ "Placing on the market" and "final consumer" as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1238**of 7 July 2017****making imports of certain corrosion resistant steels originating in the People's Republic of China subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 9 December 2016, the European Commission ('the Commission') announced by a notice published in the *Official Journal of the European Union* ⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of certain corrosion resistant steels originating in the People's Republic of China ('China') following a complaint lodged on 25 October 2016 by EUROFER ('the complainant') on behalf of producers representing more than 25 % of the total Union production of certain corrosion resistant steels.

1. PRODUCT CONCERNED

- (2) The product under investigation is certain corrosion resistant steels ('CRS') originating in the People's Republic of China.
- (3) CRS consist in flat-rolled products of iron or alloy steel or non-alloy steel; aluminium killed; plated or coated by hot dip galvanisation with zinc and/or with aluminium, and no other metal; chemically passivated; containing by weight: 0,015 % or more but not more than 0,170 % of carbon, 0,015 % or more but not more than 0,100 % of aluminium, not more than 0,045 % of niobium, not more than 0,010 % of titanium and not more than 0,010 % of vanadium; presented in coils, cut-to-length sheets and narrow strips.

The following products are excluded:

- those of stainless steel, of silicon-electrical steel, and of high-speed steel;
- those not further worked than hot-rolled or cold-rolled (cold-reduced).

- (4) The product concerned currently falls within the following CN codes ex 7210 41 00, ex 7210 49 00, ex 7210 61 00, ex 7210 69 00, ex 7212 30 00, ex 7212 50 61, ex 7212 50 69, ex 7225 92 00, ex 7225 99 00, ex 7226 99 30 and ex 7226 99 70 (TARIC codes: 7210 41 00 20, 7210 49 00 20, 7210 61 00 20, 7210 69 00 20, 7212 30 00 20, 7212 50 61 20, 7212 50 69 20, 7225 92 00 20, 7225 99 00 22, 7225 99 00 35, 7225 99 00 92, 7226 99 30 10, 7226 99 70 94).

2. REQUEST

- (5) The registration request pursuant to Article 14(5) of the basic Regulation was made by the complainant on 24 May 2017. The complainant requested that imports of the product concerned are made subject to registration so that measures may subsequently be applied against those imports from the date of such registration.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C 459, 9.12.2016, p. 17.

3. GROUNDS FOR THE REGISTRATION

- (6) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.
- (7) The complainant claims that registration is justified as the product concerned continues to be dumped and that importers were well aware of dumping practices which stretched over an extended period of time and were causing injury to the Union industry. The complainant further claims that Chinese imports are causing injury to the Union industry and that there was a substantial increase in the level of these imports, even following the investigation period, which would seriously undermine the remedial effect of the anti-dumping duty, if such a duty is to be applied.
- (8) The Commission considers that the importers were indeed aware, or should have been aware of the exporters' dumping practices. Sufficient *prima facie* evidence in this regard was contained in the complaint and this was spelled out in the notice of initiation for this proceeding ⁽¹⁾. The non-confidential version of the complaint estimated dumping margins of 50 % for Chinese imports. The evidence of dumping in the complaint is based on a comparison between the normal values, based on the pricing information of a producer in Canada chosen as an analogue country, and export price (at ex-works level) of the product concerned when sold for export to the Union. The Chinese export price was determined on the basis of information quoted by Chinese exporting producers in the Union market from August 2012 to April 2016.
- (9) Given the extent of the dumping that may be occurring, it is reasonable to assume that the importers would be aware, or should have been aware, of the situation.
- (10) In addition, the complainant provided in both the complaint and the request for registration sufficient evidence in form of press releases in which the dumping practices by Chinese exporters are described and which *prima facie* could and should not have been ignored by importers. The review request also referred to trade defence measures including anti-dumping currently applicable in third countries.
- (11) Since the initiation of the proceeding in December 2016, a further increase of over 50 % is observed when comparing the average monthly volumes imported during the period October 2015 to September 2016 (i.e. the investigation period) with the period January to April 2017 (i.e. the period following the initiation). Additional *prima facie* evidence demonstrated increases in market share and stockpiling.
- (12) Furthermore, in the complaint there is sufficient *prima facie* evidence that injury is being caused, and in the submissions made in the framework of the investigation, including the registration request, there is evidence that additional injury would be caused by a continued rise in these imports. In light of the timing, the increase in volume of the dumped imports and other circumstances (such as the excess capacity in China and pricing behaviour of the Chinese exporters which are demonstrated in the original complaint) would likely seriously undermine the remedial effect of any definitive duties, unless such duties would be applied retroactively. In addition, in view of the initiation of the current proceeding and taking into account the developments of Chinese imports in terms of prices and volumes hitherto, it is reasonable to assume that the level of imports of the product concerned may further increase prior to the adoption of provisional measures, if any, and inventories may be rapidly built up by the importers.

