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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2017/1770

of 28 September 2017

concerning restrictive measures in view of the situation in Mali

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2017/1775 of 28 September 2017 concerning restrictive measures in view of the situation in Mali ⁽¹⁾,

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

Whereas:

- (1) On 28 September 2017, the Council adopted Decision (CFSP) 2017/1775 concerning restrictive measures in view of the situation in Mali and implementing United Nations Security Council Resolution (UNSCR) 2374 (2017). Those measures provide for travel restrictions and the freezing of funds and economic resources of certain of persons designated by the United Nations Security Council (the 'Security Council') or by the relevant United Nations Sanctions Committee as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of Mali. Those persons are listed in the Annex to Decision (CFSP) 2017/1775.
- (2) Certain measures provided for in UNSCR 2374 (2017) fall within the scope of the Treaty on the Functioning of the European Union and therefore, with a view, in particular, to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and, notably, the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights.
- (4) The power to amend the lists in Annex I to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security posed by the situation in Mali, and in order to ensure consistency with the process for amending and reviewing the Annex to Decision (CFSP) 2017/1775.
- (5) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources must be frozen in accordance with this Regulation should be made public. Any processing of personal data should comply with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾ and Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ See page 23 of this Official Journal.

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

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

- (6) Member States should determine the penalties applicable to infringements of this Regulation. The penalties provided for should be effective, proportionate and dissuasive,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (a) 'claim' means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
- (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (b) 'contract or transaction' means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for that purpose 'contract' includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (c) 'competent authorities' refers to the competent authorities of the Member States as identified on the websites listed in Annex II;
- (d) 'economic resources' means assets of any kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (e) 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (f) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or any other change that would enable the funds to be used, including portfolio management;
- (g) 'funds' means financial assets and benefits of any kind, including, but not limited to:
- (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly-traded and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (h) 'Sanctions Committee' means the Committee of the Security Council established pursuant to paragraph 9 of United Nations Security Council Resolution UNSCR 2374 (2017);
- (i) 'territory of the Union' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled, directly or indirectly, by any natural or legal person, entity or body listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.
3. Annex I shall include natural and legal persons, entities and bodies and persons and entities acting on their behalf or at their direction, and entities owned and controlled by them, identified by the Security Council or by the Sanctions Committee as:
 - (a) engaging in hostilities in violation of the Agreement on Peace and Reconciliation in Mali (the 'Agreement');
 - (b) taking actions that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement;
 - (c) acting for or on behalf of or at the direction of, or otherwise supporting or financing individuals and entities identified in points (a) and (b), including through the proceeds from organised crime, including the production and trafficking of narcotic drugs and their precursors originating in or transiting through Mali, the trafficking in persons and the smuggling of migrants, the smuggling and trafficking of arms as well as the trafficking in cultural property;
 - (d) involved in planning, directing, sponsoring, or conducting attacks against:
 - (i) the various entities referenced in the Agreement, including local, regional and state institutions, joint patrols and the Malian Security and Defence forces;
 - (ii) United Nations Multidimensional Integrated Stabilization Mission (MINUSMA) peacekeepers and other UN and associated personnel, including members of the Panel of Experts;
 - (iii) international security presences, including the Force Conjointe des Etats du G5 Sahel (FC-G5S), European Union Missions and French forces;
 - (e) obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali;
 - (f) planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge;
 - (g) using or recruiting children by armed groups or armed forces in violation of applicable international law, in the context of the armed conflict in Mali;
 - (h) knowingly facilitating the travel of a listed person in violation of the travel restrictions.
4. Annex I shall include the grounds for the listing of the persons, entities and bodies concerned.
5. Annex I shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 3

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

- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

provided that the competent authority of the Member State concerned has notified the Sanctions Committee of that determination and its intention to grant an authorisation, and in the absence of a negative decision by the Sanctions Committee within five working days of such notification.

2. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are necessary for extraordinary expenses, provided that such determination has been notified to the Sanctions Committee by the competent authority of the Member State concerned and that the determination has been approved by that Committee.

3. By way of derogation from Article 2, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, provided that the Sanctions Committee determined on a case-by-case basis that such a derogation would further the objectives of peace and national reconciliation in Mali and stability in the region.

