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## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Notice concerning the date of entry into force of the Agreement between the European Union and Japan for an Economic Partnership**

The Agreement between the European Union and Japan for an Economic Partnership <sup>(1)</sup>, signed in Tokyo on 17 July 2018, will enter into force on 1 February 2019.

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<sup>(1)</sup> OJ L 330, 27.12.2018, p. 3.

# REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2019/33

of 17 October 2018

**supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation**

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 <sup>(1)</sup>, and in particular Article 109, Article 114 and Article 122 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007 <sup>(2)</sup>. Sections 2 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 lay down rules on designations of origin, geographical indications, traditional terms, labelling and presentation in the wine sector and empower the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the wine market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the provisions of Commission Regulation (EC) No 607/2009 <sup>(3)</sup> which should therefore be repealed.
- (2) Experience gained from the application of Regulation (EC) No 607/2009 has demonstrated that the current procedures for the registration, amendment and cancellation of Union or third country designations of origin or geographical indications can be intricate, burdensome and time consuming. Regulation (EU) No 1308/2013 has created legal vacuums, in particular as regards the procedure to be followed in applications to amend product specifications. Rules of procedure concerning designations of origin and geographical indications in the wine sector are inconsistent with the rules applicable to quality schemes in the foodstuffs, spirit drinks and aromatised wines sectors of Union law. This gives rise to inconsistencies in how this category of intellectual property rights is implemented. These discrepancies should be addressed in light of the right to protection of intellectual property established in Article 17(2) of the Charter of Fundamental Rights of the European Union. This Regulation should therefore simplify, clarify, complete and harmonise the relevant procedures. Procedures should be modelled as far as possible on the efficient and well tested procedures for protecting intellectual property rights relating to agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 of the European Parliament and of the Council <sup>(4)</sup>, Commission Delegated Regulation (EU) No 664/2014 <sup>(5)</sup> and Commission Implementing Regulation (EU) No 668/2014 <sup>(6)</sup>, and adapted to take account of the specificities of the wine sector.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

<sup>(3)</sup> Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

<sup>(4)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

<sup>(5)</sup> Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17).

<sup>(6)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

- (3) Designations of origin and geographical indications are intrinsically linked to the territory of Member States. National and local authorities have the best expertise and knowledge of the relevant facts. This should be reflected in the relevant procedural rules, having regard to the principle of subsidiarity set out in Article 5(3) of the Treaty on European Union.
- (4) The name to be protected as a designation of origin or a geographical indication should only be registered in a language that has at least a historical link with the geographical area in which the product is produced. Specific rules concerning the use of linguistic characters for a PDO and a PGI should be laid down in order to ensure that operators and consumers in all Member States are better able to read and understand such names.
- (5) The conditions in which a single producer may qualify as an eligible applicant should be defined. Single producers should not be penalised if prevailing circumstances prevent the creation of a producer group. However, it should be clarified that the protected name may be used by other producers established in the demarcated geographical area provided the conditions laid down in the product specification are met, even where the protected name consists of or contains the name of the holding of the single applicant producer.
- (6) Where a wine sector product bearing a designation of origin or geographical indication must only be packaged within a demarcated geographical area according to the product specification, this constitutes a restriction on the free movement of goods and freedom to provide services. In light of the case-law of the Court of Justice such restrictions may be imposed only if they are necessary and proportionate to safeguard quality, to certify the origin of the product or to ensure control. It is therefore necessary to provide that any restrictions on packaging should be duly justified from the point of view of the free movement of goods and the freedom to provide services.
- (7) Regulation (EC) No 607/2009 laid down a number of derogations concerning production in the demarcated geographical area. These derogations should be maintained to preserve traditional production practices. They should be clearly set out for the sake of legal certainty and clarity.
- (8) Applications for protection are examined by the national authorities of the Member State concerned through a preliminary national procedure. In the case of protected designations of origin, Member States should pay particular attention to the description of the link between the quality and characteristics of the product and the particular geographical environment. In the case of protected geographical indications, Member States should pay particular attention to the description of the link between a specific quality, reputation or other characteristic and the geographical origin of the product, taking into account the demarcated area and the characteristics of the product. The definition of the demarcated area should be detailed, precise and unambiguous so that producers, the competent authorities and the control bodies can ascertain whether operations are being carried out within the demarcated geographical area.
- (9) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to assess whether an application concerning a designation of origin or a geographical indication fulfils the requirements for protection. Therefore, Member States should guarantee that the result of this assessment, which should be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity, the Commission should subsequently scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State of application have been taken into account.
- (10) In order to facilitate joint applications for protection of designations of origin and geographical indications, the specific steps in the procedures for those applications should be defined.
- (11) Where Member States consider that the name subject to the application for protection is eligible for registration as a protected designation of origin or geographical indication in compliance with Regulation (EU) No 1308/2013, Member States should be able to grant transitional protection at national level while the Commission is conducting the assessment on the application for protection.
- (12) The information to be submitted by an applicant in order for applications for protection, amendment, objection or cancellation requests to be deemed admissible should be set out in order to facilitate the management of such applications and in order to speed up the examination of the files.

- (13) The objection procedure should be shortened and improved. For the sake of legal certainty, deadlines should be fixed for the various steps in the procedure and grounds of objection should be specified. An amicable step should be introduced to allow the parties to communicate with a view to potentially reaching agreement.
- (14) Provision should be made for specific derogations that permit grapevine products that do not comply with the product specification to use a protected name for a transitional period. In order to overcome temporary difficulties and in order to ensure that all producers comply with the specifications in the long term, Member States should be allowed to grant derogations for a period of up to 10 years in certain cases.
- (15) Producers of grapevine products bearing a name protected as a designation of origin or geographical indication have to face a changing and challenging market. They require procedures allowing them to swiftly adapt to market demands, however, they are in fact penalised by the length and complexity of the current amendment procedure, the effect of which impedes their ability to react quickly to the market. Producers of grapevine products bearing a name protected as a designation of origin or geographical indication should also be allowed to take account of developments in scientific and technical knowledge and of environmental changes. In order to reduce the steps of such procedures and to give effect in this area to the principle of subsidiarity, decisions on amendments which do not concern essential elements of the product specification should be approved at Member State's level. Producers should be enabled to apply those amendments immediately on the conclusion of the national procedure. There should be no requirement to re-examine the application for approval at Union level.
- (16) However, in order to protect the interests of third parties established in Member States other than the one in which the grapevine products is produced, the Commission should remain responsible for approving amendments for which an objection procedure is required at Union level. Therefore, a new classification of amendments should be introduced: standard amendments, which apply immediately following the approval by the Member State since they do not require an objection procedure at Union level, and Union amendments, which apply only following approval by the Commission subsequent upon the completion of an objection procedure at Union level.
- (17) Temporary amendments should be introduced to allow grapevine products bearing a protected designation of origin or geographical indication to continue to be marketed under the protected names in cases of natural disaster or adverse weather conditions or adoption of sanitary or phytosanitary measures which temporarily prevent operators from complying with the product specification. Due to their emergency nature, temporary amendments should apply immediately following the approval by the Member State. The list of emergency grounds for temporary amendments is exhaustive due to the exceptional character of temporary amendments.
- (18) Union amendments should follow the procedure governing applications for protection in order to have the same efficiency and guarantees. It should be applied *mutatis mutandis* with the exclusion of certain steps which should be omitted with a view to reducing the administrative burden. The procedure for standard amendments and temporary amendments should be established to allow Member States to carry out an appropriate assessment of the applications and to guarantee a consistent approach across Member States. The accuracy and exhaustiveness of Member States' assessment should be equivalent to the accuracy and exhaustiveness required for the assessment process within the procedure governing applications for the protection.
- (19) Standard and temporary amendments related to the protected designations of origin and geographical indications of third countries should follow the approach provided for Member States, and the approval decision should be taken in accordance with the system in force in the third country in question.
- (20) The cancellation procedure should be more transparent and clear. In particular, it should be possible to oppose the cancellation request. To that end, the cancellation procedure should follow the standard procedure governing applications for protection, *mutatis mutandis*, with the exclusion of certain steps which should be omitted to reduce the administrative burden. It should be possible to cancel protected names if a name is no longer in use in the market place.
- (21) Rules on temporary labelling and the presentation of grapevine products whose name has been the subject of an application for protection as a designation of origin or geographical indication should be adopted in order to ensure the protection of the legitimate interests of the operators while taking into account the principle of fair competition and the obligation to ensure that appropriate information is communicated to consumers.
- (22) Certain protected designations of origin benefit from derogations from the obligation to use the term 'protected designation of origin' on labels. In order to maintain this historical concession it is appropriate to confirm the existence of this derogation for such names.



- (23) The use of traditional terms to describe grapevine products is a long-established practice in the Union. Such terms designate a production or ageing method, the quality, colour, type of place or a particular event linked to the history of a grapevine product bearing a protected designation of origin or geographical indication or indicate that it is a grapevine product having a protected designation of origin or geographical indication. Articles 112 and 113 of Regulation (EU) No 1308/2013 lay down the general rules regarding the use and protection of traditional terms. So as to ensure fair competition and avoid misleading consumers, a common framework should be laid down regarding the protection and registration of such traditional terms. Furthermore, the procedures concerning the grant of protection to traditional terms should be simplified and harmonised, where possible, with the procedures applicable to the grant of protection to designations of origin and geographical indications.
- (24) A traditional term may evoke the particular characteristics of the grapevine product bearing that traditional term. Therefore, in order to convey clear information, that term should be indicated only in the language customarily used, with its original spelling and script.
- (25) In order to ensure that consumers are not misled, the use of traditional terms for grapevine products manufactured in third countries should be allowed provided they fulfil the same or equivalent conditions to those required from Member States. Therefore, both Member States and third countries should have the possibility to apply for the protection of a traditional term at Union level. Having regard to the fact that some third countries do not have the same centralised system of protection of traditional terms as the Union, the definition of 'representative professional organisations' operating in third countries should be laid down to ensure the same guarantees as those provided for in the Union rules.
- (26) Member States, third countries or representative professional organisations operating in third countries should ensure that the application for protection submitted to the Commission is complete and contains all relevant information that allows the Commission to establish that the traditional term complies with the conditions laid down in Article 112 of Regulation (EU) No 1308/2013 and proves that the traditional term is already protected in the Member State.
- (27) Protection should only be granted to traditional terms that are widely known and have a significant economic impact on the grapevine products for which they are reserved. Therefore, the Commission should approve applications for the protection of a traditional term only where the application provides exhaustive evidence that the term is traditionally used to describe grapevine products produced in a large part of the territory of the Union or is a reputed name traditionally used in the entire territory of a Member State or third country, that fair competition is guaranteed for producers that used that term prior to the grant of protection and that the traditional term is not a generic term. To this end, the meaning of 'traditional use' and 'generic' should be defined in this Regulation.
- (28) The Commission should scrutinise the application for protection of a traditional term in order to ensure that the application is duly completed and complies with the conditions laid down by this Regulation. If the application requirements are not met, the Commission should request the applicant to make the necessary modifications or to withdraw the application. In the absence of action on the part of the applicant, the application should be rejected.
- (29) To ensure the absence of any obstacle to the protection of a traditional term, any Member State or third country, or any natural or legal person having a legitimate interest, should have the option of objecting to the protection of that traditional term. In order for the objection to be deemed admissible, the objection should be substantiated and should demonstrate that the application is not in compliance with Union rules on traditional terms. Furthermore, in case the objection is considered admissible, the Commission should provide the applicant with a copy of the objection received in order to facilitate the parties to reach an agreement. If no agreement between the parties is reached, the Commission should rule on the objection and grant the protection or reject the application for protection of the traditional term.
- (30) In order to ensure clarity for consumers as regards the nature and origin of the product and in order to ensure fair competition among producers, it is necessary to establish the conditions of use for trade marks that contain or consist of a traditional term and for the use of homonymous traditional terms.
- (31) In order to take account of the evolution in consumption patterns and to address grapevine products production and marketing developments, it should be possible for Member States and third countries to apply to modify or cancel a traditional term. To be deemed admissible, applications to modify or cancel a traditional term should be duly substantiated.

