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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2019/807

of 13 March 2019

supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council as regards the determination of high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed and the certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources ⁽¹⁾, and in particular the fourth subparagraph of Article 26(2) thereof,

Whereas:

- (1) In order to address the issue of indirect land use change (‘ILUC’), Directive (EU) 2018/2001 requires the Commission to adopt a delegated act to lay down provisions setting out the criteria for determining the high ILUC-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed, and for certifying low ILUC-risk biofuels, bioliquids and biomass fuels. Such provisions should accompany the report on the status of worldwide production expansion of the relevant feedstock (‘report on feedstock expansion’), submitted to the European Parliament and to the Council on this date.
- (2) ILUC can occur when land previously devoted to food or feed production is converted to produce biofuels, bioliquids and biomass fuels. In that case, food and feed demand still needs to be satisfied, which may lead to the extension of agricultural land into areas with high carbon stock such as forests, wetlands and peat land, causing additional greenhouse gas emissions.
- (3) Sustainability and greenhouse gas saving criteria set out in both Directive 2009/28/EC of the European Parliament and of the Council ⁽²⁾ and Directive (EU) 2018/2001 do not account for ILUC emissions.
- (4) Directive (EU) 2015/1513 of the European Parliament and of the Council ⁽³⁾ not only acknowledged the existence of ILUC emissions, but also recognised, despite the uncertainty in calculating them, that the magnitude of greenhouse gas emissions linked to ILUC can lead to negating some or all of the greenhouse gas emissions savings of individual biofuels, as defined in that Directive, and bioliquids. Therefore, it introduced an overall limit to the amount of those fuels produced from cereal and other starch-rich crops, sugars and oil crops and from

⁽¹⁾ OJ L 328, 21.12.2018, p. 82.

⁽²⁾ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

⁽³⁾ Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (OJ L 239, 15.9.2015, p. 1).

crops grown as main crops primarily for energy purposes on agricultural land that can be counted towards targets set out in Directive 2009/28/EC. That limit consists of a 7 % maximum contribution of such fuels towards the final consumption of energy in rail and road transport in each Member State.

- (5) Directive (EU) 2018/2001 keeps the limitation on biofuels and biomass fuels produced from food and feed crops consumed in transport and strengthens it by introducing specific national limits for the total contribution of these fuels towards the Union renewable energy target for 2030. Those limits are determined by the 2020 national share of those fuels in final consumption of energy in rail and road transport in each Member State, with the possibility to increase them by one percentage point, up to a maximum of 7 %.
- (6) Directive (EU) 2018/2001 also calls for a specific limit to biofuels, bioliquids and biomass fuels produced from food and feed crops with high ILUC-risk and for which a significant expansion of their feedstock production area into land with high carbon stock is observed, in the amount of their level of consumption in each Member State in 2019. Starting from 31 December 2023, their contribution should be gradually reduced to 0 % by 2030 at the latest.
- (7) While it is widely acknowledged that there are risks arising from ILUC related to the use of food and feed crops for the production of fuels, scientific literature shows that the level of ILUC emissions depends on a variety of factors, including the type of feedstock used for the renewable fuel production, the level of additional demand for feedstock triggered by the use of biofuels, bioliquids and biomass fuels, and the extent to which land with high-carbon stock is protected worldwide.
- (8) Scientific literature also demonstrates that the impact of ILUC on the potential of biofuels, bioliquids and biomass fuels to achieve greenhouse gas emission savings is particularly pronounced for oil crops. Renewable fuels made from such feedstocks are therefore widely considered as having a higher ILUC-risk. This is reflected in Annex VIII, Part A of both Directive 2009/28/EC and Directive (EU) 2018/2001. The report on feedstock expansion, reflecting the latest best available scientific data on the worldwide expansion of the production area of food and feed crops into land with high carbon stock, confirms that these crops are also responsible for an overwhelming majority of the observed worldwide expansion of the production area of food and feed crops into land with high-carbon stock.
- (9) The report on feedstock expansion also highlights that the impact of the expansion of the production area of oil crops into land with high-carbon stock on the potential of biofuels, bioliquids and biomass fuels to achieve greenhouse gas emission savings depends on several factors. Among those, the absolute and relative magnitude of the land expansion since a specific reference year compared to the total production area of the relevant crop, the share of this expansion into land with high-carbon stock as well as the type of high-carbon stock area, play a crucial role in determining the significance of such expansion for the purposes of Directive (EU) 2018/2001. These factors, as well as the specific productivity factors for each group of crop, should therefore be taken into account when laying down the criteria for determining the high ILUC-risk biofuels, bioliquids and biomass fuels produced from food and feed crops for which a significant expansion of the feedstock production area into land with high-carbon stock is observed.
- (10) Taking into account all of the foregoing considerations, including all of the relevant scientific information and studies, the differences between the various feedstocks, the global nature of different commodities markets and the manner in which they function, the related risk of unintended or counterproductive deflection or diversion effects, the relative availability of complete data, and the periodic and frequent review of that data, as well as the relevant international obligations of the European Union, the most appropriate, objective and even-handed methodology at this stage of the regulatory process is considered to be one based on the overall worldwide position with respect to each particular feedstock, rather than an approach that would discriminate between particular countries. This represents the best achievable regulatory approach taking into account the competing but complementary objectives pursued by this regulation. Such an approach is further appropriately balanced by the possibility of low ILUC-risk certification.
- (11) In accordance with Article 26(2) of Directive (EU) 2018/2001, Member States are required to apply the criteria set out in this Regulation for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. They should do so on the basis