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

Article 4

1. By way of derogation from Article 2, the competent authorities in the Member States may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are the subject of a judicial, administrative or arbitral decision established prior to the date on which the natural or legal person, entity or body referred to in Article 2 was included in Annex I, or of a judicial, administrative or arbitral lien rendered prior to that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by a decision referred to in point (a) or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision or lien is not for the benefit of a natural or legal person, entity or body listed in Annex I;
- (d) recognising the decision or lien is not contrary to public policy in the Member State concerned; and
- (e) the Sanctions Committee has been notified by the Member State of the decision or lien.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 5

1. By way of derogation from Article 2 and provided that a payment by a natural or legal person, entity or body listed in Annex I is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned, before the date on which that natural or legal person, entity or body was included in Annex I, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources shall be used for a payment by a natural or legal person, entity or body listed in Annex I;
- (b) the payment is not in breach of Article 2(2); and
- (c) the Sanctions Committee has been notified by the relevant Member State of the intention to grant an authorisation 10 working days in advance.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 6

1. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties onto the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority of any such transaction without delay.
2. Article 2(2) shall not apply to the addition to frozen accounts of:
 - (a) interest or other earnings on those accounts; or
 - (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 2 has been included in Annex I;provided that any such interest, other earnings and payments are frozen in accordance with Article 2.

Article 7

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

Article 8

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

Article 9

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

Article 10

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, notably a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:
 - (a) designated natural or legal persons, entities or bodies listed in Annex I;
 - (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).
2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 11

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation in particular information:

- (a) in respect of funds frozen under Article 2 and authorisations granted under Articles 3, 4 and 5;
- (b) in respect of violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 12

1. Where the Security Council or the Sanctions Committee lists a natural or legal person, entity or body, the Council shall include such natural or legal person, entity or body in Annex I.

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

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

4. Where the United Nations decides to delist a natural or legal person, entity or body, or to amend the identifying data of a listed natural or legal person, entity or body, the Council shall amend Annex I accordingly.

5. The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 13

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify these rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 14

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

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

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

Article 15

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board of any aircraft or any vessel under the jurisdiction of a Member State;

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

Article 16

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, 28 September 2017.

For the Council
The President
M. MAASIKAS

ANNEX I

List of natural or legal persons, entities and bodies referred to in Article 2

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ANNEX II

Websites for information on the competent authorities and address for notifications to the Commission

BELGIUM

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

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

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

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

CZECH REPUBLIC

www.financnianalytickyurad.cz/mezinarodni-sankce.html

DENMARK

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

GERMANY

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

ESTONIA

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

IRELAND

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

GREECE

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

SPAIN

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

FRANCE

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

CROATIA

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

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

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

LATVIA

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

LITHUANIA

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

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

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

MALTA

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

NETHERLANDS

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

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

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

PORTUGAL

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

ROMANIA

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

SLOVENIA

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

SLOVAKIA

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

FINLAND

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

SWEDEN

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

UNITED KINGDOM

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

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 07/99

B-1049 Brussels, Belgium

Email: relex-sanctions@ec.europa.eu

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1771**of 27 September 2017****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

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 183(b) thereof,Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day 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, 27 September 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General*

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

ANNEX

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "70 % chickens", frozen	107,5	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	102,1	5	AR
		118,6	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	263,2	11	AR
		205,6	28	BR
		301,7	0	CL
		224,0	23	TH
0207 27 10	Turkeys, boneless cuts, frozen	349,9	0	BR
		388,1	0	CL
0408 91 80	Eggs, not in shell, dried	352,1	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	219,3	20	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). The code "ZZ" represents "other origins".

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1772**of 28 September 2017****opening and providing for the management of Union tariff quotas for certain agricultural products, processed agricultural products and fishery products originating in Canada**

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 58(1) thereof,

Whereas:

- (1) By Council Decision (EU) 2017/38 ⁽²⁾, the Council authorised the provisional application of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part ('the Agreement').
- (2) The Agreement stipulates that customs duties on imports into the Union of goods originating in Canada must be reduced or eliminated in accordance with the tariff elimination schedule in Annex 2-A to that Agreement. Annex 2-A provides that for certain goods the reduction or elimination of customs duties is granted within tariff quotas.
- (3) Annex 2-A to the Agreement stipulates that the Union is to manage certain of those tariff quotas on a first-come, first-served basis. The Commission should manage those tariff quotas in accordance with the rules on the management of tariff quotas laid down in Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾.
- (4) The Agreement provides that in order for goods to benefit from those tariff quotas, they must comply with the rules of origin as set out in Annex 5 to the Protocol on rules of origin and origin procedures attached to that Agreement.
- (5) As published in the *Official Journal of the European Union*, the Agreement is to be applied provisionally from 21 September 2017 ⁽⁴⁾. In order to ensure the effective application and management of those tariff quotas granted under the Agreement which the Commission shall manage on a first-come first-served basis, this Regulation should apply from 21 September 2017.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Union tariff quotas are opened for goods originating in Canada as set out in the Annex.