- (32) The system in place in third countries for the protection and use of traditional terms may differ from the one in place within the Union. For consistency purposes, the use of traditional terms to describe grapevine products produced in third countries should be allowed provided that they do not conflict with Union law.
- (33) The acquired right of protection of traditional terms protected under Regulation (EC) No 607/2009 should be taken into account. Those terms should therefore continue to be automatically protected under this Regulation.
- (34) Articles 117 to 121 of Regulation (EU) No 1308/2013 lay down the general rules for the labelling and presentation of grapevine products. That Regulation also harmonises the use of terms other than those expressly specified by Union legislation, provided that they are not misleading. For the smooth functioning of the internal market, Union rules on the use of compulsory labelling particulars for grapevine products should be laid down. Moreover, in order not to mislead consumers, provisions on the use of optional labelling particulars should also be set out.
- (35) In order to assist consumers, mandatory information should be grouped in a single visual field on the container. However, in accordance with the requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council <sup>(7)</sup>, certain compulsory particulars, such as the indication of the importer and listing of ingredients that may cause allergies or intolerances should be exempt from this obligation.
- (36) Under the terms of Regulation (EU) No 1169/2011 the substances or products that may cause allergies or intolerances and the terms to be used to indicate them on the label of foodstuffs are those listed in Annex II therein. In the case of grapevine products, other terms are also used to refer to egg products, milk products and sulphites. Those terms should therefore be used for the labelling of grapevine products.
- (37) Grapevine products produced within the Union are exported to third countries. In order to ensure that consumers of those countries understand the information related to the product they purchase, it should be possible to have the label translated into the languages of the importing country. Moreover, in order to facilitate trade, provision should be made permitting the labels to display any particulars required by the legislation of the importing country, whether or not compliant with Union law. Moreover, for security reasons, it should also be possible to derogate from Union presentation requirements for grapevine products to be consumed on board of airplanes, such as the obligation to use glass-bottles for sparkling wines.
- (38) The use of lead-based capsules to cover the closing devices of containers holding products covered by Regulation (EU) No 1308/2013 should continue to be banned in order to avoid any risk of contamination by contact with such capsules and environmental pollution from waste.
- (39) Due regard should be given to the particular nature of grapevine products and the degree of variability of their alcohol content. Therefore, positive and negative tolerances should be allowed as regards the indication of the actual alcoholic strength by volume on the label.
- (40) In order to ensure traceability, rules on the 'indication of provenance' should be introduced. Moreover, those rules should take into account the expectation of consumers as regards the origin of the grapevine products and that of the grape and must used to produce the final product.
- (41) For the smooth operation of the internal market and to ensure that the consumer is not misled, there should be a compulsory indication of the name and address of the bottler, producer, vendor or importer.
- (42) Consumers often make purchasing decisions based on the information provided concerning the sugar content of sparkling wine, aerated sparkling wine, quality sparkling wine and quality aromatic sparkling wine. The indication of sugar content should therefore be compulsory for those categories of grapevine products while it should remain optional for other categories of grapevine products.
- (43) Consumers are not always aware of the characteristics and production methods of aerated sparkling wine and aerated semi-sparkling wine, especially as regards the use of carbon dioxide. It is therefore necessary to indicate on the label of that wine that it has been produced by adding carbon dioxide.

<sup>(7)</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

- (44) The indication of the vintage year and the indication of one or more wine grape varieties require specific rules to ensure that the information conveyed to consumers is not misleading. In particular, restrictions should be established for the use of grape variety names consisting of or containing a protected designation of origin or geographical indication.
- (45) Consumers also often make purchasing decisions based on the wine grape variety used. In order to prevent misleading labelling practices, rules on the conditions of use of the names used to indicate wine grape varieties should be laid down. Furthermore, considering the economic importance of varietal wines for producers, it should be possible for producers of grapevine products not bearing a protected designation of origin or geographical indication to indicate the information 'varietal wine', together with the name of the country where the grapevine product was produced, on the label.
- (46) The sugar content of grapevine products other than sparkling wine, aerated sparkling wine, quality sparkling wine and quality aromatic sparkling wine is not an essential element of information for the consumer. It should therefore be optional for producers to indicate the sugar content of those grapevine products on the label. However, in order not to mislead the consumers, the voluntary use of terms related to the sugar content for those products should be regulated.
- (47) In order to ensure the veracity and accuracy of the information conveyed to the consumer, specific conditions should be set out for indicating production methods on the label, especially as regards production methods for sparkling wines and ageing practices for all grapevine products. These terms evoke higher standard grapevine products in the consumer's mind, and should therefore be reserved for grapevine products bearing a protected designation of origin or geographical indication.
- (48) The indication of the holding which exploits the vineyards from which the grapevine products come and where all the winemaking processes are carried out, may constitute an added value for producers and a higher quality indication for consumers. It should therefore be permissible for producers to indicate the name of a holding on the labels of grapevine products bearing a protected designation of origin or protected geographical indication.
- (49) The indication on the label of the name of a geographical area which is smaller or larger than the area of a protected designation of origin or geographical indication should be permitted for grapevine products bearing a protected designation of origin or geographical indication, in order to better inform the consumer about the place where the grapevine product was produced, in particular where such places are well known by consumers.
- (50) The use of bottles having a particular shape for certain grapevine products bearing a protected designation of origin or geographical indication is a long-established practice within the Union and such use can evoke certain characteristics or the provenance of those grapevine products in the mind of consumers. Such bottle shapes should therefore be reserved for the wines in question.
- (51) The traditional type of glass bottle and closure of sparkling wines reflect traditional production and bottling practices. They should therefore be reserved to sparkling wine. However, Member States should be able to authorise the use of such type of bottle and closure for other beverages, provided that they do not mislead the consumer as to the real nature of the product.
- (52) Member States should be enabled, for the implementation of their quality policy, to lay down additional rules for the labelling of grapevine products produced on their territories, provided that they are compatible with Union law.
- (53) Any documents or information sent to the Commission concerning an application for protection, amendment or cancellation of a protected designation of origin, geographical indication or traditional term should be in one of the official languages of the Union or accompanied by the translation in one of those languages, in order to allow the Commission to carry out the correct analysis of the submitted documentation and information.
- (54) To ensure a smooth transition from the rules of Regulation (EC) No 607/2009 to the new rules set out in this Regulation and Commission Implementing Regulation (EU) 2019/34 <sup>(8)</sup>, transitional periods should be provided for in order to enable economic operators established in the Union and in third countries to comply with the labelling requirements. Provisions should be enacted to ensure that grapevine products labelled in accordance with the existing rules may continue to be marketed until stocks are exhausted,

<sup>(8)</sup> Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (See page 46 of this Official Journal).

HAS ADOPTED THIS REGULATION:

CHAPTER I

**INTRODUCTORY PROVISION**

*Article 1*

**Subject matter**

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 concerning protected designations of origin, protected geographical indications and traditional terms, in addition to labelling and presentation in the wine sector as regards:

- (a) applications for protection;
- (b) the objection procedure;
- (c) restrictions of use of protected designation of origin and protected geographical indications
- (d) amendments to product specifications and modifications of traditional terms;
- (e) cancellation of protection;
- (f) labelling and presentation.

CHAPTER II

**PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS**

SECTION 1

***Application for protection***

*Article 2*

**Name to be protected**

1. The name to be protected as a designation of origin or geographical indication shall be registered only in the languages which are or were historically used to describe the specific product in the demarcated geographical area.
2. The name of a designation of origin or a geographical indication shall be registered in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

*Article 3*

**Applicant**

A single producer may be deemed an applicant within the meaning of Article 95(1) of Regulation (EU) No 1308/2013 if it is shown that:

- (a) the person concerned is the only producer willing to submit an application; and
- (b) the demarcated geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

The circumstance by which a protected designation of origin or geographical indication consists of or contains the name of the holding of the single applicant producer shall not prevent other producers from using that name provided that they comply with the product specification.

*Article 4*

**Additional requirements for product specifications**

1. The description of the grapevine products shall indicate the relevant category or categories of grapevine products from amongst the categories set out in Part II of Annex VII to Regulation (EU) No 1308/2013.

2. Where the product specification indicates that packaging, including bottling, shall take place within the demarcated geographical area or within an area in the immediate proximity of the demarcated area in question, it shall also include a justification showing why, in the specific case, the packaging must take place in the particular geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services.

#### Article 5

##### **Derogations concerning production in the demarcated geographical area**

1. By way of derogation from points (a)(iii) and (b)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product which has a protected designation of origin or geographical indication may be made into wine in any of the following locations:

- (a) in an area in the immediate proximity of the demarcated area in question;
- (b) in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules;
- (c) in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more Member States or between one or more Member States and one or more third countries, in an area situated in the immediate proximity of the demarcated area in question.

2. By way of derogation from point (a)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product may be made into sparkling wine or semi-sparkling wine bearing a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.

3. By way of derogation from point (a)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, with regard to liqueur wines with the protected designation of origin 'Málaga' and 'Jerez-Xérès-Sherry', the must of raisined grapes to which neutral alcohol of vine origin has been added to prevent fermentation, obtained from Pedro Ximénez vine variety, may come from the 'Montilla-Moriles' region.

#### Article 6

##### **National procedure**

When forwarding an application for protection to the Commission in accordance with Article 96(5) of Regulation (EU) No 1308/2013, a Member State shall include a declaration that it considers that the application lodged by the applicant meets the conditions for protection under Subsection 2 of Section 2 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 and the provisions adopted pursuant thereto and that it certifies that the single document referred to in Article 94(1)(d) of Regulation (EU) No 1308/2013 is a faithful summary of the product specification.

Member States shall inform the Commission of admissible objections received in the national procedure. Member States shall keep the Commission informed of any national judicial proceedings possibly affecting the application for protection.

#### Article 7

##### **Joint applications**

Where joint applications for the protection of a name as designation of origin or geographical indication, as referred to in Article 95(3) of Regulation (EU) No 1308/2013, are submitted, the related preliminary national procedures, including the objection stage, shall be carried out in all the Member States concerned.

#### Article 8

##### **Transitional national protection**

1. A Member State may, on a transitional basis only, grant protection to a name at national level, with effect from the date upon which an application for protection has been forwarded to the Commission.

Such transitional national protection shall cease on the date upon which either a decision on protection under Regulation (EU) No 1308/2013 is taken or the application is withdrawn.

2. Where a name is not protected under this Regulation, the consequences of such national protection shall be the sole responsibility of the Member State concerned. The measures taken by Member States under paragraph 1 shall have no effect on intra-Union or international trade.

*Article 9***Admissibility of the application**

1. Applications for protection are considered admissible if they are submitted in accordance with Articles 94, 95 and 96 of Regulation (EU) No 1308/2013 and Article 3 and Article 5(3) of Implementing Regulation (EU) 2019/34 and if they are duly completed.

An application for protection shall be considered to be duly completed when it complies with Article 94(1) and (3) of Regulation (EU) No 1308/2013 and Article 2 of Implementing Regulation (EU) 2019/34 and if the single document is duly completed.

The single document summarising the product specification, referred to in Article 94(1)(d) of Regulation (EU) No 1308/2013 shall be considered to be duly completed when it complies with the requirements listed in Article 5(1) and (2) of Implementing Regulation (EU) 2019/34. The product specification shall be considered duly completed when it complies with the requirements set out in Article 94(2) of Regulation (EU) No 1308/2013.

2. If the Commission considers that an application is inadmissible, it shall inform the competent authorities of the Member State or those of the third country or the applicant established in a third country of the reasons grounding the finding of inadmissibility.

3. At least once a month the Commission shall make public the list of names for which it has received applications for protection as designations of origin or geographical indications, the name of the applicant Member State or third country and the date of submission of the application.

*Article 10***Scrutiny of the application**

An examination of the application by the Commission, as referred to in Article 97(2) of Regulation (EU) No 1308/2013, shall consist of a check that there are no manifest errors in the application. When examining the application the Commission shall examine the single document in particular. The examination should be completed within a period of 6 months. Where this period is exceeded, the Commission shall inform the applicant in writing of the reasons for the delay.

*SECTION 2***Objection procedure***Article 11***Admissibility and grounds of objection**

1. For the purposes of Article 98 of Regulation (EU) No 1308/2013 a substantiated statement of objection shall be admissible where:

- (a) it is received by the Commission within the deadline set out in Article 98 of Regulation (EU) No 1308/2013;
- (b) it complies with the requirements set out in Article 8(1) of Implementing Regulation (EU) 2019/34;

and:

- (c) it shows that the application for protection or amendment to the product specification or for cancellation of the protection is incompatible with the rules on designations of origin and geographical indications because:
  - (i) it would conflict with Articles 92 to 95, 105 or 106 of Regulation (EU) No 1308/2013 and with the provisions adopted pursuant thereto;
  - (ii) the registration of the proposed name would conflict with Article 100 or 101 of Regulation (EU) No 1308/2013;
  - (iii) the registration of the proposed name would jeopardise the rights of a trade mark holder or of a user of a fully homonymous name or of a compound name, one term of which is identical to the name to be registered, or the existence of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.

The grounds of objection shall be assessed in relation to the territory of the Union.

Where an objection is filed by a natural or legal person, the duly substantiated statement of objection shall be admissible only if it shows the legitimate interest of the objector.

2. Where the Commission considers that the objection is inadmissible, it shall inform the authority or natural or legal person that objected of the reasons grounding the finding of inadmissibility.