of the information included in an annex, to be revised in accordance with this Regulation. The Commission should review the report on feedstock expansion regularly, to take into account the evolving circumstances and the latest available scientific evidence. The annex should be amended where appropriate.

- (12) Under certain circumstances, the ILUC impacts of biofuels, bioliquids and biomass fuels generally considered as high ILUC-risk can be avoided and the cultivation of the related feedstock can even prove to be beneficial for the relevant production areas. For such cases, it is necessary to lay down criteria to allow the identification and certification as low ILUC-risk biofuels, bioliquids and biomass fuels. Certified low ILUC-risk biofuels, bioliquids or biomass fuels should be exempted from the limit and gradual reduction set for high ILUC-risk biofuels, bioliquids and biomass fuels produced from food and feed crops, provided that they meet the relevant sustainability and greenhouse gas emissions saving criteria laid down in Article 29 of Directive (EU) 2018/2001.
- (13) Biofuels, bioliquids or biomass fuels should be considered low ILUC-risk only if the feedstock used for their production is cultivated as a result of the application of duly verifiable measures to increase productivity beyond the increases which would be already achieved in a business-as-usual scenario. In addition, these measures should ensure sustainability of feedstock in view of all requirements set in Directive 2009/28/EC or Directive (EU) 2018/2001 in relation to renewable energy targets.
- (14) As a further guarantee of the positive effects of low ILUC-risk certification, the additional feedstock to be used for low ILUC-risk fuels should be taken into account only if resulting from a limited category of measures. In particular, only measures that are financially attractive because they allow to reap the financial premium arising from such certification should be considered, in analogy with the financial additionality criteria applied under the Clean Development Mechanism of the Kyoto Protocol.
- (15) Furthermore, it is appropriate not to apply the financial additionality criterion to the additional feedstock cultivated on abandoned or severely degraded land or by independent small farm holders. This would in fact amount to an unreasonable administrative burden in light of the significant potential for productivity improvements and the barriers faced to finance the necessary investments. Therefore, measures taken on abandoned or severely degraded land or by independent small farm holders should be exempted from proving compliance with the financial additionality criteria, without prejudice to the requirement of producing additional feedstock and complying with the sustainability criteria. In light of the statistical work carried out in several analyses, including the FAO smallholders data-portrait, holdings below 2 hectares should be considered small in this context.
- (16) Only actual increases in productivity in existing or new projects resulting from measures that aim to achieve additional yields should be considered. Therefore, the certification period should be limited to a reasonable time and scope allowing for the full amortisation of the relevant investment and for the existence of robust procedures to monitor the effectiveness of the certification.
- (17) In order to ensure a smooth certification process for low ILUC-risk biofuels, bioliquids or biomass fuels, economic operators should be able to rely on robust and reliable certification rules. These rules should take into account the role of voluntary national or international schemes in line with the recast text of Article 30 of Directive (EU) 2018/2001, which strengthened the robustness of the verification that they are tasked to perform in comparison with the corresponding provisions set out in Directive 2009/28/EC. In addition to the national schemes recognised by the Commission in accordance to Article 30(6) of Directive (EU) 2018/2001, voluntary schemes may certify low ILUC-risk biofuels, bioliquids and biomass fuels as they do for the purpose of certifying compliance with the sustainability criteria set out in Article 29 of Directive (EU) 2018/2001.
- (18) In order to ensure that the information provided by economic operators is transparent, accurate, reliable and protected against fraud, overarching rules should be introduced on certification of low indirect land-use change-risk biofuels, bioliquids or biomass fuels providing for an adequate standard of independent auditing of the claims submitted by economic operators. Such rules, including on group certification, may be further specified and harmonised by virtue of the adoption of implementing acts in accordance with Article 30(8) of Directive (EU) 2018/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the criteria for determining the high ILUC-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed, and for certifying low ILUC-risk biofuels, bioliquids and biomass fuels.