Article 2

The goods listed in the Annex originating in Canada and declared for release for free circulation in the Union shall, within the respective tariff quotas set out in the Annex, be exempted from the customs duties applicable to imports into the Union.

Article 3

The tariff quotas set out in the Annex shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.⁽²⁾ Council Decision (EU) 2017/38 of 28 October 2016 on the provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 1080).⁽³⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).⁽⁴⁾ Notice concerning the provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 238, 16.9.2017, p. 9).

Article 4

In order to be eligible to benefit from the tariff quotas set out in this Regulation, the goods listed in the Annex shall comply with the rules of origin set out in Annex 5 to the Protocol on Rules of Origin and Origin Procedures attached to the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part, and be accompanied by a valid origin declaration as set out in Annex 2 to that Protocol.

Article 5

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

It shall apply from 21 September 2017.

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

Done at Brussels, 28 September 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products in the fourth column of the table is to be considered as having no more than an indicative value. The preferential scheme is determined, within the context of this Annex, by the scope of the CN codes set out in the second column of the table as applicable at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN codes and corresponding description of the products in the fourth column of the table taken together.

Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)
09.8400	ex 0201 10 00	93	Carcases and half-carcases of bison, fresh or chilled	From 21.9.2017 to 31.12.2017	841 tonnes carcass weight equivalent
				From 1.1.2018 to 31.12.2018 and for each year thereafter from 1.1 to 31.12	3 000 tonnes carcass weight equivalent
	ex 0201 20 20	93	'Compensated' quarters of bison with bone in, fresh or chilled		
	ex 0201 20 30	93	Unseparated or separated forequarters of bison, with bone in, fresh or chilled		
	ex 0201 20 50	93	Unseparated or separated hindquarters of bison, with bone in, fresh or chilled		
	ex 0201 20 90	20	Other cuts of bison with bone in, fresh or chilled		
	ex 0201 30 00 ⁽¹⁾	30	Boneless meat of bison, fresh or chilled		
	ex 0202 10 00	20	Carcases and half-carcases of bison, frozen		
	ex 0202 20 10	20	'Compensated' quarters of bison with bone in, frozen		
	ex 0202 20 30	20	Unseparated or separated forequarters of bison, with bone in, frozen		
	ex 0202 20 50	20	Unseparated or separated hindquarters of bison, with bone in, frozen		
	ex 0202 20 90	20	Other cuts of bison with bone in, frozen		
	ex 0202 30 10 ⁽¹⁾	20	Forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block; 'compensated' quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other, the hindquarter, excluding the tenderloin, in one piece, of bison, boneless and frozen		

Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)
	ex 0202 30 50 ⁽¹⁾	20	Crop, chuck-and-blade and brisket cuts, of bison, boneless and frozen ⁽²⁾		
	ex 0202 30 90 ⁽¹⁾	20	Other boneless meat of bison, frozen		
	ex 0206 10 95	20	Thick skirt and thin skirt of bison, fresh or chilled		
	ex 0206 29 91	31	Thick skirt and thin skirt of bison, frozen		
	ex 0210 20 10	40			
	ex 0210 20 10	10	Meat of bison, with bone in, salted, in brine, dried or smoked		
	ex 0210 20 90 ⁽³⁾	91	Boneless meat of bison, salted, in brine, dried or smoked		
	ex 0210 99 51	10	Thick skirt and thin skirt of bison, salted, in brine, dried or smoked		
	ex 0210 99 59	10	Other offal of bison meat, salted, in brine, dried or smoked		
09.8403	0304 71 90		Frozen fillets of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i>	From 21.9.2017 to 31.12.2017	281
	0304 79 10		Frozen fillets of Polar cod (<i>Boreogadus saida</i>)	From 1.1.2018 to 31.12.2018 and for each year thereafter from 1.1 to 31.12	1 000
09.8404 ⁽⁴⁾			Frozen, smoked shrimps and prawns, whether in shell or not, whether or not cooked before or during the smoking process, not otherwise prepared, in immediate packings of a net content exceeding 2 kg:	From 21.9.2017 to 31.12.2017	6 446
	ex 0306 16 91	10	Shrimps of the species <i>Crangon crangon</i>	From 1.1.2018 to 31.12.2018 and for each year thereafter from 1.1 to 31.12	23 000
	ex 0306 16 99	21	Other cold-water shrimps and prawns (<i>Pandalus</i> spp.)		
		31			
		91			
	ex 0306 17 91	10	Deepwater rose shrimps (<i>Parapenaeus longirostris</i>)		
	ex 0306 17 92	21	Shrimps of the genus <i>Penaeus</i>		
		91			

Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)
	ex 0306 17 93	10	Shrimps of the family <i>Pandalidae</i> , other than of the genus <i>Pandalus</i>		
	ex 0306 17 94	10	Shrimps of the genus <i>Crangon</i> , other than of the species <i>Crangon crangon</i>		
	ex 0306 17 99	11 91	Other		
			Not frozen, smoked shrimps and prawns, whether in shell or not, whether or not cooked before or during the smoking process, not otherwise prepared, in immediate packings of a net content exceeding 2 kg:		
	ex 0306 95 19	10	Shrimps of the species <i>Crangon crangon</i>		
	ex 0306 95 20	21 91	Other cold-water shrimps and prawns (<i>Pandalus</i> spp.)		
	ex 0306 95 30	21 91	Shrimps of the family <i>Pandalidae</i> , other than of the genus <i>Pandalus</i>		
	ex 0306 95 40	10	Shrimps of the genus <i>Crangon</i> , other than of the species <i>Crangon crangon</i>		
	ex 0306 95 90	10	Other		
	1605 21 90		Prepared or preserved shrimps and prawns not in airtight containers, in immediate packings of a net content exceeding 2 kg		
	1605 29 00		Prepared or preserved shrimps and prawns in airtight containers		
09.8405	0710 40 00		Sweetcorn (uncooked or cooked by steaming or boiling in water), frozen	From 21.9.2017 to 31.12.2017	374
	2005 80 00		Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>), prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006	From 1.1.2018 to 31.12.2018	2 667
				From 1.1.2019 to 31.12.2019	4 000
				From 1.1.2020 to 31.12.2020	5 333

Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)
				From 1.1.2021 to 31.12.2021	6 667
				From 1.1.2022 to 31.12.2022 and for each year thereafter from 1.1 to 31.12	8 000

- (¹) At the declaration for release for free circulation of this product with a request to benefit from this tariff quota, the economic operator shall declare the order number 09.8401. The coefficient 1,3 shall be applied in the Commission's electronic quotas' system to convert the declared product net weight to carcass weight equivalent.
- (²) Entry under this subheading is subject to the presentation of a certificate of authenticity issued in accordance with the conditions laid down in Commission Regulation (EEC) No 139/81 (OJ L 15, 17.1.1981, p. 4).
- (³) At the declaration for release for free circulation of this product with a request to benefit from this tariff quota, the economic operator shall declare the order number 09.8402. The coefficient 1,35 shall be applied in the Commission's electronic quotas' system to convert the declared product net weight to carcass weight equivalent.
- (⁴) Prepared or preserved shrimps and prawns exported from Canada under the origin quota applicable under order number 09.8310 as provided under Section B of Appendix A (Origin Quotas) to Annex 5 (Product specific rules of origin) of the Protocol on rules of origin or origin procedures attached to the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part, shall not be imported into the Union under this tariff quota.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1773**of 28 September 2017****amending for the 278th 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 22 September 2017, the Sanctions Committee of the United Nations Security Council decided to amend five entries in its 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, 28 September 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, under the heading 'Natural persons', the identifying data are replaced for the following entries:

- (a) 'Yazid Sufaat (*alias* (a) Joe, (b) Abu Zufar). Address: (a) Taman Bukit Ampang, Selangor, Malaysia (previous address) (b) Malaysia (in prison since 2013). Date of birth: 20.1.1964. Place of birth: Johor, Malaysia. Nationality: Malaysian. Passport No: A 10472263. National identification No: 640120-01-5529. Date of designation referred to in Article 7d(2)(i): 9.9.2003.'

is replaced by the following:

'Yazid Sufaat (*alias* (a) Joe, (b) Abu Zufar). Address: (a) Taman Bukit Ampang, Selangor, Malaysia (previous address) (b) Malaysia. Date of birth: 20.1.1964. Place of birth: Johor, Malaysia. Nationality: Malaysian. Passport No: A 10472263. National identification No: 640120-01-5529. Date of designation referred to in Article 7d(2)(i): 9.9.2003.'