## Article 12

**Objection procedure**

1. If the Commission considers that the objection is admissible it shall invite the authority or natural or legal person that lodged the objection and the authority or natural or legal person that lodged the application for protection to engage in appropriate consultations for a period of three months. The invitation shall be issued within a period of four months from the date on which the application for protection, to which the substantiated statement of objection relates, is published in the *Official Journal of the European Union* and it shall be accompanied by a copy of the substantiated statement of objection. At any time during these three months, the Commission may, at the request of the authority or natural or legal person that lodged the application, extend the deadline for the consultations by a maximum of three months.
2. The authority or person that lodged the objection and the authority or person that lodged the application for protection shall start such consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for protection complies with the conditions of this Regulation and of Regulation (EU) No 1308/2013.
3. If the parties reach an agreement, either the applicant established in the third country or the authorities of the Member State or of the third country from which the application for protection was lodged shall notify the Commission of the results of the consultations carried out and of all the factors which enabled that agreement to be reached, including the opinions of the parties. If the details published in accordance with Article 97(3) of Regulation (EU) No 1308/2013 have been substantially amended, the Commission shall repeat the scrutiny referred to in Article 97(2) of that Regulation after a national procedure ensuring adequate publication of those amended details has been carried out. Where, following the agreement, there are no amendments to the product specification or where the amendments are not substantial, the Commission shall adopt a decision in accordance with Article 99 of Regulation (EU) No 1308/2013 conferring protection on the designation of origin or geographical indication.
4. If no agreement is reached, either the applicant established in the third country or the authorities of the Member State or of the third country, from which the application for protection was lodged shall notify the Commission of the results of the consultations carried out and of all the related information and documents. The Commission shall adopt a decision in accordance with Article 99 of Regulation (EU) No 1308/2013 either conferring protection or rejecting the application.

## Article 13

**Restrictions on the use of protected designations of origin and protected geographical indications**

1. Without prejudice to Article 102 of Regulation (EU) No 1308/2013, the Commission may adopt implementing acts granting a transitional period of up to five years to enable products originating in a Member State or a third country, the designation of which consists of or contains a name that contravenes Article 103(2) of Regulation (EU) No 1308/2013, to continue to use the designation under which they were marketed.

The granting of such transitional period is conditional upon the submission of an admissible statement of objection under Article 96(3) or Article 98 of Regulation (EU) No 1308/2013 showing that the decision conferring protection over the name would jeopardise the existence:

- (a) of an entirely identical name or of a compound name, one term of which is identical to the name to be registered;  
or
  - (b) of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.
2. The Commission may adopt implementing acts extending the transitional period referred to in paragraph 1 up to 15 years in duly justified cases where it is shown that:
    - (a) the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for protection was submitted to the Commission;
    - (b) the purpose of using the designation referred to in paragraph 1 has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.
  3. When using a designation referred to in paragraphs 1 and 2, the indication of the country of origin shall clearly and visibly appear on the labelling.

4. To overcome temporary difficulties, with the long-term objective of ensuring that all producers in the area concerned comply with the product specification, a Member State may grant protection for a transitional period, starting from the date on which the application is forwarded to the Commission, on condition that the operators concerned have legally marketed the grapevine products in question using the names concerned continuously for at least the five years prior to the lodging of the application to the authorities of the Member State and that these temporary difficulties had been raised in the national objection procedure referred to in Article 96(3) of Regulation (EU) No 1308/2013. The transitional period shall be as short as possible and shall not exceed 10 years.

The first subparagraph shall apply *mutatis mutandis* to a protected geographical indication or protected designation of origin referring to a geographical area situated in a third country, with the exception of the objection procedure.

Such transitional periods shall be indicated in the application file referred to in Article 94(1) of Regulation (EU) No 1308/2013.

### SECTION 3

## **Amendments to product specifications**

### Article 14

#### **Types of amendments**

1. For the purposes of Article 105 of Regulation (EU) No 1308/2013 amendments to a product specification are classified into two categories as regards their importance: amendments requiring an objection procedure at Union level ('Union amendments'), and amendments to be dealt with at Member State or third country level ('standard amendments').

An amendment is considered to be a Union amendment where:

- (a) it includes a change in the name of the protected designation of origin or protected geographical indication;
- (b) it consists of a change, a deletion or an addition of a category of grapevine product, as referred to in Part II of Annex VII to Regulation (EU) No 1308/2013;
- (c) it could potentially void the link referred to in point (a)(i) or in point (b)(i) of Article 93(1) of Regulation (EU) No 1308/2013;
- (d) it entails further restrictions on the marketing of the product.

Applications for Union amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in that third country.

All other amendments are considered standard amendments.

2. For the purposes of Article 105 of Regulation (EU) No 1308/2013, a temporary amendment is a standard amendment concerning a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities.

### Article 15

#### **Procedure for Union amendments to product specifications**

1. An application for approval of a Union amendment to a product specification, as defined in Article 14 of this Regulation, shall follow the procedure laid down in Article 94 and Articles 96 to 99 of Regulation (EU) No 1308/2013, in Sections 1, 2 and 3 of Chapter II of this Regulation and in Sections 1, 2 and 3 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

2. Where, based on the examination carried out pursuant to Article 97(2) of Regulation (EU) No 1308/2013, the Commission considers that the conditions required under Article 97(3) of that Regulation are met, it shall publish the application for a Union amendment referred to in Article 9(1) of Implementing Regulation (EU) 2019/34 in the *Official Journal of the European Union*, C series. The final decision on the approval of the amendment shall be adopted without applying the examination procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013 unless an admissible objection has been lodged or the application for amendment is rejected, in which case the second paragraph of Article 99 of that Regulation shall apply.

3. An application for approval of Union amendments shall contain Union amendments exclusively. If an application for Union amendments also contains standard or temporary amendments the procedure for Union amendments shall apply only to the Union amendments. The standard or temporary amendments shall be deemed as not submitted.

4. In examining the applications for amendment, the Commission shall focus on the proposed amendments.



#### Article 16

##### **Admissibility of applications for Union amendment**

1. Applications for approval of a Union amendment to a product specification are considered admissible if they are submitted in accordance with Article 105 of Regulation (EU) No 1308/2013 and with Article 3 and Article 9(2) of Implementing Regulation (EU) 2019/34 *mutatis mutandis*, and if they are duly completed.

An application for approval of a Union amendment to a product specification shall be considered to be duly completed where it is comprehensive and exhaustive and where it complies with the requirements set out in Article 2 and Article 9(1) of Implementing Regulation (EU) 2019/34.

The approval by the Commission of an application for approval of a Union amendment to a product specification shall only cover the amendments submitted in the application itself.

2. If the application is considered inadmissible, the competent authorities of the Member State or those of the third country or the applicant established in a third country shall be informed of the reasons for the inadmissibility.

#### Article 17

##### **Standard amendments**

1. Standard amendments shall be approved and made public by Member States to which the geographical area of the designation of origin or geographical indication relates.

Applications for approval of a standard amendment to a product specification shall be submitted to the authorities of the Member State to whom the geographical area of the designation or indication relates. Applicants shall satisfy the conditions laid down in Article 95 of Regulation (EU) No 1308/2013. If the application for approval of a standard amendment to a product specification does not come from the applicant which had submitted the application for protection of the name or names to which the product specification refers, the Member State shall give that applicant the opportunity to comment on the application, if that applicant still exists.

The application for a standard amendment shall provide a description of the standard amendments, provide a summary of the reasons for which the amendments are required and demonstrate that the proposed amendments qualify as standard in accordance with Article 14 of this Regulation.

2. Where the Member State considers that the requirements of Regulation (EU) No 1308/2013 and the provisions adopted pursuant thereto are met, it may approve and make public the standard amendment. The approval decision shall include the modified consolidated single document, where relevant, and the modified consolidated product specification.

The standard amendment shall be applicable in the Member State once it has been made public. The Member State shall communicate standard amendments to the Commission not later than one month following the date on which the national decision of approval was made public.

3. Decisions approving standard amendments concerning grapevine products originating in third countries shall be taken in accordance with the system in force in the third country concerned and shall be communicated to the Commission by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly to the Commission or via the authorities of that third country, not later than one month following the date they are made public.

4. The communication of standard amendments shall be considered to be duly completed when it complies with Article 10 of Implementing Regulation (EU) 2019/34.

5. In the event that the standard amendment implies a modification of the single document, the Commission shall publish the description of the standard amendment referred to in Article 10 of Implementing Regulation (EU) 2019/34 and the modified single document in the *Official Journal of the European Union*, C series, within three months from the date on which the communication is received from the Member State, third country or third country single producer or group of producers.

6. In the event that the standard amendment does not imply a modification of the single document, the Commission shall make public, via the information systems referred to in Article 32 of Implementing Regulation (EU) 2019/34, the description of the standard amendment within three months from the date on which the communication is received from the Member State, third country or applicant established in the third country.

7. Standard amendments shall be applicable in the territory of the Union once they have been published in the *Official Journal of the European Union*, C series or made public by the Commission in the information systems referred to in Article 32 of Implementing Regulation (EU) 2019/34.

8. If the geographical area covers more than one Member State, the Member States concerned shall apply the procedure for standard amendments separately for the part of the area which falls within their territory. The standard amendment shall be applicable only after the last national decision of approval becomes applicable. The Member State last approving the standard amendment shall send the Commission the communication referred to in paragraph 4 not later than one month following the date on which its decision approving the standard amendment is made public.

If one or more of the Member States concerned do not adopt the national decision of approval referred to in the first subparagraph, any of Member States concerned may submit an application under the Union amendment procedure. Such a rule shall also apply *mutatis mutandis* when one or more of the concerned countries is a third country.

#### Article 18

### Temporary amendments

1. Temporary amendments shall be approved and made public by Member States to which the geographical area of the designation of origin or geographical indication relates. They shall be communicated to the Commission together with the reasons supporting the temporary amendments not later than one month following the date on which the national decision of approval was made public. A temporary amendment is applicable in the Member State once it has been made public.

2. Where the geographical area covers more than one Member State, the procedure for temporary amendment applies separately in the Member States concerned for the part of the area which falls within their territory. Temporary amendments shall be applicable only when the last national decision of approval becomes applicable. The Member State last approving the temporary amendment shall communicate it to the Commission not later than one month following the date upon which its decision of approval is made public. This rule applies, *mutatis mutandis*, also when one or more of the countries concerned is a third country.

3. Temporary amendments concerning grapevine products originating in third countries shall be communicated to the Commission, together with the reasons supporting the temporary amendments, by a single producer within the meaning of Article 3 or a group of producers having a legitimate interest, either directly or via the authorities of that third country, not later than one month following their approval.

4. The communication of temporary amendments shall be considered to be duly completed when it contains all the elements referred to in Article 11 of Implementing Regulation (EU) 2019/34.

5. The Commission shall make public such amendments within three months from the date on which the communication is received from the Member State, third country or third country single producer or group of producers. A temporary amendment is applicable in the territory of the Union once it has been made public by the Commission.

#### SECTION 4

### ***Cancelling a protected designation of origin or geographical indication***

#### Article 19

### **Cancellation procedure**

Requests to cancel a protected designation of origin or geographical indication, as referred to in Article 106 of Regulation (EU) No 1308/2013, shall follow the procedure laid down in Article 94 and Articles 96 to 99 of that Regulation together with provisions of Sections 1, 2 and 4 of Chapter II of this Regulation and of Sections 1, 2, 4 and 5 of Chapter II of Implementing Regulation (EU) 2019/34 *mutatis mutandis*.

The Commission shall publish the cancellation request referred to in Article 13 of Implementing Regulation (EU) 2019/34 in the *Official Journal of the European Union*, C series.

#### Article 20

### **Grounds for cancellation**

For the purposes of Article 106 of Regulation (EU) No 1308/2013 compliance with the product specification shall also be deemed not to be ensured where no product bearing the protected name has been placed on the market for at least seven consecutive years.

*Article 21***Admissibility of cancellation requests**

1. For the purpose of Articles 106 of Regulation (EU) No 1308/2013 a substantiated cancellation request shall be admissible where:
  - (a) the cancellation request complies with the requirements set out in Article 13(1) of Implementing Regulation (EU) 2019/34; and
  - (b) the cancellation request is based on the grounds referred to in Article 106 of Regulation (EU) No 1308/2013.
2. Where the Commission considers that the cancellation request is not admissible it shall inform the Member State or third country authority or the natural or legal person that submitted the request of the reasons supporting the finding of inadmissibility.
3. Substantiated statements of objection to cancellation shall be admissible only where they show commercial reliance by an interested person on the registered name.

*SECTION 5****Use of symbols, indications and abbreviations****Article 22***Temporary labelling and presentation**

After an application for protection of a designation of origin or a geographical indication has been forwarded to the Commission, producers may indicate it in labelling and presentation, and use national logos and indications, in compliance with Union law and in particular Regulation (EU) No 1169/2011.