Article 2

Definitions

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

- (1) 'oil crops' means food and feed crops such as rapeseed, palm, soybeans and sunflower, that are not starch rich crops and sugar crops that are commonly used as feedstock for the production of biofuels, bioliquids and biomass fuels;
- (2) 'unused land' means areas which, for a consecutive period of at least 5 years before the start of cultivation of the feedstock used for the production of biofuels, bioliquids and biomass fuels, were neither used for the cultivation of food and feed crops, other energy crops nor any substantial amount of fodder for grazing animals;
- (3) 'abandoned land' means unused land, which was used in the past for the cultivation of food and feed crops but where the cultivation of food and feed crops was stopped due to biophysical or socioeconomic constraints;
- (4) 'severely degraded land' means land as defined in point 9 of Annex V, part C to Directive (EU) 2018/2001;
- (5) 'additionality measure' means any improvement of agricultural practices leading, in a sustainable manner, to an increase in yields of food and feed crops on land that is already used for the cultivation of food and feed crops; and any action that enables the cultivation of food and feed crops on unused land, including abandoned land, for the production of biofuels, bioliquids and biomass fuels;
- (6) 'additional feedstock' means the additional amount of a food and feed crop produced in a clearly delineated area compared to the dynamic yield baseline and that is the direct result of applying an additionality measure;
- (7) 'dynamic yield baseline' means the average yield from the delineated area where an additionality measure has been taken, calculated over the 3-year period immediately preceding the year of the application of such measure, taking into account the average yield increase observed for that feedstock over the previous decade and the yield curves over the life time in case of permanent crops, excluding yield fluctuations;
- (8) 'land with high-carbon stock' means wetlands, including peatland, and continuously forested areas within the meaning of Article 29(4)(a), (b) and (c) of Directive (EU) 2018/2001;
- (9) 'small holders' means farmers who conduct independently an agricultural activity on a holding with an agricultural area of less than 2 hectares for which they hold ownership, tenure rights or any equivalent title granting them control over land, and who are not employed by a company, except for a cooperative of which they are members with other small holders, provided that such a cooperative is not controlled by a third party;
- (10) 'permanent crops' means non-rotational crops other than permanent grassland and permanent pasture that occupy the land for five years or more and yield repeated harvests.

Article 3

Criteria for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed

For the purpose of determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed, the following cumulative criteria shall apply:

- (a) the average annual expansion of the global production area of the feedstock since 2008 is higher than 1 % and affects more than 100 000 hectares;

- (b) the share of such expansion into land with high-carbon stock is higher than 10 %, in accordance with the following formula:

$$x_{\text{hcs}} = \frac{x_f + 2,6x_p}{PF}$$

where

x_{hcs} = share of expansion into land with high-carbon stock;

x_f = share of expansion into land referred to in Article 29(4)(b) and (c) of Directive (EU) 2018/2001;

x_p = share of expansion into land referred to in Article 29(4)(a) of Directive (EU) 2018/2001 including peatland;

PF = productivity factor.

PF shall be 1,7 for maize, 2,5 for palm oil, 3,2 for sugar beet, 2,2 for sugar cane and 1 for all other crops.

The application of the criteria in points (a) and (b) above shall be based on the information included in the Annex, as revised in accordance with Article 7.