4. PROCEDURE

- (13) In view of the above, the Commission has concluded that the complainant provided sufficient *prima facie* evidence to justify making imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.
- (14) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

⁽¹⁾ OJ C 459, 9.12.2016, p. 17 (section 3 of the notice of initiation).

5. REGISTRATION

- (15) Pursuant to Article 14(5) of the basic Regulation imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with Article 10(4) of the basic Regulation.
- (16) The complainant estimates in the complaint an average dumping margin of approximately 50 % and an average underselling margin of 37,8 % - 41,0 % for the product concerned. The estimated amount of possible future liability is set for China at the level of underselling estimated on the basis of the complaint, i.e. from 37,8 % to 41,0 % on the CIF import value of the product concerned.

6. PROCESSING OF PERSONAL DATA

- (17) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EU) 2016/1036 to take the appropriate steps to register the imports into the Union of certain corrosion resistant steels ('CRS') originating in the People's Republic of China consisting of flat-rolled products of iron or alloy steel or non-alloy steel; aluminium killed; plated or coated by hot dip galvanisation with zinc and/or with aluminium, and no other metal; chemically passivated; containing by weight: 0,015 % or more but not more than 0,170 % of carbon, 0,015 % or more but not more than 0,100 % of aluminium, not more than 0,045 % of niobium, not more than 0,010 % of titanium and not more than 0,010 % of vanadium; presented in coils, cut-to-length sheets and narrow strips, excluding those:

— of stainless steel, of silicon-electrical steel, and of high-speed steel;

— not further worked than hot-rolled or cold-rolled (cold-reduced);

and currently falling within the following CN codes ex 7210 41 00, ex 7210 49 00, ex 7210 61 00, ex 7210 69 00, ex 7212 30 00, ex 7212 50 61, ex 7212 50 69, ex 7225 92 00, ex 7225 99 00, ex 7226 99 30 and ex 7226 99 70 (TARIC codes: 7210 41 00 20, 7210 49 00 20, 7210 61 00 20, 7210 69 00 20, 7212 30 00 20, 7212 50 61 20, 7212 50 69 20, 7225 92 00 20, 7225 99 00 22, 7225 99 00 35, 7225 99 00 92, 7226 99 30 10, 7226 99 70 94).

Registration shall expire nine months following the date of entry into force of this Regulation.

2. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 20 days from the date of publication of this Regulation.

Article 2

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

⁽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).

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

Done at Brussels, 7 July 2017.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2017/1239

of 6 July 2017

on the recognition of Ethiopia pursuant to Directive 2008/106/EC of the European Parliament and of the Council as regards the systems for training and certification of seafarers

(notified under document C(2017) 4555)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers ⁽¹⁾, and in particular Article 19(3) thereof,

Whereas:

- (1) According to Directive 2008/106/EC Member States may decide to recognise, by endorsement, seafarers' appropriate certificates of competence or proficiency issued by third countries, provided that the third country concerned is recognised by the Commission. Those third countries have to meet all the requirements of the International Maritime Organisation Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ('STCW Convention').
- (2) By letters of 9 January 2014 and 5 November 2014 Luxembourg and Cyprus respectively requested the recognition of Ethiopia. Following those requests, the Commission contacted the Ethiopian authorities with a view to carry out an assessment of their training and certification systems in order to verify whether Ethiopia meets all the requirements of the STCW Convention and whether appropriate measures have been taken to prevent fraud involving certificates. It was explained that the assessment would be based on the results of a fact finding inspection to be carried out by the experts of the European Maritime Safety Agency (the 'Agency') in Ethiopia.
- (3) On the basis of the results of an inspection which took place in October 2015, the Commission carried out an assessment of the training and certification system in Ethiopia. In that assessment, the Commission identified several areas that needed to be properly addressed by the Ethiopian authorities, including shortcomings relating to programme and course approval, on-board training and certification and endorsement.
- (4) A voluntary corrective action plan was submitted by the Ethiopian authorities in May 2016 and further supplemented in July, October and December 2016.
- (5) In particular, Ethiopia adopted new legislation addressing the shortcomings relating to national provisions as identified in the Commission's assessment, updated the quality procedures of its administration and maritime education institutions and the curricula and training programmes of its maritime education institutions.
- (6) On the basis of all available information, the Commission concluded that the Ethiopian authorities have taken measures to bring the Ethiopian system for training and certification of seafarers in line with the requirements of the STCW Convention, including the provision of appropriate documentary evidence.
- (7) In April 2017 the Commission provided the Ethiopian authorities with an assessment report that was based on the results of the inspection of October 2016 and took into account the updated corrective action plan.

⁽¹⁾ OJ L 323, 3.12.2008, p. 33.

- (8) The final outcome of the assessment demonstrates that Ethiopia complies with the requirements of the STCW Convention and has addressed all identified shortcomings, while this country has taken appropriate measures to prevent fraud involving certificates.
- (9) Member States were provided with a report on the results of the assessment.
- (10) The measure provided for in this Decision is in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 19 of Directive 2008/106/EC, Ethiopia is recognised as regards the systems for the training and certification of seafarers.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 July 2017.

For the Commission
Violeta BULC
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/1240**of 7 July 2017****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States***(notified under document C(2017) 4896)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) The Annex to Implementing Decision (EU) 2017/247 was subsequently amended by Commission Implementing Decisions (EU) 2017/417 ⁽⁵⁾, (EU) 2017/554 ⁽⁶⁾, (EU) 2017/696 ⁽⁷⁾, (EU) 2017/780 ⁽⁸⁾, (EU) 2017/819 ⁽⁹⁾, (EU) 2017/977 ⁽¹⁰⁾ and (EU) 2017/1139 ⁽¹¹⁾, in order to take account of changes to the protection and surveillance zones established by the competent authorities of the Member States in accordance with Directive 2005/94/EC, following further outbreaks of highly pathogenic avian influenza of subtype H5 in the Union. In addition,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/417 of 7 March 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 63, 9.3.2017, p. 177).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/554 of 23 March 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 79, 24.3.2017, p. 15).

⁽⁷⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁸⁾ Commission Implementing Decision (EU) 2017/780 of 3 May 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 116, 5.5.2017, p. 30).

⁽⁹⁾ Commission Implementing Decision (EU) 2017/819 of 12 May 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 122, 13.5.2017, p. 76).

⁽¹⁰⁾ Commission Implementing Decision (EU) 2017/977 of 8 June 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 146, 9.6.2017, p. 155).

⁽¹¹⁾ Commission Implementing Decision (EU) 2017/1139 of 23 June 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 164, 27.6.2017, p. 59).

Implementing Decision (EU) 2017/247 was amended by Implementing Decision (EU) 2017/696 in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247, following certain improvements in the epidemiological situation as regards that virus in the Union.