Union symbols indicating the protected designation of origin or the protected geographical indication, the Union indications 'protected designation of origin' or 'protected geographical indication' and the Union abbreviations 'PDO' or 'PGI' may appear on the labelling only after the publication of the decision conferring protection on that designation of origin or geographical indication.

Where the application is rejected, any grapevine products labelled in accordance with the first subparagraph may be marketed until the stocks are exhausted.

*Article 23***Derogations from the obligation to use the term 'protected designation of origin' on labels**

In accordance with Article 119(3) of Regulation (EU) No 1308/2013, references to the terms 'protected designation of origin' may be omitted for wines bearing the following protected designations of origin:

- (a) Greece:  
Σάμος (Samos);
- (b) Spain:  
Cava, Jerez, Xérès or Sherry, Manzanilla;
- (c) France:  
Champagne;
- (d) Italy:  
Asti, Marsala, Franciacorta;
- (e) Cyprus:  
Κουμανδάρια (Commandaria);
- (f) Portugal:  
Madeira or Madère, Port or Porto.

## CHAPTER III

## TRADITIONAL TERMS

## SECTION 1

***Applications for protection and examination procedure****Article 24***Language and spelling of the traditional term**

1. A traditional term shall be registered:
  - (a) in the official language or regional language of the Member State or third country from which the term originates;  
or
  - (b) in the language used in trade for this term.
2. A traditional term shall be registered with its original spelling and in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

*Article 25***Applicants**

1. Competent authorities of the Member States or third countries or representative professional organisations established in third countries may apply for the protection of a traditional term.
2. 'Representative professional organisation' shall mean any producer organisation or association of producer organisations having adopted the same rules, operating in the area of one or more wine designations of origin or geographical indications where it includes in its membership at least two thirds of the producers established in the area in which it operates and accounts for at least two thirds of the production of that area. A representative professional organisation may lodge an application for protection only for grapevine products which it produces.

*Article 26***Admissibility of the application**

1. Applications for protection are considered admissible where they are submitted in compliance with Article 25 of this Regulation and Article 21 and Article 30(3) of Implementing Regulation (EU) 2019/34 and are duly completed.

An application shall be considered to be duly completed where it contains the following information:

- (a) the name to be protected as a traditional term;
  - (b) the type of traditional term, whether it falls under Article 112(a) or (b) of Regulation (EU) No 1308/2013;
  - (c) the language in which the name to be protected as a traditional term is expressed;
  - (d) the grapevine product category or categories concerned;
  - (e) a summary of the definition and conditions of use;
  - (f) the protected designations of origin or protected geographical indications concerned.
2. The application shall be accompanied by a copy of the legislation of the Member State concerned or rules applicable to wine producers in the third country or countries concerned, governing the use of the term in question, and a reference to the publication of that legislation or those rules.
  3. If the application is not duly completed or if the documents referred to in paragraph 2 have not been provided with the application, the application shall be inadmissible.
  4. Where the application is inadmissible, the authorities of the Member State or those of the third country or the applicant established in the third country in question shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.

*Article 27***Conditions of validity**

1. An application for the protection of a traditional term shall be deemed valid if the name for which the protection is sought:
  - (a) fulfils the requirements of a traditional term as defined in Article 112 of Regulation (EU) No 1308/2013 as well as the requirements laid down in Article 24 of this Regulation;
  - (b) consists exclusively of either:
    - (i) a name traditionally used in trade in a large part of the territory of the Union or of the third country in question, to distinguish specific categories of grapevine products referred to in Article 92(1) of Regulation (EU) No 1308/2013; or
    - (ii) a reputed name traditionally used in trade in at least the territory of the Member State or third country in question, to distinguish specific categories of grapevine products referred to in Article 92(1) of Regulation (EU) No 1308/2013;
  - (c) has not become generic, and
  - (d) is defined and regulated in the Member State's legislation or subject to conditions of use as provided for by rules applicable to wine producers in the third country in question, including those emanating from representative professional organisations.

Point (b) shall not apply to traditional terms referred to in Article 112(a) of Regulation (EU) No 1308/2013.

2. For the purposes of paragraph (1) (b), traditional use means:

- (a) use amounting to a period of at least five years in case of terms filed in the official language or regional language of the Member State or third country where the term originates;
- (b) use amounting to a period of at least 15 years in case of terms filed in the language used for trade.

3. For the purposes of paragraph (1)(c), a name that has become 'generic' means the name which, although it relates to a specific production method or ageing method, or the quality, colour, type of place, or a particular event linked to the history of a grapevine product, has become the common name of that product in the Union.

*Article 28***Scrutiny by the Commission**

1. The date of submission of an application for protection of a traditional term shall be the date on which the application is received by the Commission.
2. The Commission shall examine whether the application for protection meets the conditions laid down in this Chapter.
3. Where the Commission considers that the conditions laid down in Articles 26 and 27 are met, it shall adopt an implementing act concerning the publication, in the *Official Journal of the European Union*, of the application for protection.
4. If an application for the protection of a traditional term does not meet the conditions laid down in this Chapter, the Commission shall inform the applicant of the grounds for refusal, setting a deadline for the withdrawal or modification of the application or for the submission of comments.
5. If the obstacles are not remedied by the applicant within the deadline referred to in paragraph 4, the Commission shall adopt an implementing act rejecting the application in accordance with Article 115(2) of Regulation (EU) No 1308/2013.

*SECTION 2***Objection procedure***Article 29***Submission of an objection**

The date of submission of an objection shall be the date on which the objection is received by the Commission.

*Article 30***Admissibility and grounds of objection**

1. A substantiated objection shall be admissible where:
  - (a) it is submitted by any Member State or third country, or any natural or legal person having a legitimate interest;
  - (b) it is received by the Commission within the deadline provided for in Article 22(1) of Implementing Regulation (EU) 2019/34;
  - (c) it demonstrates that the application for protection is incompatible with the rules on traditional terms because it does not comply with Article 27 of this Regulation or because the registration of the name proposed would conflict with Article 32 or 33 of this Regulation.
2. An objection that is deemed admissible shall be notified to the Member State or the third country authorities or the representative professional organisation in the third country in question.

*Article 31***Scrutiny of an objection**

1. Where the Commission does not reject the objection in accordance with Article 23(3) of Implementing Regulation (EU) 2019/34, it shall communicate the objection to the applicant that submitted the application and shall invite the applicant to file observations within the time period referred to in Article 24(1) of Implementing Regulation (EU) 2019/34. Any observations received within this period shall be communicated to the objector.

In the course of its scrutiny of an objection, the Commission shall request the parties to provide comments, if appropriate, within the time period referred to in Article 24(2) of Implementing Regulation (EU) 2019/34, on the communications received from the other parties.

2. Where the applicant or the objector do not file any observations in response, or where the time periods for filing observations and for submitting comments referred to in Article 24 of Implementing Regulation (EU) 2019/34 are not respected, the Commission shall proceed to rule on the objection.

3. A decision to reject or recognise the traditional term in question shall be taken by the Commission on the basis of the evidence available to it. The Commission shall consider whether the conditions referred to or laid down in Articles 27, 32 or 33 of this Regulation are fulfilled. A decision to reject the traditional term shall be notified to the objector and to the applicant.

4. Where multiple objections are lodged, a preliminary examination of one or more such objections may prevent an application for protection from proceeding. In these circumstances, the Commission may suspend the other objection procedures. The Commission shall inform the other objectors of any decision affecting them which was taken in the course of the procedure.

Where an application is rejected, objection procedures which have been suspended shall be deemed to be closed and the objectors concerned shall be duly informed.

*SECTION 3***Protection***Article 32***Relationship with trade marks**

1. The registration of a trade mark that contains or consists of a traditional term which does not respect the definition and conditions of use of that traditional term as referred to in Article 112 of Regulation (EU) No 1308/2013, and that relates to a product falling under one of the categories listed in Part II of Annex VII thereto shall be:

- (a) refused if the application for registration of the trade mark is submitted after the date of submission of the application for protection of the traditional term to the Commission and the traditional term is subsequently protected; or
- (b) invalidated.

2. A name shall not be protected as a traditional term where, in the light of a trade mark's reputation and renown, such protection is liable to mislead the consumer as to the true identity, nature, characteristic or quality of the grapevine product.

3. Without prejudice to paragraph 2, a trade mark referred to in paragraph 1 which has been applied for, registered or established by use in good faith, where national legislation so provides, in the territory of the Union, prior to the date of protection of the traditional term in the country of origin, may continue to be used and renewed notwithstanding the protection of a traditional term, provided that no grounds for the trade mark's invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council <sup>(9)</sup>, Directive (EU) 2015/2436 of the European Parliament and of the Council <sup>(10)</sup> or under Regulation (EU) 2017/1001 of the European Parliament and of the Council <sup>(11)</sup>.

In such cases, the use of the traditional term shall be permitted alongside the relevant trade marks.

#### Article 33

### Homonyms

1. A term for which an application for protection is submitted and which is wholly or partially homonymous with a traditional term already protected under Article 113 of Regulation (EU) No 1308/2013 shall be registered with due regard to local and traditional usage and the risk of confusion.

A homonymous term which misleads consumers as to the nature, quality or the true origin of the grapevine products shall not be registered even if the term is accurate.

A registered homonymous term may be used only if there is a sufficient distinction in practice between the homonym registered subsequently and the term already in the register, having regard to the need to treat the producers concerned in an equitable manner and the need to avoid misleading the consumer.

2. Paragraph 1 shall apply *mutatis mutandis* for traditional terms protected before 1 August 2009 which are wholly or partially homonymous with a protected designation of origin or geographical indication or a wine grape variety name or its synonym listed in Annex IV.

#### SECTION 4

### Modification and cancellation

#### Article 34

### Modification of a traditional term

An applicant satisfying the conditions of Article 25 may apply for approval of a modification of a registered traditional term concerning the elements referred to in points (b), (c) and (d) of Article 26(1).

Articles 26 to 31 shall apply *mutatis mutandis* to applications for modification.

#### Article 35

### Cancellation of a traditional term

In accordance with Article 115(2) of Regulation (EU) No 1308/2013, the Commission may, on a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a traditional term.

Articles 26 to 31 shall apply *mutatis mutandis* to applications for cancellation.

#### Article 36

### Grounds for cancellation

The protection of a traditional term shall be cancelled where:

- (a) the traditional term no longer meets the requirements laid down in Articles 27, 32 or 33;
- (b) compliance with the corresponding definition and conditions of use is no longer ensured.

<sup>(9)</sup> Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (OJ L 299, 8.11.2008, p. 25).

<sup>(10)</sup> Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (Recast) (OJ L 336, 23.12.2015, p. 1).

<sup>(11)</sup> Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).

*Article 37***Admissibility of a cancellation request**

1. A substantiated cancellation request shall be admissible where:
  - (a) it was submitted to the Commission by a Member State, a third country or a natural or legal person having a legitimate interest; and
  - (b) it is based on one of the grounds referred to in Article 36.

The duly substantiated cancellation request shall be admissible only if it demonstrates the legitimate interest of the applicant.

2. Where the Commission considers that the cancellation request is not admissible it shall inform the authority or person that sent the request of the reasons for inadmissibility.
3. The Commission shall make the cancellation request available to the authorities and persons affected in accordance with Article 30(4) of Implementing Regulation (EU) 2019/34.
4. Substantiated statements of objection to cancellation requests shall be admissible only if they show continued commercial reliance on the registered name by an interested person.

*Article 38***Rules concerning traditional terms used in third countries**

1. The definition of traditional terms provided for in Article 112 of Regulation (EU) No 1308/2013 shall apply *mutatis mutandis* to terms traditionally used in third countries for grapevine products covered by geographical indications or designations of origin under the legislation of those third countries.
2. Grapevine products originating in third countries whose labels bear traditional indications other than the traditional terms listed in the electronic database 'E-Bacchus', referred to in Article 25(1) of Implementing Regulation (EU) 2019/34, may use these traditional indications on wine labels in accordance with the rules applicable in the third countries concerned, including those emanating from representative professional organisations.

## SECTION 5

*Article 39***Existing protected traditional terms**

A traditional term which is protected under Regulation (EC) No 607/2009 shall automatically be protected under this Regulation.

## CHAPTER IV

## LABELLING AND PRESENTATION

## SECTION 1

**Compulsory particulars***Article 40***Presentation of compulsory particulars**

1. Compulsory particulars referred to in Article 119 of Regulation (EU) No 1308/2013 shall appear in the same field of vision on the container, in such a way as to be simultaneously legible without having to turn the container, in indelible characters and shall be clearly distinguishable from surrounding text or graphics.
2. By way of derogation from paragraph 1, the compulsory particulars referred to in Article 41(1) and the lot number may appear outside the field of vision referred to in that paragraph.
3. The size of the characters of the particulars referred to in paragraph 1 of this Article and in Article 41(1) must be equal to or greater than 1,2 mm, regardless of the character format used.