- (b) 'Yunos Umpara **Moklis** (*alias* (a) Muklis Yunos, (b) Mukhlis Yunos, (c) Saifullah Mukhlis Yunos, (d) Saifulla Moklis Yunos; (e) Hadji Onos). Address: Philippines. Date of birth: 7.7.1966. Place of birth: Lanao del Sur, Philippines. Nationality: Filipino. Date of designation referred to in Article 2a (4) (b): 9.9.2003.'

is replaced by the following:

'Yunos Umpara **Moklis** (*alias* (a) Muklis Yunos, (b) Mukhlis Yunos, (c) Saifullah Mukhlis Yunos, (d) Saifulla Moklis Yunos; (e) Hadji Onos). Address: Philippines. Date of birth: 7.7.1966. Place of birth: Lanao del Sur, Philippines. Nationality: Filipino. Date of designation referred to in Article 7d(2)(i): 9.9.2003.'

- (c) 'Radulan **Sahiron** (*alias* (a) Radullan **Sahiron**, (b) Radulan **Sahirun**, (c) Radulan **Sajirun**, (d) Commander Putol). Date of birth: (a) 1955, (b) circa 1952. Place of birth: Kaunayan, Patikul, Jolo Island, the Philippines. Nationality: Filipino.'

is replaced by the following:

'Radulan **Sahiron** (*alias* (a) Radullan **Sahiron**, (b) Radulan **Sahirun**, (c) Radulan **Sajirun**, (d) Commander Putol). Address: Sulu region, Philippines (reported location) Date of birth: (a) 1955, (b) circa 1952. Place of birth: Kaunayan, Patikul, Jolo Island, the Philippines. Nationality: Filipino. Other information: Physical description: eye colour: black; hair colour: gray; height: 5 feet 6 inches — 168 cm; weight: 140 pounds — 64 kg; build: slight; right arm is amputated above his elbow. Date of designation referred to in Article 7d(2)(i): 6.12.2005'

- (d) 'Hilarion Del Rosario Santos III (*alias* (a) Akmad Santos, (b) Ahmed Islam, (c) Ahmad Islam Santos, (d) Abu Hamsa, (e) Hilarion Santos III, (f) Abu Abdullah Santos, (g) Faisal Santos, (h) Lakay, (i) Aki, (j) Aqi). Title: Amir. Address: 50, Purdue Street, Cubao, Quezon City, Philippines. Date of birth: 12.3.1966. Place of birth: 686 A. Mabini Street, Sangandaan, Caloocan City, Philippines. Nationality: Filipino. Passport No: AA780554 (Filipino passport). Other information: (a) Founder and leader of the Rajah Solaiman Movement and linked to the Abu Sayyaf Group. (b) In detention in the Philippines as of May 2011. Date of designation referred to in Article 7d(2)(i): 4.6.2008.'

is replaced by the following:

'Hilarion Del Rosario Santos (*alias* (a) Akmad Santos, (b) Ahmed Islam, (c) Ahmad Islam Santos, (d) Hilarion Santos, III (third), (e) Hilarion Del Rosario Santos, III (third), (f) Abu Abdullah Santos, (g) Faisal Santos, (h) Lakay, (i) Aki, (j) Aqi, (k) Abu Hamsa. Title: Amir. Address: 50, Purdue Street, Cubao, Quezon City, Philippines. Date of birth: 12.3.1966. Place of birth: 686 A. Mabini Street, Sangandaan, Caloocan City, Philippines. Nationality: Filipino. Passport No: AA780554 (Filipino passport). Date of designation referred to in Article 7d(2)(i): 4.6.2008.'

- (e) 'Umar Patek (*alias* (a) Omar Patek, (b) Mike Arsalan, (c) Hisyam Bin Zein, (d) Anis Alawi Jafar, (e) Pa'tek, (f) Pak Taek, (g) Umar Kecil, (h) Al Abu Syekh Al Zacky, (i) Umangis Mike. Address: Indonesia. Date of birth: 20.7.1970. Place of birth: Central Java, Indonesia. Nationality: Indonesian. Other information: Senior member of Jemaah Islamiyah. Date of designation referred to in Article 2a(4)(b): 19.7.2011.'

is replaced by the following:

'Umar Patek (*alias* (a) Omar Patek, (b) Mike Arsalan, (c) Hisyam Bin Zein, (d) Anis Alawi Jafar, (e) Pa'tek, (f) Pak Taek, (g) Umar Kecil, (h) Al Abu Syekh Al Zacky, (i) Umangis Mike. Address: Indonesia. Date of birth: 20.7.1970. Place of birth: Central Java, Indonesia. Nationality: Indonesian. Date of designation referred to in Article 7d(2)(i): 19.7.2011.'