Article 4

General criteria for certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels

1. Biofuels, bioliquids and biomass fuels may only be certified as low indirect land-use change-risk fuels if all the following criteria are met:
 - (a) the biofuels, bioliquids and biomass fuels comply with the sustainability and greenhouse gas emissions saving criteria set out in Article 29 of Directive (EU) 2018/2001;
 - (b) the biofuels, bioliquids and biomass fuels have been produced from additional feedstock obtained through additionality measures that meet the specific criteria set out in Article 5;
 - (c) the evidence needed to identify the additional feedstock and substantiate claims regarding the production of additional feedstock is duly collected and thoroughly documented by the relevant economic operators.
2. The evidence in point (c) of paragraph 1 shall at least include information on the additionality measures taken to produce additional feedstock, the delineated areas on which these measures have been applied and the average yield achieved from the land where these measures have been applied over the 3-year period immediately preceding the year when the additionality measure was applied.

Article 5

Additionality measures

1. Biofuels, bioliquids and biomass fuels may only be certified as low indirect land-use change-risk fuels if:
 - (a) the additionality measures to produce the additional feedstock meet at least one of the following conditions:
 - (i) they become financially attractive or face no barrier preventing their implementation only because the biofuels, bioliquids and biomass fuels produced from the additional feedstock can be counted towards the targets for renewable energy under Directive 2009/28/EC or Directive (EU) 2018/2001;
 - (ii) they allow for cultivation of food and feed crops on abandoned land or severely degraded land;
 - (iii) they are applied by small holders;
 - (b) the additionality measures are taken no longer than 10 years before the certification of the biofuels, bioliquids and biomass fuels as low indirect land-use change-risk fuels.

*Article 6***Auditing and verification requirements for certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels**

1. For the purpose of certifying low indirect land-use change-risk biofuels, bioliquids and biomass fuels, economic operators shall:
 - (a) submit reliable information substantiating their claims ensuring that all requirements set out in Articles 4 and 5 have been duly fulfilled;
 - (b) arrange for an adequate standard of independent auditing of the information submitted and an adequate level of transparency reflecting the need for public scrutiny of the auditing approach; and
 - (c) provide evidence that audits are conducted.
2. The auditing shall verify that information submitted by economic operators is accurate, reliable and protected against fraud.
3. In order to demonstrate that a consignment is to be considered as a low indirect land-use change-risk biofuel, bioliquid or biomass fuel, economic operators shall use the mass balance system set out in Article 30(1) of Directive (EU) 2018/2001. Voluntary schemes may be used to demonstrate compliance with the criteria set out in Articles 4 to 6 in accordance with Article 30 of Directive (EU) 2018/2001.

*Article 7***Monitoring and review**

The Commission shall, by 30 June 2021, review all relevant aspects of the report on feedstock expansion, in particular the data on feedstock expansion, as well as the evidence on the factors justifying the small holders provision in Article 5(1), and, if appropriate, amend this Regulation. This revised report shall be submitted to the European Parliament and the Council and become the basis for the application of the criteria set out in Article 3.

The Commission shall review thereafter the data included in the report in light of evolving circumstances and latest available scientific evidence.

*Article 8***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, 13 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

	Average annual expansion of production area since 2008 (kha)	Average annual expansion of production area since 2008 (%)	Share of expansion into land referred to in Article 29(4)(b) and (c) of Directive (EU) 2018/2001	Share of expansion into land referred to in Article 29(4)(a) of Directive (EU) 2018/2001
Cereals				
Wheat	- 263,4	- 0,1 %	1 %	—
Maize	4 027,5	2,3 %	4 %	—
Sugar crops				
Sugar cane	299,8	1,2 %	5 %	—
Sugar beet	39,1	0,9 %	0,1 %	—
Oil crops				
Rapeseed	301,9	1,0 %	1 %	—
Palm oil	702,5	4,0 %	45 %	23 %
Soybean	3 183,5	3,0 %	8 %	—
Sunflower	127,3	0,5 %	1 %	—

COMMISSION IMPLEMENTING REGULATION (EU) 2019/808
of 20 May 2019

amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 ⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 1210/2003 lists public bodies, corporations and agencies and natural and legal persons, bodies and entities of the previous government of Iraq covered by the freezing of funds and economic resources that were located outside Iraq on the date of 22 May 2003 under that Regulation.
- (2) On 14 May 2019, the Sanctions Committee of the United Nations Security Council decided to remove four entries from the list of persons or entities to whom the freezing of funds and economic resources should apply.
- (3) Annex III to Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1210/2003 is amended as set out in 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, 20 May 2019.