*Article 41***Application of certain horizontal rules**

1. For the purposes of indicating certain substances or products causing allergies or intolerances, as referred to in Article 21 of Regulation (EU) No 1169/2011, the terms concerning sulphites/sulfites, eggs and egg-based products and milk and milk-based products that shall be used are those listed in Part A of Annex I.
2. The terms referred to in paragraph 1 may be accompanied by the relevant pictogram shown in Part B of Annex I.

*Article 42***Marketing and export**

1. Grapevine products whose label or presentation does not conform to the corresponding conditions laid down in this Regulation shall not be marketed within the Union or exported.
2. By way of derogation from Subsection 3 of Section 2 and Section 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013, where grapevine products are to be exported, Member States may permit particulars and presentations which conflict with Union labelling and presentation rules in force if such particulars or presentations of the grapevine products are required by the legislation of the third country in question. These particulars may appear in languages other than the official languages of the Union.
3. By way of derogation from Subsection 3 of Section 2 and Section 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013, where grapevine products are to be consumed on board of airplanes, Member States may permit presentations which conflict with Union presentation rules in force if such presentations of the grapevine products are necessary for security reasons.

*Article 43***Prohibition of lead-based capsules or foil**

The closing devices for grapevine products referred to in points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013 shall not be enclosed in lead-based capsules or foil.

*Article 44***Actual alcoholic strength**

The actual alcoholic strength by volume referred to in Article 119(1)(c) of Regulation (EU) No 1308/2013 shall be indicated in percentage units or half units.

The figure shall be followed by the '% vol' symbol and may be preceded by the words '*actual alcoholic strength*', '*actual alcohol*' or '*alc.*'. As regards partially fermented grape must or new wine still in fermentation, the indication of the actual alcoholic strength may be replaced or completed by the figure of the total alcoholic strength followed by the '% vol' symbol and preceded by the words '*total alcoholic strength*' or '*total alcohol*'.

Without prejudice to the tolerances set for the reference analysis method used, the strength shown may not differ by more than 0,5 % vol from that given by analysis. However, the alcoholic strength of grapevine products with protected designations of origin or geographical indications stored in bottles for more than three years, sparkling wines, quality sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines, liqueur wines and wines of overripe grapes, without prejudice to the tolerances set for the reference analysis method used, may not differ by more than 0,8 % vol from that given by analysis.

*Article 45***Indication of provenance**

1. The indication of provenance as referred to in Article 119(1)(d) of Regulation (EU) No 1308/2013 shall be indicated as follows:
  - (a) for grapevine products referred to in points (1), (3) to (9), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013, the words '*wine of (...)*', '*produced in (...)*', '*product of (...)*' or '*sekt of (...)*' shall be used, or expressed in equivalent terms supplemented by the name of the Member State or third country where the grapes are harvested and turned into wine;

- (b) the words 'European Union wine' or 'blend of wines from different countries of the European Union', or expressed in equivalent terms in the case of wine resulting from a blending of wines originating in a number of Member States;
- (c) the words 'European Union wine' or 'wine obtained in (...) from grapes harvested in (...)' citing the names of Member States in question, for wines made in a Member State from grapes harvested in another Member State;
- (d) the words 'blend from (...)', or expressed in equivalent terms, supplemented by the names of the third countries in question, in the case of wine resulting from a blending of wines originating in a number of third countries;
- (e) the words 'wine obtained in (...) from grapes harvested in (...)' citing the names of the third countries in question, for wines made in a third country from grapes harvested in another third country.

By way of derogation from point (a) of the first subparagraph, for grapevine products referred to in points (4), (5) and (6) of Part II of Annex VII to Regulation (EU) No 1308/2013 that do not bear a protected designation of origin or geographical indication, the indication referred to in that point (a) may be replaced by the indication 'produced in (...)', or expressed in equivalent terms, supplemented by the name of the Member State where the second fermentation took place.

The first and second subparagraphs are without prejudice to Articles 47 and 56.

2. The indication of provenance, as referred to in Article 119(1)(d) of Regulation (EU) No 1308/2013, for grapevine products referred to in points (2), (10), (11) and (13) of Part II of Annex VII to Regulation (EU) No 1308/2013 shall be indicated as follows:

- (a) 'must of (...)' or 'must produced in (...)' or expressed in equivalent terms, supplemented by the name of the Member State;
- (b) 'blend made from the produce of two or more European Union countries' in the case of coupage of grapevine products produced in two or more Member States;
- (c) 'must obtained in (...) from grapes harvested in (...)' in case of grape must which has not been made in the Member State where the grapes used were harvested.

3. As regards the United Kingdom and the provisions laid down in points (a) and (c) of paragraph 1 and in points (a) and (c) of paragraph 2, the name of the Member State may be replaced by the name of the relevant individual country forming part of the United Kingdom in which grapes used to make the grapevine product are harvested.

#### Article 46

#### Indication of the bottler, producer, importer and vendor

1. For the purposes of the application of Article 119(1)(e) and (f) of Regulation (EU) No 1308/2013 and of this Article:

- (a) 'bottler' means a natural or legal person or a group of such persons established in the European Union and carrying out bottling or having bottling carried out on their behalf;
- (b) 'bottling' means putting the product concerned in containers of a capacity *not* exceeding 60 litres for subsequent sale;
- (c) 'producer' means a natural or legal person or a group of such persons by whom or on whose behalf the processing of the grapes or of the grape musts into wine or the processing of grape must or wine into sparkling wines, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wines is carried out;
- (d) 'importer' means a natural or legal person or group of such persons established in the Union assuming responsibility for bringing into circulation non-Union goods within the meaning of Article 5(24) of Regulation (EU) No 952/2013 of the European Parliament and of the Council <sup>(12)</sup>;
- (e) 'vendor' means a natural or legal person or a group of such persons, not covered by the definition of producer, purchasing and then putting sparkling wines, aerated sparkling wines, quality sparkling wines or quality aromatic sparkling wines into circulation;
- (f) 'address' means the indications of the local administrative area and the Member State or third country in which the premises or head office of the bottler, producer, vendor or importer is situated.

2. The name and address of the bottler shall be supplemented either:

- (a) by the words 'bottler' or 'bottled by (...)', which may be supplemented by terms referring to the producer's holding, or

<sup>(12)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- (b) by terms, whose conditions of use are defined by Member States, where bottling of grapevine products with protected designation of origin or geographical indication takes place:
- (i) on the producer's holding, or
  - (ii) on the premises of a producer group, or
  - (iii) in an enterprise located in the demarcated geographical area or in the immediate proximity of the demarcated geographical area concerned.

In case of contract bottling, the indication of the bottler shall be supplemented by the words '*bottled for (...)*' or, where the name, address of the person who has carried out the bottling on behalf of a third party are indicated, by the words '*bottled for (...) by (...)*'.

Where bottling takes place in another place than that of the bottler, the particulars referred to in this paragraph shall be accompanied by a reference to the exact place where the operation took place and, if it is carried out in another Member State, the name of that State. These requirements do not apply where bottling is carried out in a place of immediate proximity to that of the bottler.

In case of containers other than bottles, the words '*packager*' and '*packaged by (...)*' shall replace the words '*bottler*' and '*bottled by (...)*' respectively, except when the language used does not indicate by itself such a difference.

3. The name and address of the producer or vendor shall be supplemented by the terms '*producer*' or '*produced by*' and '*vendor*' or '*sold by*', or equivalent.

Member States may decide to:

- (a) make it compulsory to identify the producer;
- (b) to authorise the replacement of the words '*producer*' or '*produced by*' by the words listed in Annex II.

4. The *name* and address of the importer shall be preceded by the words '*importer*' or '*imported by (...)*'. For grapevine products imported in bulk and bottled in the Union, the name of the importer may be replaced or supplemented by the indication of the bottler, in accordance with paragraph 2.

5. The indications referred to in paragraphs 2, 3 and 4 may be grouped together if they concern the same natural or legal person.

One of these indications may be replaced by a code determined by the Member State in which the bottler, producer, importer or vendor has its head office. The code shall be supplemented by a reference to the Member State in question. The name and address of another natural or legal person involved in the commercial distribution other than the bottler, producer, importer or vendor indicated by a code shall also appear on the wine label of the product concerned.

6. Where the name or the address of the bottler, producer, importer or vendor consists of or contains a protected designation of origin or geographical indication, it shall appear on the label:

- (a) in characters which are no more than half the size of those used either for the protected designation of origin or geographical indications or for the designation of the category of the grapevine product concerned; or
- (b) by using a code as provided for in the second subparagraph of paragraph 5.

Member States may decide which option applies to grapevine products produced in their territories.

#### Article 47

#### **Indication of the sugar content on sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine**

1. The terms listed in Part A of Annex III to this Regulation indicating the sugar content shall appear on the label of the grapevine products provided for in Article 119(1)(g) of Regulation (EU) No 1308/2013.

2. If the sugar content of the grapevine products, expressed in terms of fructose, glucose and sucrose, justifies the use of two of the terms listed in Part A of Annex III, only one of those two terms shall be chosen.

3. Without prejudice to the conditions of use described in Part A of Annex III, the sugar content may not differ by more than 3 grams per litre from what appears on the product label.

## Article 48

**Specific rules for aerated sparkling wine, aerated semi-sparkling wine and quality sparkling wine**

1. The terms '*aerated sparkling wine*' and '*aerated semi-sparkling wine*' as referred to in Part II of Annex VII to Regulation (EU) No 1308/2013 shall be supplemented in characters of the same type and size by the words '*obtained by adding carbon dioxide*' or '*obtained by adding carbon anhydride*', even where Article 119(2) of Regulation (EU) No 1308/2013 applies.
2. Paragraph 1 shall not apply when the language used indicates by itself that carbon dioxide has been added.
3. For quality sparkling wines, the reference to the category of the grapevine product may be omitted for wines whose labels include the term '*Sekt*'.

## SECTION 2

**Optional particulars**

## Article 49

**Vintage year**

1. The vintage year referred to in Article 120(1)(a) of Regulation (EU) No 1308/2013 may appear on the labels of grapevine products referred to in points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013, provided that at least 85 % of the grapes used to make those products have been harvested in the year in question. This does not include:
  - (a) any quantity of grapevine products used in sweetening, '*expedition liqueur*' or '*tirage liqueur*'; or
  - (b) any quantity of grapevine product as referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013.
2. For the purposes of paragraph 1, grapevine products that do not bear a protected designation of origin or a geographical indication but which bear an indication of the vintage year on their label, shall be certified according to Article 12 of Commission Implementing Regulation (EU) 2018/274 <sup>(13)</sup>.
3. For grapevine products traditionally obtained from grapes harvested in January or February, the vintage year to appear on the label of grapevine products shall be that of the previous calendar year.

## Article 50

**Name of wine grape variety**

1. The names of the wine grape varieties or their synonyms referred to in Article 120(1)(b) of Regulation (EU) No 1308/2013, used for the production of grapevine products referred to in points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013, may appear on the label of those products under the conditions laid down in points (a) and (b), if they are produced in the Union, or under the conditions laid down in points (a) and (c), if they are produced in third countries.
  - (a) The names of the wine grape varieties or their synonyms may be indicated under the following conditions:
    - (i) if only one wine grape variety or its synonym is named, at least 85 % of the product must have been made from that variety, not including:
      - any quantity of grapevine products used in sweetening, '*expedition liqueur*' or '*tirage liqueur*', or
      - any quantity of grapevine product referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013;

<sup>(13)</sup> Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561 (OJ L 58, 28.2.2018, p. 1).

(ii) if two or more wine grape varieties or their synonyms are named, 100 % of the product concerned must have been made from these varieties, not including:

- any quantity of grapevine products used in sweetening, 'expedition liqueur' or 'tirage liqueur', or
- any quantity of grapevine product referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013;

The wine grape varieties must appear on the label in descending order of the proportion used and in characters of the same size.

(b) For grapevine products produced in the Union, the names of the wine grape varieties or their synonyms shall be those specified in the wine grape varieties classification referred to in Article 81(2) of Regulation (EU) No 1308/2013.

For Member States exempted from the classification obligation as provided for in Article 81(3) of Regulation (EU) No 1308/2013, the names of the wine grape varieties or synonyms shall be those specified in the 'International list of vine varieties and their synonyms' managed by the International Organisation of Vine and Wine.

(c) For grapevine products originating in third countries, the conditions of use of the names of the wine grape varieties or their synonyms shall comply with the rules applicable to wine producers in the third country concerned, including those emanating from representative professional organisations, and the names of the wine grape varieties or their synonyms shall be those specified in the list of at least one of the following organisations:

- (i) the International Organisation of Vine and Wine;
- (ii) the International Union for the Protection of New Varieties of Plants;
- (iii) the International Board for Plant Genetic Resources.