- (4) While the overall disease situation in the Union has been steadily improving, since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2017/1139, France has detected a new outbreak of highly pathogenic avian influenza of subtype H5N8 in a rural poultry holding in Brillion in northern France near the border with Belgium. It has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around the infected holding.
- (5) Belgium has also established a surveillance zone, in accordance with Directive 2005/94/EC, in Brunehaut and Rumes in northern Belgium near the border with France, in relation to the recent outbreak confirmed in France.
- (6) The Commission has examined the measures taken by France and Belgium in accordance with Directive 2005/94/EC, following the recent outbreak of avian influenza of subtype H5N8 in northern France, and it has satisfied itself that the boundaries of the protection and surveillance zones, established by the competent authority of France, and the surveillance zone established in Belgium, are at a sufficient distance to the holding where an outbreak of highly pathogenic avian influenza of subtype H5N8 has been confirmed.
- (7) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with France and Belgium, the protection and surveillance zones established in France as well as the surveillance zone established in Belgium, in accordance with Directive 2005/94/EC, following the recent outbreak in France. Therefore, the new areas for France and Belgium should be inserted in the Annex to Implementing Decision (EU) 2017/247.
- (8) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalization at Union level to include the protection and surveillance zones established by France as well as the surveillance zone established in Belgium, in accordance with Directive 2005/94/EC and the duration of the restrictions applicable therein.
- (9) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 July 2017.

For the Commission

Vytenis ANDRIUKAITIS

Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) In Part A, the entry for France is replaced by the following:

Member State: France

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Les communes suivantes dans le département du Nord: — BOUSIGNIES — BRILLON — ROSULT — SARS-ET-ROSIERES — TILLOY-LEZ-MARCHIENNES	21.7.2017'

(2) Part B is amended as follows:

(a) the entry for Belgium is replaced by the following:

Member State: Belgium

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
De zone omvat de gemeenten Zedelgem en Oostkamp en delen van de gemeenten Jabbeke, Brugge, Beernem, Wingene, Pittem, Lichtervelde, Torhout en Ichtegem. De zone omvat in wijzerzin: — de spoorweg Oostende — Brugge — Expresweg — Bevrijdingslaan — Hoefijzerlaan — Koning Albertlaan — Buiten Begijnvest — Buiten Katelijnevest — Buiten Gentpoortvest — Generaal Lemanlaan — Astridlaan — Bruggestraat — Beverhoutsveldstraat — Akkerstraat — Parkstraat — Stationstraat — Wingene Steenweg — Reigerlostraat — Torenweg — Vagevuurstraat — Bruggesteenweg	16.7.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<ul style="list-style-type: none"> — Predikherenstraat — Rakestraat — Keukelstraat — Balgenhoekstraat — Ruiseledesteenweg — Tieltstraat — Kapellestraat — Kokerstraat — Egemsestraat — Wingensesteenweg — Egemveldweg — Grootveldstraat — Schoolstraat — Marktplein — Lichterveldestraat — Zegwegestraat — Sprietstraat — Zwevezelestraat — Koolkampstraat — Ringlaan — Brugsebaan — Roeselaarseweg — Vredelaan — Oostendestraat — Wijnendale-Molenstraat — Smissestraat — Spoorwegstraat — Schoolstraat — Torhoutbaan — Korenstraat — Heuvelstraat — Zuidstraat — Mitswegestraat — Achterstraat — Bruggestraat — Barletegemweg — Aatrijksesteenweg — Dorpstraat — Stationsstraat — Expressweg — de spoorweg / le chemin de fer Oostende — Brugge 	
<p>Een 3 km zone rond de haard in Oostkamp (N51.115900 - E3.191884). De zone omvat straat (secties) in de gemeenten Zedelgem en Oostkamp.</p>	8.7.2017 to 16.7.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<p>De zone omvat de gemeenten Menen en Wevelgem en delen van de gemeenten Wervik, Moorslede, Ledegem, Izegem, Lendelede, Kuurne, Harelbeke, Deerlijke, Zwevegem, Kortrijk en Mouscron.</p> <p>De zone omvat in wijzerzin:</p> <ul style="list-style-type: none"> — de Franse grens — Busbekestraat — Laagweg — Vagevuurstraat — Hoogweg — Calvariestraat — N58 — Geluwesesteenweg — Wervikstraat — Sint Denijsplaats — Beselarestraat — Magerheidstraat — A19 — Dadizelestraat — Geluwestraat — Beselarestraat — Plaats — Ledegemstraat — Dadizelestraat — Papestraat — Stationsstraat — Sint-Eloois-Winkelstraat — Rollegemstraat — Sint-Jansplein — Sint-Janstraat — Rollegemkapelsestraat — A17/E403 — Woestijnstraat — Meensesteenweg — Woestynestraat — Bosmolenstraat — Geitestraat — Roterijstraat — Beiaardstraat — Molenstraat — Kortrijksestraat — Winkelsestraat — Stationsstraat — Hulstemolenstraat 	17.7.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<ul style="list-style-type: none"> — Rijksweg — Roeselaarseweg — Marichaalstraat — N36 — Ringlaan — Stationsstraat — Pladijsstraat — Kleine Brandstraat — Deerlijkstraat — N391/Kanaalweg — Keiberg — Avelgemstraat — Kastanjeboomstraat — Hoogstraat — Perrestraat — Vinkestraat — Marquettestraat — Brucqstraat — Zandbeekstraat — Beerbosstraat — Doornikserijsweg — Kanadezenlaan — Lagestraat — Frankrijkstraat — Herseauxlaan — Rue de Roubaix — Chaussée d'Estampuis — de Franse grens 	
<p>Een 3 km zone rond de haard in Menen (N50.799130 - E3.213860). De zone omvat straat(secties) in de gemeenten Menen, Wevelgem en Kortrijk.</p>	9.7.2017 to 17.7.2017
<p>De zone omvat delen van de gemeenten Brunehaut en Rumes. De zone omvat in wijzerzin:</p> <ul style="list-style-type: none"> — de Franse grens / la frontière française — Chaussée Montgomery — Rue du Crinquet — Rue Albert 1er — Rue Royal — Rue du bas Préau — Rue de l'Elnon — Rue du Planti — Place de Howardries 	31.7.2017'