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

⁽¹⁾ OJ L 169, 8.7.2003, p. 6.

ANNEX

In Annex III to Regulation (EC) No 1210/2003, the following entries are deleted:

- '25. DIRECTORATE-GENERAL OF BAGHDAD ELECTRICITY DISTRIBUTION. Address: P.O. Box 24042, Al-Jumhuriya Street, Building 66, Baghdad, Iraq.'
 - '54. IDRISI CENTRE FOR ENGINEERING CONSULTANCY (ICEC). Address: Museum Square, Karkh, P.O. Box 14077, Baghdad, Iraq.'
 - '90. NATIONAL CENTRE FOR ENGINEERING AND ARCHITECTURAL CONSULTANCY. Address: Rashid Street, P.O. Box 11 387, Baghdad, Iraq.'
 - '135. STATE ENTERPRISE FOR FERTILISER INDUSTRIES. Address: P.O. Box 74, Basrah, Iraq.'
-

DECISIONS

COUNCIL DECISION (EU) 2019/809

of 13 May 2019

appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 18 July 2016, by Council Decision (EU) 2016/1203 ⁽⁴⁾, Mr Roger ALBINYANA i SAIGÍ was replaced by Mr Amadeu ALTAF AJ i TARDIO as an alternate member. On 8 October 2018, by Council Decision (EU) 2018/1502 ⁽⁵⁾, Mr Amadeu ALTAF AJ i TARDIO was replaced by Ms Natàlia MAS GUIX as an alternate member.
- (2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Natàlia MAS GUIX,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Ms Mireia BORRELL PORTA, *Directora General de Relaciones Exteriores, Generalitat de Catalunya*.

Article 2

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

Done at Brussels, 13 May 2019.

For the Council

The President

F. MOGHERINI

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

⁽⁴⁾ Council Decision (EU) 2016/1203 of 18 July 2016 appointing a member and an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 198, 23.7.2016, p. 44).

⁽⁵⁾ Council Decision (EU) 2018/1502 of 8 October 2018 appointing a member and an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions (OJ L 254, 10.10.2018, p. 7).

COUNCIL DECISION (EU) 2019/810**of 13 May 2019****appointing a member, proposed by the Kingdom of Sweden, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Swedish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 20 July 2015, by Council Decision (EU) 2015/1203 ⁽⁴⁾, Ms Monalisa NORMANN was replaced by Mr Joakim LARSSON as a member. On 30 November 2017, by Council Decision (EU) 2017/2237 ⁽⁵⁾, Mr Joakim LARSSON was replaced by Ms Agneta GRANSTRÖM as a member.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Agneta GRANSTRÖM,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Ms Märta STENEVI, *Malmö kommun*.

Article 2

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

Done at Brussels, 13 May 2019.

For the Council

The President

F. MOGHERINI

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

⁽⁴⁾ Council Decision (EU) 2015/1203 of 20 July 2015 appointing three Swedish members and six Swedish alternate members of the Committee of the Regions (OJ L 195, 23.7.2015, p. 44).

⁽⁵⁾ Council Decision (EU) 2017/2237 of 30 November 2017 appointing two members, proposed by the Kingdom of Sweden, of the Committee of the Regions (OJ L 320, 6.12.2017, p. 10).

COUNCIL DECISION (EU) 2019/811**of 13 May 2019****appointing a member, proposed by the Italian Republic, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Italian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 16 October 2018, by Council Decision (EU) 2018/1574 ⁽⁴⁾, Mr Luciano D'ALFONSO was replaced by Mr Giovanni LOLLI as a member.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Giovanni LOLLI,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Mr Marco MARSILIO, *Presidente della Regione Abruzzo*.

Article 2

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

Done at Brussels, 13 May 2019.

For the Council
The President
F. MOGHERINI

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

⁽⁴⁾ Council Decision (EU) 2018/1574 of 16 October 2018 appointing a member, proposed by the Italian Republic, of the Committee of the Regions (OJ L 262, 19.10.2018, p. 60).