2. For the purposes of paragraph 1, a grapevine product that does not bear a protected designation of origin or a geographical indication but bears an indication of the grape variety on its label, shall be certified according to Article 12 of Implementing Regulation (EU) 2018/274.

In the case of sparkling wines and quality sparkling wines, the wine grape variety names used to supplement the description of the product, namely, 'pinot blanc', 'pinot noir', 'pinot meunier' or 'pinot gris' and the equivalent names in the other Union languages, may be replaced by the synonym 'pinot'.

3. The wine grape variety names and their synonyms consisting of or containing a protected designation of origin or geographical indication which may appear on the label of a product bearing a protected designation of origin or geographical indication or geographical indication of a third country are those listed in Part A of Annex IV to this Regulation.

Part A of Annex IV may be modified by the Commission only to take into account established labelling practices of new Member States, following accession.

4. The wine grape variety names and their synonyms listed in Part B of Annex IV to this Regulation, that partially contain a protected designation of origin or geographical indication and directly refer to the geographical element of the protected designation of origin or geographical indication in question, may only appear on the label of a product bearing a protected designation of origin or geographical indication or geographical indication of a third country.

#### Article 51

#### **Specific rules for the indication of wine grape varieties on grapevine products that do not bear a protected designation of origin or geographical indication**

For grapevine products referred to in points (1) to (9) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013 that do not bear a protected designation of origin or protected geographical indication and provided that the conditions laid down in Article 120(2) of that Regulation are complied with, Member States may decide to use the terms 'varietal wine' supplemented by one or both of the following:

- (a) the name of the Member State(s) concerned;
- (b) the name of the wine grape variety(-ies).

For grapevine products referred to in the first paragraph not bearing a protected designation of origin, protected geographical indication or not having a geographical indication of a third country which bear the name of one or more wine grape varieties on their labels, third countries may decide to use the terms 'varietal wine' supplemented by the name(s) of the third country(ies) concerned.

Article 45 of this Regulation shall not apply in relation to the indication of the name(s) of the Member State(s) or third country(ies).

In the case of the United Kingdom, the name of the Member State may be replaced by the name of the relevant individual country forming part of United Kingdom in which grapes used to make the grapevine products are harvested.

#### Article 52

##### **Indication of the sugar content for grapevine products other than sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine**

1. The sugar content expressed as fructose and glucose as provided for in Part B of Annex III to this Regulation, may appear on the label of the grapevine products other than those referred to in Article 119(1)(g) of Regulation (EU) No 1308/2013.
2. Where the sugar content of the grapevine products justifies the use of two of the terms listed in Part B of Annex III to this Regulation, only one of those two terms shall be chosen.
3. Without prejudice to the conditions of use described in Part B of Annex III to this Regulation, the sugar content may not differ by more than 1 gram per litre from what appears on the product label.
4. Paragraph 1 shall not apply to grapevine products referred to in points (3), (8) and (9) of Part II of Annex VII to Regulation (EU) No 1308/2013 provided that the conditions of the use of the indication of the sugar content are regulated by the Member States or established in rules applicable in the third country concerned, including, in the case of third countries, rules emanating from representative professional organisations.

#### Article 53

##### **Terms referring to certain production methods**

1. In accordance with Article 120(1)(f) of Regulation (EU) No 1308/2013, grapevine products referred to points (1) to (11), (13), (15) and (16) of Part II of Annex VII to Regulation (EU) No 1308/2013 may bear indications referring to certain production methods. These indications may include the production methods referred to in this Article.
2. Only the terms used to refer to indications of certain production methods which are listed in Annex V shall be used to describe a grapevine product bearing a protected designation of origin or a protected geographical indication or bearing a geographical indication of a third country that has been fermented, matured or aged in a wood container. Member States and third countries may, however, establish other indications equivalent to those laid down in Annex V for such grapevine product.

Use of one of the indications referred to in the first subparagraph shall be permitted where the grapevine product has been aged in a wood container in accordance with the national rules in force, even when the ageing process continues in another type of container.

The indications referred to in the first subparagraph may not be used to describe a grapevine product that has been produced with the aid of oak chips, even in association with the use of wood containers.

3. The expression 'bottle-fermented' may be used only to describe sparkling wines bearing a protected designation of origin or a geographical indication of a third country or quality sparkling wines provided that:
  - (a) the product was made sparkling by a second alcoholic fermentation in a bottle;
  - (b) the length of the production process, including ageing in the undertaking where the product was made, calculated from the start of the fermentation process designed to make the cuvée sparkling, has not been less than nine months;
  - (c) the process of fermentation designed to make the cuvée sparkling and the presence of the cuvée on the lees lasted at least 90 days;
  - (d) the product was separated from the lees by filtering in accordance with the racking method or by disgorging.

4. The expressions 'bottle-fermented by the traditional method' or 'traditional method' or 'classical method' or 'classical traditional method' may only be used to describe sparkling wines bearing a protected designation of origin or a geographical indication of a third country or quality sparkling wines provided the product:

- (a) was made sparkling by a second alcoholic fermentation in the bottle;
- (b) stayed without interruption in contact with the lees for at least nine months in the same undertaking from the time when the cuvée was constituted;
- (c) was separated from the lees by disgorging.

5. The expression 'Crémant' may only be used for white or 'rosé' quality sparkling wines bearing a protected designation of origin or a geographical indication of a third country provided:

- (a) the grapes shall be harvested manually;
- (b) the wine is made from must obtained by pressing whole or destemmed grapes. The quantity of must obtained shall not exceed 100 litres for every 150 kg of grapes;
- (c) the maximum sulphur dioxide content does not exceed 150 mg/l;
- (d) the sugar content is less than 50 g/l;
- (e) the wine complies with the requirements laid down in paragraph 4.

Without prejudice to Article 55, the term 'Crémant' shall be indicated on labels of quality sparkling wines in combination with the name of the geographical unit underlying the demarcated area of the protected designation of origin or the a geographical indication of a third country in question.

Point (a) of the first subparagraph and the second subparagraph shall not apply to producers who own trade marks containing the term 'Crémant' registered before 1 March 1986.

6. References to the organic production of grapes are governed by Council Regulation (EC) No 834/2007 <sup>(14)</sup>.

#### Article 54

##### **Indication of the holding**

1. The terms referring to a holding listed in Annex VI, other than the indication of the name of the bottler, producer or vendor, shall be reserved for grapevine products with protected designations of origin or geographical indications.

Those terms shall only be used if the grapevine product is made exclusively from grapes harvested in vineyards exploited by that holding and the winemaking is entirely carried out on that holding.

2. Member States shall regulate the use of their respective terms listed in Annex VI. Third countries shall establish the rules on use applicable to their respective terms listed in Annex VI, including those emanating from representative professional organisations.

3. The operators involved in the marketing of the grapevine product produced in such holding may only use the name of the holding for the labelling and presentation of that grapevine product if the holding in question agrees to that use.

#### Article 55

##### **Reference to names of geographical units smaller or larger than the area underlying the protected designation of origin or geographical indication**

1. Pursuant to Article 120(1)(g) of Regulation (EU) No 1308/2013 and without prejudice to Articles 45 and 46, only a grapevine product bearing a protected designation of origin, protected geographical indication or a geographical indication of a third country may have a reference on the label to the name of a geographical unit that is smaller or larger than the area of that designation of origin or geographical indication.

2. Where reference is made to names of geographical units which are smaller than the area underlying the designation of origin or geographical indication, the area of the geographical unit in question shall be well defined by the applicant in the product specification and the single document. Member States may establish rules concerning the use of these geographical units.

<sup>(14)</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

For grapevine products produced in a smaller geographical unit the following applies:

- (a) at least 85 % of the grapes from which the grapevine product has been produced shall originate in that smaller geographical unit. This does not include:
  - (i) any quantity of grapevine products used in sweetening, 'expedition liqueur' or 'tirage liqueur',
  - (ii) any quantity of grapevine product referred to in point (3)(e) and (f) of Part II of Annex VII to Regulation (EU) No 1308/2013;
- (b) The remaining grapes used in the production shall originate in the geographical demarcated area of the designation of origin or geographical indication concerned.

Member States may decide, in the case of registered trade marks or trade marks established by use before 11 May 2002 which contain or consist of a name of a geographical unit which is smaller than the area underlying the designation of origin or geographical indication and geographical area references of the Member States concerned, not to apply the requirements laid down in points (a) and (b) of the second subparagraph.

3. The name of a geographical unit smaller or larger than the area underlying the designation of origin or geographical indication or a geographical area references shall refer to:

- (a) a locality or group of localities;
- (b) a local administrative area or part thereof;
- (c) a wine-growing sub-region or part thereof;
- (d) an administrative area.

### SECTION 3

#### ***Rules on certain specific bottle shapes and closures***

##### *Article 56*

#### **Conditions of use of certain specific bottle shapes**

To qualify for inclusion in the list of specific types of bottle set out in Annex VII, a bottle type shall meet the following requirements:

- (a) it shall have been exclusively, genuinely and traditionally used for the last 25 years for a grapevine product bearing a particular protected designation of origin or geographical indication; and
- (b) its use shall evoke for consumers a grapevine product bearing a particular protected designation of origin or geographical indication.

Annex VII sets out the conditions governing the use of the recognised specific types of bottles.

##### *Article 57*

#### **Rules on presentation for certain grapevine products**

1. Sparkling wine, quality sparkling wine and quality aromatic sparkling wine produced within the Union shall be marketed or exported in 'sparkling wine' type glass bottles closed with:

- (a) for bottles with a nominal volume more than 0,20 litres: a mushroom-shaped stopper made of cork or other material permitted to come into contact with foodstuffs, held in place by a fastening, covered, if necessary, by a cap and sheathed in foil completely covering the stopper and all or part of the neck of the bottle;
- (b) for bottles with a nominal volume content not exceeding 0,20 litres: any other suitable closure.

Other beverages produced in the Union shall not be marketed or exported in either 'sparkling wine' type glass bottles or with a closure as described in point (a) of the first subparagraph.

2. By way of derogation from the second subparagraph of paragraph 1, Member States may decide that other beverages may be marketed or exported in 'sparkling wine' type glass bottles or with a closure as described in point (a) of the first subparagraph of paragraph 1, or both, provided that they are traditionally bottled in such bottles and they do not mislead consumers with regard to the real nature of the beverage.



*Article 58***Additional provisions laid down by the producing Member States relating to labelling and presentation**

1. Member States may render the use of the particulars referred to in Articles 49, 50, 52, 53 and 55 of this Regulation and Article 13 of Implementing Regulation (EU) 2019/34 compulsory, prohibited or limited for grapevine products bearing a protected designation of origin or geographical indication produced on their territory, by introducing conditions stricter than those laid down in this Chapter through the corresponding product specifications of those grapevine products.
2. Member States may render it compulsory to use the particulars referred to in Articles 52 and 53 of this Regulation for grapevine products produced on their territory where those grapevine products do not bear a protected designation of origin or geographical indication.
3. For control purposes, Member States may decide to define and regulate particulars other than those listed in Articles 119(1) and 120(1) of Regulation (EU) No 1308/2013 for grapevine products produced in their territories.
4. For control purposes, Member States may decide to render Articles 118, 119 and 120 of Regulation (EU) No 1308/2013 applicable for grapevine products bottled in their territories but not marketed or exported yet.

## CHAPTER V

**GENERAL, TRANSITIONAL AND FINAL PROVISIONS***Article 59***Procedural language**

All documents and information sent to the Commission in respect of an application for protection, an application for amendment of the product specification, the objection procedure and the cancellation procedure of a designation of origin or geographical indication in accordance with Articles 94 to 98 and Articles 105 and 106 of Regulation (EU) No 1308/2013, and of a traditional term, in accordance with Articles 25 to 31 and Articles 34 and 35 of this Regulation, shall be in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

*Article 60***Repeal**

Regulation (EC) No 607/2009 is repealed.

*Article 61***Transitional measures**

1. Articles 2 to 12 and Article 72 of Regulation (EC) No 607/2009 concerning the application for protection and temporary labelling shall continue to apply in respect of all applications for protection pending at the date of application of this Regulation.
2. Articles 13 to 16 of Regulation (EC) No 607/2009 concerning the objection procedure shall continue to apply to applications for protection for which the related single documents have already been published for opposition in the *Official Journal of the European Union* at the date of application of this Regulation.
3. Articles 21, 22 and 23 of Regulation (EC) No 607/2009 concerning the cancellation of protection shall continue to apply to requests for cancellation of protection pending at the date of application of this Regulation.
4. The provisions of this Regulation and of Implementing Regulation (EU) 2019/34 governing objections shall apply to pending applications for which a single document is published in the *Official Journal of the European Union* after the date of application of this Regulation.
5. Paragraphs 1, 2 and 3 shall apply, *mutatis mutandis* to the procedures concerning traditional terms for which an application for protection or a cancellation request are pending at the date of application of this Regulation.