DECISIONS

COUNCIL IMPLEMENTING DECISION (EU) 2017/1774

of 25 September 2017

on subjecting *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide (acryloylfentanyl) to control measures

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances ⁽¹⁾, and in particular Article 8(3) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) A risk assessment report on the new psychoactive substance *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide (acryloylfentanyl) was drawn up in accordance with Decision 2005/387/JHA by a special session of the extended Scientific Committee of the European Monitoring Centre for Drugs and Drug Addiction, and was subsequently submitted to the Commission and to the Council on 24 February 2017.
- (2) Acryloylfentanyl is a synthetic opioid. It is structurally similar to fentanyl, a controlled substance widely used in medicine as an adjunct to general anaesthesia during surgery and for pain management. The available data suggest that acryloylfentanyl is a potent and long-lasting antinociceptive agent acting on the opioid system.
- (3) Acryloylfentanyl has been available in the Union since at least April 2016 and has been detected in six Member States. In most cases where it has been seized, the substance was in liquid form, but other forms such as tablets, powders and a capsule have also been detected. The detected quantities are relatively small, but should be considered in the context of the high potency of the substance.
- (4) Three Member States have collectively reported 47 deaths associated with acryloylfentanyl. In at least 40 deaths, acryloylfentanyl was the cause of death or is likely to have been a contributing cause of death. In addition, more than 20 acute intoxications suspected to be due to acryloylfentanyl have been reported.
- (5) There is no information to suggest the involvement of organised crime in the manufacture, distribution, trafficking or supply of acryloylfentanyl within the Union. The available data suggest that most of the acryloylfentanyl on the market in Europe has been produced by chemical companies based in China.
- (6) Acryloylfentanyl is sold as 'research chemical', typically as a powder or as ready-to-use nasal sprays. It is sold in small and wholesale amounts. Limited information from seizures suggests that acryloylfentanyl may have also been sold on the illicit opioid market.
- (7) Acryloylfentanyl is not listed for control under the 1961 United Nations Single Convention on Narcotic Drugs or under the 1971 United Nations Convention on Psychotropic Substances. The substance is not currently under assessment by the United Nations system.
- (8) Acryloylfentanyl has no established or acknowledged human or veterinary medical use. Apart from its use in analytical reference materials and in scientific research into its chemistry, pharmacology and toxicology in response to its emergence on the drug market, there is no indication that it is being used for other legitimate purposes.

⁽¹⁾ OJ L 127, 20.5.2005, p. 32.

⁽²⁾ Opinion of 13 September 2017 (not yet published in the Official Journal).

- (9) The risk assessment report reveals that there is limited scientific evidence available on acryloylfentanyl, and observes that further research would be needed. However, the available evidence and information on the health and social risks that the substance poses provide sufficient grounds for subjecting acryloylfentanyl to control measures across the Union.
- (10) Only nine Member States control acryloylfentanyl under national drug control legislation, while two other Member States use other legislative measures to control it. Therefore, subjecting this substance to control measures across the Union would help avoid the emergence of obstacles in cross-border law enforcement and judicial cooperation, and would help protect from the risks that its availability and use could pose.
- (11) Decision 2005/387/JHA confers upon the Council implementing powers to submit new psychoactive substances to control measures across the Union in order to ensure a quick and expertise-based response at Union level to the emergence of such substances that have been detected and reported by the Member States. As the conditions and procedure for triggering the exercise of such implementing powers have been met, an implementing decision should be adopted in order to subject acryloylfentanyl to control measures across the Union.
- (12) Denmark is bound by Decision 2005/387/JHA and is therefore taking part in the adoption and application of this Decision, which implements Decision 2005/387/JHA.
- (13) Ireland is bound by Decision 2005/387/JHA and is therefore taking part in the adoption and application of this Decision, which implements Decision 2005/387/JHA.
- (14) The United Kingdom is not bound by Decision 2005/387/JHA and is therefore not taking part in the adoption of this Decision, which implements Decision 2005/387/JHA, and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The new psychoactive substance N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryloylfentanyl) shall be subjected to control measures across the Union.

Article 2

By 30 September 2018, Member States shall take the necessary measures in accordance with their national law to subject the new psychoactive substance referred to in Article 1 to control measures and criminal penalties, as provided for under their legislation, in compliance with their obligations under the 1971 United Nations Convention on Psychotropic Substances.