COUNCIL DECISION (EU) 2019/812**of 14 May 2019****on the position to be taken on behalf of the European Union in the Inter-American Tropical Tuna Commission (IATTC) and the Meeting of the Parties to the Agreement on the International Dolphin Conservation Programme, and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the IATTC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2006/539/EC ⁽¹⁾, the Union concluded the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica ('Antigua Convention') ⁽²⁾, which established the Inter-American Tropical Tuna Commission (IATTC).
- (2) The IATTC is responsible for the management and conservation of the fishery resources of the Antigua Convention area. The IATTC adopts conservation and management measures to ensure the long-term conservation and sustainable use of the fish stocks covered by that Convention. Such measures may become binding upon the Union.
- (3) By Council Decision 2005/938/EC ⁽³⁾, the Union approved the Agreement on the International Dolphin Conservation Programme (AIDCP) ⁽⁴⁾, which established the Meeting of the Parties to the AIDCP. Article XIV of the Antigua Convention provides for the IATTC to have an integral role in coordinating the implementation of the AIDCP and implementing the measures that are adopted within the framework of the AIDCP. The Secretariat of the AIDCP is provided by the IATTC.
- (4) The Meeting of the Parties to the AIDCP is the body established by the AIDCP to promote the progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery in the Antigua Convention area to levels approaching zero. The Meeting of the Parties to the AIDCP adopts decisions to ensure the long term sustainability of marine biological resources associated with the purse-seine tuna fishery in the Antigua Convention area. Such measures may become binding upon the Union.
- (5) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁵⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards, and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.

⁽¹⁾ Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

⁽²⁾ OJ L 224, 16.8.2006, p. 24.

⁽³⁾ Council Decision 2005/938/EC of 8 December 2005 on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme (OJ L 348, 30.12.2005, p. 26).

⁽⁴⁾ OJ L 348, 30.12.2005, p. 28.

⁽⁵⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

- (6) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (7) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.
- (8) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the IATTC and the Meeting of the Parties to the AIDCP for the period 2019-2023, as the IATTC conservation and enforcement measures and the decisions of the Meeting of the Parties to the AIDCP will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁶⁾, (EC) No 1224/2009 ⁽⁷⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁸⁾.
- (9) Currently, the position to be taken on the Union's behalf in the meetings of the IATTC is established by the Council Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the IATTC. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (10) In view of the evolving nature of fishery resources in the Antigua Convention area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the IATTC and the Meeting of the Parties to the AIDCP, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the Inter-American Tropical Tuna Commission (IATTC) and the Meeting of the Parties to the Agreement on the International Dolphin Conservation Programme (AIDCP) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the IATTC and the Meeting of the Parties to the AIDCP shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the IATTC in 2024.

⁽⁶⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁷⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽⁸⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 4

The Council Decision of 12 June 2014 on the position to be adopted, on behalf of the European Union, in the Inter-American Tropical Tuna Commission (IATTC) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the Inter-American Tropical Tuna Commission (IATTC) and the Meeting of the parties of the Agreement on the International Dolphin Conservation Programme (AIDCP)

1. PRINCIPLES

In the framework of the IATTC and the Meeting of the Parties to the AIDCP, the Union shall:

- (a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- (b) work towards an appropriate involvement of stakeholders in the preparation phase for IATTC and AIDCP measures and ensure that measures adopted within the IATTC and the Meeting of the Parties to the AIDCP are in accordance with the Antigua Convention and the AIDCP Agreement respectively;
- (c) ensure that measures adopted within the IATTC and the Meeting of the Parties to the AIDCP are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas; and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- (d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- (e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- (f) ensure that the Union's international commitments are respected;
- (g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- (h) aim to create a level playing field for the Union fleet within the IATTC Convention Area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- (i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the IATTC and AIDCP and, where relevant, improve its governance and performance (in particular on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- (j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- (k) promote coordination and cooperation with other tuna RFMOs on issues of common interest, notably via the reactivation of the so-called Kobe process for tuna RFMOs and its extension to all RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the IATTC and the AIDCP:

- (a) conservation and management measures for fisheries resources in the area based on the best scientific advice available, including the Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the IATTC, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks, which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;
 - (b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;
 - (c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - (d) monitoring, control and surveillance measures in the Antigua Convention area, including the adoption of Port State Measures (PSM) and the strengthening of the Vessel Monitoring System (VMS), in order to ensure efficiency of control and compliance with measures adopted within the IATTC;
 - (e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for sensitive marine ecosystems in the Antigua Convention area in line with the UNGA Resolutions, and measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - (f) measures to manage the use of fish aggregating devices (FADs) notably to improve collection of data, to accurately quantify, track and monitor FADs use, to reduce impact on vulnerable tuna stocks, to mitigate their potential effects on target and non-target species, as well as on the ecosystem;
 - (g) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear and to reduce the contribution to marine debris;
 - (h) measures to reinforce the compliance monitoring system in the organisation and ensure the effective follow-up of actions taken by flag states to address non-compliance issues;
 - (i) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and, to require that all sharks be landed with all fins naturally attached;
 - (j) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same area;
 - (k) additional technical measures based on advice from the bodies and working groups of the IATTC and the Meeting of the Parties to the AIDCP;
 - (l) progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery to level approaching zero and regular dolphin population assessments;
 - (m) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - (n) measures to ensure the efficiency of the organisation including the undertaking of regular performance reviews of the organisation.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the Inter-American Tropical Tuna Commission and the Meeting of the Parties to the Agreement on the International Dolphin Conservation Programme

Before each meeting of the IATTC and the Meeting of the Parties to the AIDCP, when those bodies are called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the IATTC and the Meeting of the Parties to the AIDCP, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of an IATTC meeting or Meeting of the Parties to the AIDCP it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/813**of 17 May 2019****on the position to be taken on behalf of the European Union in the International Grains Council
with respect to the extension of the Grains Trade Convention, 1995**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Grains Trade Convention, 1995 ('the Convention') was concluded by the Union by means of Council Decision 96/88/EC ⁽¹⁾ and entered into force on 1 July 1995. The Convention was concluded for a period of three years.
- (2) Pursuant to Article 33 of the Convention, the International Grains Council is able to extend the Convention for successive periods not exceeding two years on each occasion. Since its conclusion, the Convention has regularly been extended for further periods of two years. The Convention was last extended by decision of the International Grains Council on 5 June 2017 ⁽²⁾ and remains in force until 30 June 2019.
- (3) During its 49th session, which will be held on 10 June 2019, the International Grains Council is to decide on the extension of the Convention for a further period of up to two years from 1 July 2019.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the 49th session of the International Grains Council, as an extension of the Convention is in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 49th session of the International Grains Council shall be to vote in favour of the extension of the Grains Trade Convention, 1995, for a further period of up to two years from 1 July 2019.

Article 2

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

Done at Brussels, 17 May 2019.

For the Council
The President
E.O. TEODOROVICI

⁽¹⁾ Council Decision 96/88/EC of 19 December 1995 concerning the approval by the European Community of the Grains Trade Convention and the Food Aid Convention, constituting the International Grains Agreement 1995 (OJ L 21, 27.1.1996, p. 47).

⁽²⁾ Information concerning the extension of the Grains Trade Convention (1995) (OJ L 12, 17.1.2018, p. 1).

COUNCIL IMPLEMENTING DECISION (EU) 2019/814**of 17 May 2019****authorising Italy to apply, in determined geographical areas, reduced rates of taxation on gas oil and liquid petroleum gas used for heating purposes in accordance with Article 19 of Directive 2003/96/EC**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 19(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to Article 19(1) of Directive 2003/96/EC, Italy was authorised to apply in certain particularly disadvantaged geographical areas reduced rates of excise duty on gas oil and liquid petroleum gas (LPG) used for heating. The last authorisation was granted until 31 December 2018 by Council Implementing Decision 2014/695/EU ⁽²⁾.
- (2) By letter dated 31 October 2018, the Italian authorities requested authorisation to apply, in certain particularly disadvantaged geographical areas, reduced rates of taxation on gas oil and LPG used for heating purposes by way of extension of the practice followed under Decision 2014/695/EU in some areas, before that Decision would expire. The Italian authorities requested the authorisation for the period from 1 January 2019 to 31 December 2024. Additional information and clarifications were provided by the Italian authorities on 14 December 2018.
- (3) Italy has a very diversified territory with variable climate and geographical conditions. Taking into account the particularities of its territory, Italy has introduced reduced rates of taxation on gas oil and LPG with the purpose of partially offsetting the disproportionately high heating costs for residents in certain geographical areas.
- (4) The tax differentiation is based on objective criteria and aims at putting the population of the eligible areas on a more comparable footing with the rest of the population of Italy by means of reducing their disproportionately high heating costs, which are due to severe climate conditions or difficulties with fuel procurement in comparison with the rest of the Italian territory.
- (5) The reduced rates of taxation are applicable in geographical areas fulfilling one of the following criteria: (a) most severe climate conditions within the Italian territory, that is, communes falling into zone F as defined in the Presidential Decree No 412 of 26 August 1993 ⁽³⁾; (b) severe climate conditions combined with difficulties with fuel procurement, that is, communes falling into zone E as defined in the Presidential decree No 412 of 26 August 1993; and (c) geographical isolation combined with difficult and costly fuel procurement, that is, Sardinia and small islands. The reduced rates of taxation should only be applied until the completion of the natural gas network in the communes concerned.
- (6) The requested measure has been reviewed by the Commission and been found not to distort competition or hinder the operation of the internal market and it is not considered incompatible with Union policy on the environment, energy and transport. The reduced rate of taxation both for gas oil and LPG would remain higher than the EU minimum levels of taxation set out in Directive 2003/96/EC and would only partially alleviate the additional heating costs incurred in the geographical areas concerned.