6. Articles 20 and 72 of Regulation (EC) No 607/2009 concerning amendments to the product specification and temporary labelling shall continue to apply to both applications for amendment of a product specification which have already been published in the *Official Journal of the European Union* at the date of application of this Regulation and to applications for minor or non-minor amendments indicated by the Member States as fulfilling the requirements for a Union amendment.

As regards pending applications for amendment not covered by subparagraph 1, Member States' decisions to submit such amendments to the Commission shall be deemed as approval of a standard amendment in accordance with Article 17(2) of this Regulation.

Member States shall communicate the list of the pending amendments to the Commission via electronic mail within three months after the *date of application* of this Regulation. This list shall be divided into the following two groups:

- (a) amendments that are considered as fulfilling the requirements of a Union amendment;
- (b) amendments that are considered as fulfilling the requirements of a standard amendment.

The Commission shall publish the list of standard amendments per Member State in the *Official Journal of the European Union*, C series within three months of receiving each Member State's complete list and it shall make public the applications and the single documents related to those standard amendments.

7. The provisions of Regulation (EC) No 607/2009 shall continue to apply to applications for amendment of a traditional term which are pending at the date of application of this Regulation.

8. Amendments to a product specification submitted to the competent authorities of a Member State on or after 1 August 2009 and transmitted by these authorities to the Commission before 30 June 2014, in accordance with Article 73(2) of Regulation (EC) No 607/2009, are deemed approved if they have been recognised by the Commission as bringing the product specification into compliance with Article 118c of Regulation (EC) No 1234/2007.

Amendments which have not been recognised by the Commission as bringing the product specification into compliance with Article 118c of Regulation (EC) No 1234/2007 shall be deemed applications for standard amendment and shall follow the transitional rules set out in paragraph 6 of this Article.

9. Grapevine products placed on the market or labelled in compliance with Regulation (EC) No 607/2009 may be marketed until existing stocks are exhausted.

10. The procedure set out in Article 118s of Regulation (EC) No 1234/2007 shall apply for any modification to the product specification submitted to a Member State on or after 1 August 2009 and sent to the Commission by that Member State before 31 December 2011.

#### Article 62

### Entry into force and application

This Regulation shall enter into force on the third 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, 17 October 2018.

For the Commission  
The President  
Jean-Claude JUNCKER

## ANNEX I

## PART A

## Terms referred to in Article 41(1)

Language	Terms concerning sulphites/sulfites	Terms concerning eggs and egg-based products	Terms concerning milk and milk-based products
in Bulgarian	'сулфити' or 'серен диоксид'	'яйце', 'яйчен протеин', 'яйчен продукт', 'яйчен лизозим' or 'яйчен албумин'	'мляко', 'млечни продукти', 'млечен казеин' or 'млечен протеин'
in Spanish	'sulfitos' or 'dióxido de azufre'	'huevo', 'proteína de huevo', 'ovoproducto', 'lisozima de huevo' or 'ovoalbumina'	'leche', 'productos lácteos', 'caseína de leche' or 'proteína de leche'
in Czech	'siřičitany' or 'oxid siřičitý'	'vejce', 'vaječná bílkovina', 'výrobky z vajec', 'vaječný lysozym' or 'vaječný albumin'	'mléko', 'výrobky z mléka', 'mléčný kasein' or 'mléčná bílkovina'
in Danish	'sulfitter' or 'svovldioxid'	'æg', 'ægprotein', 'ægprodukt', 'æglysozym', or 'ægalbumin'	'mælk', 'mælkeprodukt', 'mælkecasein' or 'mælkeprotein'
in German	'Sulfite' or 'Schwefeldioxid'	'Ei', 'Eiprotein', 'Eiprodukt', 'Lysozym aus Ei' or 'Albumin aus Ei'	'Milch', 'Milcherzeugnis', 'Kasein aus Milch' or 'Milchprotein'
in Estonian	'sulfitid' or 'vääveldioksiid'	'muna', 'munaproteiin', 'munatooted', 'munalüsosüüm' or 'munaalbumiin'	'piim', 'piimatooted', 'piimakaseiin' or 'piimaproteiin'
in Greek	'θειώδη', 'διοξειδιο του θειου' or 'ανυδριτης του θειωδους οξεος'	'αυγό', 'πρωτεΐνη αυγού', 'προϊόν αυγού', 'λυσοζύμη αυγού' or 'αλβουμίνη αυγού'	'γάλα', 'προϊόντα γάλακτος', 'καζεΐνη γάλακτος' or 'πρωτεΐνη γάλακτος'
in English	'sulphites', 'sulfites', 'sulphur dioxide' or 'sulfur dioxide'	'egg', 'egg protein', 'egg product', 'egg lysozyme' or 'egg albumin'	'milk', 'milk products', 'milk casein' or 'milk protein'
in French	'sulfites' or 'anhydride sulfureux'	'œuf', 'protéine de l'œuf', 'produit de l'œuf', 'lysozyme de l'œuf' or 'albumine de l'œuf'	'lait', 'produits du lait', 'caséine du lait' or 'protéine du lait'
in Croatian	'sulfiti' or 'sumporov dioksid'	'jaje', 'bjelančevine iz jaja', 'proizvodi od jaja', 'lizozim iz jaja' or 'albumin iz jaja';	'mlijeko', 'mliječni proizvodi', 'kazein iz mlijeka' or 'mliječne bjelančevine'
in Italian	'solfiti', or 'anidride solforosa'	'uovo', 'proteina dell'uovo', 'derivati dell'uovo', 'lisozima da uovo' or 'ovoalbumina'	'latte', 'derivati del latte', 'caseina del latte' or 'proteina del latte'
in Latvian	'sulfiti' or 'sēra dioksīds'	'olas', 'olu olbaltumviela', 'olu produkts', 'olu lizocīms' or 'olu albumīns'	'piens', 'piena produkts', 'piena kazeīns' or 'piena olbaltumviela'
in Lithuanian	'sulfitai' or 'sieros dioksidas'	'kiaušiniai', 'kiaušinių baltymai', 'kiaušinių produktai', 'kiaušinių lizocimas' or 'kiaušinių albuminas'	'pienas', 'pieno produktai', 'pieno kazeinas' or 'pieno baltymai'



## ANNEX II

Words referred to in point (b) of the second subparagraph of Article 46(3)

Language	Words authorised instead of 'producer'	Words authorised instead of 'produced by'
BG	'παραγωγεται'	'παραβουηνο οτ'
ES	'elaborador'	'elaborado por'
CS	'zpracovatel' or 'vinař'	'zpracováno v' or 'vyroběno v'
DA	'forarbejdningsvirksomhed' or 'vinproducent'	'forarbejdet af'
DE	'Verarbeiter'	'verarbeitet von' or 'versektet durch' 'Sektellerei'
ET	'töötleja'	'töödelnud'
EL	'οινοποιός'	'οινοποιήθηκε από,'
EN	'processor' or 'winemaker'	'processed by' or 'made by'
FR	'élaboreur'	'élabore par'
IT	'elaboratore' or 'spumantizzatore'	'elaborato da' or 'spumantizzato da'
LV	'izgatavotājs'	'vīnāris' or 'ražojis'
LT	'perdirbėjas'	'perdirbo'
HU	'feldolgozó'	'feldolgozta:'
MT	'proċessur'	'ipproċessat minn'
NL	'verwerker' or 'bereider'	'verwerkt door' or 'bereid door'
PL	'przetwórcza' or 'wytwórcza'	'przetworzone przez' or 'wytworzone przez'
PT	'elaborador' or 'preparador'	'elaborado por' or 'preparado por'
RO	'elaborator'	'elaborat de'
SI	'pridelovalec'	'prideluje'
SK	'spracovateľ'	'spracúva'
FI	'valmistaja'	'valmistanut'
SV	'bearbetningsföretag'	'bearbetat av'

## ANNEX III

## PART A

List of terms referred to in Article 47(1), to be used for sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine

Terms	Conditions of use
brut nature, naturherb, bruto natural, pas dosé, dosage zéro, natūralusis briutas, īsts bruts, přírodně tvrdé, popolnoma suho, dosaggio zero, βριωτ ηατιωτ, brut natur	If its sugar content is less than 3 grams per litre; these terms may be used only for products to which no sugar has been added after the secondary fermentation.
extra brut, extra herb, ekstra briutas, ekstra brut, ekstra bruts, zvláště tvrdé, extra bruto, izredno suho, ekstra wytrawne, екстра бριωт	If its sugar content is between 0 and 6 grams per litre.
brut, herb, briutas, bruts, tvrdé, bruto, zelo suho, bardzo wytrawne, бριωт	If its sugar content is less than 12 grams per litre.
extra dry, extra trocken, extra seco, labai sausas, ekstra kuiv, ekstra sausais, különlegesen száraz, wytrawne, suho, zvláště suché, extra suché, екстра cyxo, extra sec, ekstra tør, vrlo suho	If its sugar content is between 12 and 17 grams per litre.
sec, trocken, secco, asciutto, dry, tør, ξηρός, seco, torr, kuiva, sausas, kuiv, sausais, száraz, półwytrawne, polsuho, suché, cyxo, suho	If its sugar content is between 17 and 32 grams per litre.
demi-sec, halbtrocken, abboccato, medium dry, halvtør, ημιξηρος, semi seco, meio seco, halvtorr, puolikuiva, pusiau sausas, poolkuiv, pussausais, félszáraz, półsłodkie, polsladko, polosuché, polosladké, полусухо, polusuho	If its sugar content is between 32 and 50 grams per litre.
doux, mild, dolce, sweet, sød, γλυκός, dulce, doce, söt, makea, saldus, magus, édes, helu, słodkie, sladko, sladké, сладко, dulce, saldais, slatko	If its sugar content is greater than 50 grams per litre.

## PART B

List of terms referred to in Article 52(1), to be used for other products than those listed in Part A

Terms	Conditions of use
cyxo, seco, suché, tør, trocken, kuiv, ξηρός, dry, sec, secco, asciutto, sausais, sausas, száraz, droog, wytrawne, seco, sec, suho, kuiva	If its sugar content does not exceed: — 4 grams per litre, or — 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.
полусухо, semisecco, polosuché, halvtør, halbtrocken, poolkuiv, ημιξηρος, medium dry, demi-sec, abboccato, pussausais, pusiau sausas, félszáraz, halfdroog, półwytrawne, meio seco, adamado, demisec, polsuho, puolikuiva, halvtorr, polusuho	If its sugar content exceeds the maximum permitted but does not exceed: — 12 grams per litre, or — 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.

Terms	Conditions of use
полуслатко, semidulce, polosladké, halvsød, lieblich, poolmagus, ημίγλυκος, medium, medium sweet, moelleux, amabile, pussaldais, pusiau saldus, félédes, halfzoet, półsłodkie, meio doce, demidulce, polsladko, puolimakea, halvsött, poluslatko	If its sugar content exceeds the maximum permitted but does not exceed 45 grams per litre.
слатко, dulce, sladké, sød, süss, magus, γλυκός, sweet, doux, dolce, saldais, saldus, édes, helu, zoet, słodkie, doce, dulce, sladko, makea, sött, slatko.	If its sugar content is of at least 45 grams per litre.