Article 3

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

This Decision shall apply in accordance with the Treaties.

Done at Brussels, 25 September 2017.

For the Council
The President
M. MAASIKAS

COUNCIL DECISION (CFSP) 2017/1775
of 28 September 2017
concerning restrictive measures in view of the situation in Mali

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 5 September 2017, the United Nations Security Council (the ‘Security Council’) adopted Resolution 2374 (2017), recalling its Resolutions 2364 (2017) and 2359 (2017) and reaffirming the Security Council’s strong commitment to the sovereignty, unity and territorial integrity of Mali.
- (2) United Nations Security Council Resolution (UNSCR) 2374 (2017) requires that travel restrictions be applied to persons to be designated by the Committee established by paragraph 9 of UNSCR 2374 (2017) (‘the Sanctions Committee’) and that funds and assets of persons or entities to be designated by the Sanctions Committee be frozen.
- (3) Action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons designated by the Sanctions Committee as responsible for or complicit in, or having engaged in, directly or indirectly, the following actions or policies that threaten the peace, security, or stability of Mali:

- (a) engaging in hostilities in violation of the Agreement on Peace and Reconciliation in Mali (the ‘Agreement’);
- (b) actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement;
- (c) acting for or on behalf of or at the direction of, or otherwise supporting or financing individuals and entities identified in points (a) and (b), including through the proceeds from organised crime, including the production and trafficking of narcotic drugs and their precursors originating in or transiting through Mali, the trafficking in persons and the smuggling of migrants, the smuggling and trafficking of arms as well as the trafficking in cultural property;
- (d) involvement in planning, directing, sponsoring, or conducting attacks against:
 - (i) the various entities referenced in the Agreement, including local, regional and state institutions, joint patrols and the Malian Security and Defence forces;
 - (ii) United Nations Multidimensional Integrated Stabilization Mission (MINUSMA) peacekeepers and other UN and associated personnel, including members of the Panel of Experts;
 - (iii) international security presences, including the Force Conjointe des États du G5 Sahel (FC-G5S), European Union Missions and French forces;
- (e) obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali;
- (f) planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge;
- (g) the use or recruitment of children by armed groups or armed forces in violation of applicable international law, in the context of the armed conflict in Mali;

(h) knowingly facilitating the travel of a listed person in violation of the travel restrictions.

The designated persons referred to in this paragraph are listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.
3. Paragraph 1 shall not apply where entry or transit is necessary for the fulfilment of a judicial process.
4. Paragraph 1 shall not apply where the Sanctions Committee determines, on a case-by-case basis, that:
 - (a) entry or transit is justified on the grounds of humanitarian need, including religious obligation;
 - (b) an exemption would further the objectives of peace and national reconciliation in Mali and stability in the region.
5. In cases where, pursuant to paragraph 3 or 4, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned by the authorisation.

Article 2

1. All funds and economic resources owned or controlled directly or indirectly by persons or entities designated by the Sanctions Committee as responsible for or complicit in, or having engaged in, directly or indirectly, the following actions or policies that threaten the peace, security, or stability of Mali:

- (a) engaging in hostilities in violation of the Agreement;
- (b) actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement;
- (c) acting for or on behalf of or at the direction of, or otherwise supporting or financing individuals and entities identified in points (a) and (b), including through the proceeds from organised crime, including the production and trafficking of narcotic drugs and their precursors originating in or transiting through Mali, the trafficking in persons and the smuggling of migrants, the smuggling and trafficking of arms as well as the trafficking in cultural property;
- (d) involvement in planning, directing, sponsoring, or conducting attacks against:
 - (i) the various entities referenced in the Agreement, including local, regional and state institutions, joint patrols and the Malian Security and Defence forces;
 - (ii) MINUSMA peacekeepers and other UN and associated personnel, including members of the Panel of experts;
 - (iii) international security presences, including the FC-G5S, European Union Missions and French forces;
- (e) obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali;
- (f) planning, directing, or committing acts in Mali that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge;
- (g) the use or recruitment of children by armed groups or armed forces in violation of applicable international law, in the context of the armed conflict in Mali;
- (h) knowingly facilitating the travel of a listed person in violation of the travel restrictions;

or by persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, shall be frozen.

The designated persons or entities referred to in this paragraph are listed in the Annex.