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

⁽²⁾ Council Implementing Decision 2014/695/EU of 29 September 2014 authorising Italy to apply, in determined geographical areas, reduced rates of taxation on gas oil and LPG used for heating purposes in accordance with Article 19 of Directive 2003/96/EC (OJ L 291, 7.10.2014, p. 16).

⁽³⁾ The Presidential decree No 412 of 26 August 1993 divides the Italian territory into six climate zones (A to F). The classification is based on the unit 'degree per day' which represents the amount of days per year in which the outside temperature differs from the optimum 20 °C and thus heating is needed.

- (7) Italy should therefore be authorised, pursuant to Article 19(2) of Directive 2003/96/EC, to apply, in determined geographical areas, reduced rates of taxation of gas oil and LPG used for heating purposes until 31 December 2024. According to that provision, each authorisation granted under that Article is to be strictly limited in time.
- (8) In order to provide the geographical areas concerned with a sufficient degree of certainty, the authorisation should be granted for a period of six years. However, in order not to undermine future general developments of the existing legal framework, it is appropriate to provide that, should the Council, acting on the basis of Article 113 of the Treaty, introduce a modified general system for the taxation of energy products to which this authorisation would not be adapted, this Decision should expire on the date on which the rules on that modified system become applicable.
- (9) In order to ensure that the measure would apply without interruption in respect of the authorisation to apply reduced rates of excise duties granted by Decision 2014/695/EU, which expired on 31 December 2018, it would be appropriate that this Decision applies from 1 January 2019.
- (10) This Decision is without prejudice to the application of Union rules regarding State aid,

HAS ADOPTED THIS DECISION:

Article 1

1. Italy is authorised to apply reduced rates of taxation to gas oil and LPG used for heating purposes in the following disadvantaged geographical areas:
 - (a) communes falling in the climate zone F as established by the Presidential Decree No 412 of 26 August 1993;
 - (b) communes falling in the climate zone E as established by the Presidential Decree No 412 of 26 August 1993;
 - (c) communes of Sardinia and small islands, that is all Italian islands, except Sicily.
2. In order to avoid any overcompensation, the reduction shall not go beyond the additional costs of heating in the areas concerned. In the particular case of the areas covered by point (c) of paragraph 1, as a consequence, the tax reduction shall not drive the price below the price of the same fuel on the Italian mainland.
3. The reduced rate shall comply with the requirements set out in Directive 2003/96/EC, and in particular with the minimum levels of taxation laid down in Article 9 of that Directive.

Article 2

The eligibility of the geographical areas referred to in points (b) and (c) of Article 1(1) shall be subject to the non-availability of the natural gas network in the communes concerned.

Article 3

This Decision shall apply from 1 January 2019 until 31 December 2024.

However, should the Council, acting on the basis of Article 113 of the Treaty, introduce a modified general system for the taxation of energy products to which the authorisation granted in Article 1 of this Decision would not be adapted, this Decision shall expire on the date on which the rules on that modified system become applicable.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 17 May 2019.

For the Council
The President
E.O. TEODOROVICI

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