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<ul style="list-style-type: none"> — Petit Howardries — Rue des Patûres — Rue du Château — Rue des Marteaux — Rue de Sallenelles — Rue de la Bourbe — Rue Jules Décarpentrie — Rue Wibault-Bouchart — Rue de l'Eclulette — Rue Fernand Gernez — Rue du Pont de Maulde — de Franse grens / la frontière française 	

(b) the entry for France is replaced by the following:

'Member State: France

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<p>Les communes suivantes dans le département du Nord:</p> <ul style="list-style-type: none"> — BOUSBECQUE — HALLUIN — NEUVILLE EN FERRAIN — RONCQ — TOURCOING — WATTRELOS 	17.7.2017
<p>Les communes suivantes dans le département du Nord:</p> <ul style="list-style-type: none"> — AIX — AUCHY-LEZ-ORCHIES — BELLAING — BEUVRY-LA-FORET — BOUVIGNIES — COUTICHES — ERRE — FENAIN — FLINES-LEZ-RACHES — HASNON — HAVELUY — HELESMES — HORNAING — LANDAS — LECELLES — MARCHIENNES 	31.7.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<ul style="list-style-type: none">— MAULDE— MILLONFOSSE— MOUCHIN— NIVELLE— NOMAIN— ORCHIES— PECQUENCOURT— RAISMES— RIEULAY— RUMEGIES— SAINT-AMAND-LES-EAUX— SAMEON— SOMAIN— THUN-SAINT-AMAND— VRED— WALLERS— WANDIGNIES-HAMAGE— WARLAING	
Les communes suivantes dans le département du Nord: <ul style="list-style-type: none">— BOUSIGNIES— BRILLON— ROSULT— SARS-ET-ROSIERES— TILLOY-LEZ-MARCHIENNES	22.7.2017 to 31.7.2017'

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