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

3. The measures referred to in paragraphs 1 and 2 shall not apply to funds and economic resources which the relevant Member State has determined to be:

- (a) necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or
- (c) intended exclusively for the payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

after notification by the relevant Member State to the Sanctions Committee of the intention to authorise, where appropriate, access to such funds or economic resources and in the absence of a negative decision by the Sanctions Committee within five working days of such notification.

4. The measures referred to in paragraphs 1 and 2 shall not apply to funds or economic resources which the relevant Member State has determined to be:

- (a) necessary for extraordinary expenses, provided that such determination has been notified by the Member State to the Sanctions Committee and has been approved by the Sanctions Committee;
- (b) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds and economic resources may be used to satisfy that lien or judgment provided that the lien was entered into or judgment delivered prior to the date on which the person or entity was included in the Annex, the lien or judgment is not for the benefit of a person or entity referred to in paragraph 1 and has been notified by the Member State concerned to the Sanctions Committee.

5. Paragraphs 1 and 2 shall not apply where the Sanctions Committee determines, on a case-by-case basis, that an exemption would further the objectives of peace and national reconciliation in Mali and stability in the region.

6. Paragraph 1 shall not prevent a designated person or entity from making a payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1 and after notification by the relevant Member State to the Sanctions Committee of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds or economic resources for that purpose, 10 working days prior to such authorisation.

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

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the restrictive measures provided for in this Decision;

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 3

The Council shall establish the list in the Annex and shall amend it in accordance with determinations made by the Security Council or by the Sanctions Committee.

Article 4

1. Where the Security Council or the Sanctions Committee designates a person or entity, the Council shall include that person or entity in the Annex. The Council shall communicate its decision, including the grounds for listing, to the person or entity concerned, either directly, if the address is known, or through the publication of a notice, providing that person or entity with an opportunity to present observations.

2. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person or entity concerned accordingly.

Article 5

1. The Annex shall include the grounds for listing the persons and entities as provided by the Security Council or the Sanctions Committee.
2. The Annex shall also include, where available, information provided by the Security Council or the Sanctions Committee necessary to identify the persons or entities concerned. With regard to persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address if known, and function or profession. With regard to entities, such information may include names, place and date of registration, registration number and place of business.

Article 6

This Decision shall be amended or repealed as appropriate, in accordance with determinations made by the Security Council.

Article 7

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

Done at Brussels, 28 September 2017.

For the Council
The President
M. MAASIKAS

ANNEX

List of persons referred to in Article 1(1) and of persons and entities referred to in Article 2(1)

COUNCIL DECISION (CFSP) 2017/1776
of 28 September 2017
amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333 ⁽¹⁾, concerning restrictive measures in view of the situation in Libya.
- (2) On 31 March 2017, the Council adopted Decision (CFSP) 2017/621 ⁽²⁾.
- (3) In view of the continuing instability and gravity of the situation in Libya the Council has decided that the restrictive measures against three persons should be extended for a further period of 6 months.
- (4) Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 17 of Decision (CFSP) 2015/1333, paragraphs 3 and 4 are replaced by the following:

- ‘3. The measures referred to in Article 8(2) shall apply with regard to entry numbers 16, 17 and 18 in Annex II until 2 April 2018.
4. The measures referred to in Article 9(2) shall apply with regard to entry numbers 21, 22 and 23 in Annex IV until 2 April 2018.’

Article 2

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

Done at Brussels, 28 September 2017.

For the Council
The President
M. MAASIKAS

⁽¹⁾ Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ L 206, 1.8.2015, p. 34).

⁽²⁾ Council Decision (CFSP) 2017/621 of 31 March 2017 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (OJ L 89, 1.4.2017, p. 10).

CORRIGENDA**Corrigendum to Recommendation No 1/2017 of the EU-Egypt Association Council of 25 July 2017 agreeing on the EU-Egypt Partnership Priorities [2017/1544]**

(Official Journal of the European Union L 236 of 14 September 2017)

The publication of this Recommendation is to be considered null and void.

Corrigendum to Council Implementing Regulation (EU) 2017/1568 of 15 September 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

(Official Journal of the European Union L 238 of 16 September 2017)

On page 11, in the Annex, point (a) 'Natural Persons', entry 63:

for: 'Pak Yon Sik',

read: 'Pak Yong Sik'.

Corrigendum to Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea

(Official Journal of the European Union L 238 of 16 September 2017)

On page 52, in the Annex, point (a) 'Persons', entry 63:

for: 'Pak Yon Sik',

read: 'Pak Yong Sik'.

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