## ANNEX IV

LIST OF WINE GRAPE VARIETIES AND THEIR SYNONYMS THAT MAY APPEAR ON THE LABELLING OF WINES <sup>(1)</sup>

## PART A

List of wine grape varieties and their synonyms that may appear on the labelling of wines in accordance with Article 50(3)

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
1	Alba (IT)	<b>Albarossa</b>	Italy <sup>o</sup>
2	Alicante (ES)	<b>Alicante Bouschet</b>	<b>Greece<sup>o</sup>, Italy<sup>o</sup>, Portugal<sup>o</sup>, Algeria<sup>o</sup>, Tunisia<sup>o</sup>, United States<sup>o</sup>, Cyprus<sup>o</sup></b> , South Africa, Croatia NB: <i>The name 'Alicante' may not be used on its own to designate wine.</i>
3		<b>Alicante Branco</b>	<b>Portugal<sup>o</sup></b>
4		<b>Alicante Henri Bouschet</b>	<b>France<sup>o</sup>, Serbia and Montenegro (6)</b>
5		<b>Alicante</b>	<b>Italy<sup>o</sup></b>
6		Alikant Buse	Serbia and Montenegro (4)
7	Avola (IT)	Nero d'Avola	Italy
8	Bohotin (RO)	<b>Busuioacă de Bohotin</b>	<b>Romania</b>
9	Borba (PT)	<b>Borba</b>	<b>Spain<sup>o</sup></b>
10	Bourgogne (FR)	Blauburgunder	Former Yugoslav Republic of Macedonia (13- <b>20</b> -30), Austria (18-20), Canada (20-30), Chile (20-30), Italy (20-30), Switzerland
11		<b>Blauer Burgunder</b>	<b>Austria (10-13), Serbia and Montenegro (17-30)</b>
12		<b>Blauer Frühburgunder</b>	<b>Germany (24)</b>
13		<b>Blauer Spätburgunder</b>	<b>Germany (30), Former Yugoslav Republic of Macedonia (10-<b>20</b>-30), Austria (10-<b>11</b>), Bulgaria (30), Canada (10-30), Chile (10-30), Romania (30), Italy (10-30)</b>
14		<b>Burgund Mare</b>	<b>Romania (35, 27, 39, 41)</b>
14a		Borgonja istarska	Croatia
15		<b>Burgundac beli</b>	<b>Serbia and Montenegro (34)</b>
15a		Burgundac bijeli	Croatia

<sup>(1)</sup> LEGEND:

- terms in *italic*: reference to the synonym for the wine grape variety
- '°': no synonym
- terms in **bold**: column 3: name of the wine grape variety  
column 4: country where the name corresponds to a variety and reference to the variety
- terms not in **bold**: column 3: name of the synonym of a vine variety  
column 4: name of the country using the synonym of a vine variety



	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms (1)
17		<b>Burgundac crni</b>	<b>Serbia and Montenegro</b> (11-30), Croatia
18		<b>Burgundac sivi</b>	Croatia <sup>o</sup> , <b>Serbia and Montenegro</b> <sup>o</sup>
19		<b>Burgundec bel</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup>
20		<b>Burgundec crn</b>	<b>Former Yugoslav Republic of Macedonia</b> (10-13-30)
21		<b>Burgundec siv</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup>
22		<b>Early Burgundy</b>	<b>United States</b> <sup>o</sup>
23		Fehér Burgundi, Burgundi	Hungary (31)
24		Frühburgunder	Germany (12), <b>Netherlands</b> <sup>o</sup>
25		Grauburgunder	Germany, Bulgaria, Hungary <sup>o</sup> , Romania (26)
26		Grauer Burgunder	Canada, Romania (25), Germany, <b>Austria</b>
27		Grossburgunder	Romania (37, <b>14</b> , 40, 42)
28		Kisburgundi kék	Hungary (30)
29		Nagyburgundi	Hungary <sup>o</sup>
30		Spätburgunder	Former Yugoslav Republic of Macedonia (10-13- <b>20</b> ), Serbia and Montenegro (11- <b>17</b> ), Bulgaria (13), Canada (10-13), Chile, Hungary (29), Moldova <sup>o</sup> , Romania (13), Italy (10-13), <b>United Kingdom</b> , Germany ( <b>13</b> )
31		Weißburgunder	South Africa (33), Canada, Chile (32), Hungary (23), Germany ( <b>32</b> , 33), Austria ( <b>32</b> ), United Kingdom <sup>o</sup> , Italy
32		<b>Weißer Burgunder</b>	<b>Germany</b> (31, 33), <b>Austria</b> (31), Chile (31), Slovenia, Italy
33		<b>Weissburgunder</b>	South Africa (31), Germany (31, <b>32</b> ), United Kingdom, Italy, <b>Switzerland</b> <sup>o</sup>
34		Weisser Burgunder	Serbia and Montenegro ( <b>15</b> )
35	Calabria (IT)	Calabrese	<b>Italy</b>
36	Cotnari (RO)	<b>Grasă de Cotnari</b>	<b>Romania</b>
37	Franken (DE)	<b>Blaufränkisch</b>	Czech Republic ( <b>39</b> ), Austria <sup>o</sup> , Germany, Slovenia ( <b>Modra frankinja</b> , Frankinja), Hungary, Romania ( <b>14</b> , 27, 39, 41)
38		<b>Frâncușă</b>	<b>Romania</b>
39		<b>Frankovka</b>	<b>Czech Republic</b> (37), Slovakia ( <b>40</b> ), Romania ( <b>14</b> , 27, 38, 41), Croatia,
40		<b>Frankovka modrá</b>	<b>Slovakia</b> (39)
41		<b>Kékfrankos</b>	Hungary, Romania (37, <b>14</b> , 27, 39)

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
42	Friuli (IT)	Friulano	Italy
43	Graciosa (PT)	<b>Graciosa</b>	<b>Portugal°</b>
44	Мелник (BU) <i>Melnik</i>	<b>Мелник</b> <i>Melnik</i>	<b>Bulgaria</b>
45	Montepulciano (IT)	<b>Montepulciano</b>	<b>Italy°</b>
46	Moravské (CZ)	Cabernet Moravia	<b>Czech Republic°</b>
47		Moravia dulce	<b>Spain°</b>
48		Moravia agria	<b>Spain°</b>
49		<b>Muškat moravský</b>	<b>Czech Republic°, Slovakia</b>
50	Odobești (RO)	<b>Galbenă de Odobești</b>	<b>Romania</b>
51	Porto (PT)	<b>Portoghese</b>	<b>Italy°</b>
52	Rioja (ES)	<b>Torrontés riojano</b>	<b>Argentina°</b>
53	Sardegna (IT)	Barbera Sarda	Italy
54	Sciaccia (IT)	Sciaccarello	France
55	Teran (SI)	Teran	Croatia <sup>(2)</sup>

<sup>(1)</sup> For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

<sup>(2)</sup> Solely for the 'Hrvatska Istra' PDO (PDO-HR-A1652), on condition that 'Hrvatska Istra' and 'Teran' appear in the same visual field and that the font size of the name 'Teran' is smaller than that of the words 'Hrvatska Istra'.

## PART B

List of wine grape varieties and their synonyms that may appear on the labelling of wines in accordance with Article 50(4)

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
1	Mount Athos — Agioritikos (GR)	<b>Agiorgitiko</b>	<b>Greece, Cyprus°</b>
2	Aglianico del Taburno (IT)	<b>Aglianico</b>	<b>Italy°, Greece°, Malta°, United States</b>
2a	Aglianico del Taburno	Aglianico crni	Croatia
	Aglianico del Vulture (IT)	<b>Aglianicone</b>	<b>Italy°</b>
4	Aleatico di Gradoli (IT) Aleatico di Puglia (IT)	<b>Aleatico</b>	<b>Italy, Australia, United States</b>
5	Ansonica Costa dell'Argentario (IT)	<b>Ansonica</b>	<b>Italy, Australia</b>

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms (!)
6	Conca de Barbera (ES)	<b>Barbera Bianca</b>	Italy°
7		<b>Barbera</b>	South Africa°, Argentina°, Australia°, Croatia°, Mexico°, Slovenia°, Uruguay°, United States°, Greece°, Italy°, Malta°
8		<b>Barbera Sarda</b>	Italy°
9	Malvasia di Castelnuovo Don Bosco (IT) Bosco Eliceo (IT)	<b>Bosco</b>	Italy°
10	Brachetto d'Acqui (IT)	<b>Brachetto</b>	Italy, Australia
11	Etyek-Buda (HU)	<b>Budai</b>	Hungary°
12	Cesanese del Piglio (IT) Cesanese di Olevano Romano (IT) Cesanese di Affile (IT)	<b>Cesanese</b>	Italy, Australia
13	Cortese di Gavi (IT) Cortese dell'Alto Monferrato (IT)	<b>Cortese</b>	Italy, Australia, United States
14	Duna (HU)	<b>Duna gyöngye</b>	Hungary
15	Dunajskostredský (SK)	<b>Dunaj</b>	Slovakia
16	Côte de Duras (FR)	<b>Durasa</b>	Italy
17	Korinthos-Korinthiakos (GR)	<b>Corinto Nero</b>	Italy°
18		<b>Korinthiaki</b>	Greece°
19	Fiano di Avellino (IT)	<b>Fiano</b>	Italy, Australia, United States
20	Fortana del Taro (IT)	<b>Fortana</b>	Italy, Australia
21	Freisa d'Asti (IT) Freisa di Chieri (IT)	<b>Freisa</b>	Italy, Australia, United States
22	Greco di Bianco (IT) Greco di Tufo (IT)	<b>Greco</b>	Italy, Australia
23	Grignolino d'Asti (IT) Grignolino del Monferrato Casalese (IT)	<b>Grignolino</b>	Italy, Australia, United States
24	Izsáki Arany Sárfehér (HU)	<b>Izsáki Sárfehér</b>	Hungary
25	Lacrima di Morro d'Alba (IT)	<b>Lacrima</b>	Italy, Australia

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms (1)
26	Lambrusco Grasparossa di Castelvetro	<b>Lambrusco grasparossa</b>	<b>Italy</b>
27		<b>Lambrusco</b>	<b>Italy, Australia (2), United States</b>
28	Lambrusco di Sorbara (IT)		
29	Lambrusco Mantovano (IT)		
30	Lambrusco Salamino di Santa Croce (IT)		
31		<b>Lambrusco Salamino</b>	<b>Italy</b>
32	Colli Maceratesi	Maceratino	<b>Italy, Australia</b>
33	Nebbiolo d'Alba (IT)	<b>Nebbiolo</b>	<b>Italy, Australia, United States, Croatia</b>
34	Colli Orientali del Friuli Picolit (IT)	<b>Picolit</b>	<b>Italy</b>
35		<b>Pikolit</b>	<b>Slovenia</b>
36	Colli Bolognesi Classico Pignoletto (IT)	<b>Pignoletto</b>	<b>Italy, Australia</b>
37	Primitivo di Manduria	<b>Primitivo</b>	<b>Italy, Australia, United States, Croatia</b>
38	Rheingau (DE)	<b>Rajnai rizling</b>	<b>Hungary (41)</b>
39	Rheinhessen (DE)	Rajnski rizling	Serbia and Montenegro (40-41- <b>46</b> ), Croatia
40		Renski rizling	Serbia and Montenegro (39-43- <b>46</b> ), <b>Slovenia</b> <sup>o</sup> (45)
41		Rheinriesling	Bulgaria <sup>o</sup> , Austria, Germany (43), Hungary ( <b>38</b> ), Czech Republic ( <b>49</b> ), Italy (43), Greece, Portugal, Slovenia
42		Rhine Riesling	South Africa <sup>o</sup> , Australia <sup>o</sup> , Chile (44), Moldova <sup>o</sup> , New Zealand <sup>o</sup> , <b>Cyprus, Hungary</b> <sup>o</sup>
43		Riesling renano	Germany (41), Serbia and Montenegro (39-40- <b>46</b> ), <b>Italy</b> (41)
44		Riesling Renano	Chile (42), <b>Malta</b> <sup>o</sup>
45		Radgonska ranina	<b>Slovenia, Croatia</b>
46		<b>Rizling rajnski</b>	<b>Serbia and Montenegro (39-40-43)</b>
47		<b>Rizling Rajnski</b>	<b>Former Yugoslav Republic of Macedonia<sup>o</sup>, Croatia<sup>o</sup></b>
48		<b>Rizling rýnsky</b>	<b>Slovakia<sup>o</sup></b>
49		<b>Ryzlink rýnský</b>	<b>Czech Republic (41)</b>
50	Rossese di Dolceacqua (IT)	<b>Rossese</b>	<b>Italy, Australia</b>
51	Sangiovese di Romagna (IT)	<b>Sangiovese</b>	<b>Italy, Australia, United States, Croatia</b>

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
52	Štajerska Slovenija (SI)	Štajerska belina	Slovenia, Croatia
52a	Štajerska Slovenija (SI)	Štajerka	Croatia
53	Teroldego Rotaliano (IT)	Teroldego	<b>Italy, Australia, United States</b>
54	Vinho Verde (PT)	<b>Verdea</b>	<b>Italy<sup>o</sup></b>
55		<b>Verdeca</b>	<b>Italy</b>
56		<b>Verdese</b>	<b>Italy<sup>o</sup></b>
57	Verdicchio dei Castelli di Jesi (IT) Verdicchio di Matelica (IT)	<b>Verdicchio</b>	<b>Italy, Australia</b>
58	Vermentino di Gallura (IT) Vermentino di Sardegna (IT)	<b>Vermentino</b>	<b>Italy, Australia, United States of America, Croatia</b>
59	Vernaccia di San Gimignano (IT) Vernaccia di Oristano (IT) Vernaccia di Serrapetrona (IT)	<b>Vernaccia</b>	<b>Italy, Australia</b>
60	Zala (HU)	<b>Zalagyöngye</b>	<b>Hungary</b>

(<sup>1</sup>) For the countries concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

(<sup>2</sup>) Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).

## ANNEX V

## Indications authorised for use on wine labelling pursuant to Article 53(2)

barrel fermented	barrel matured	barrel aged
[...]-cask fermented [indicate the type of wood]	[...]-cask matured [indicate the type of wood]	[...]-cask aged [indicate the type of wood]
cask fermented	cask matured	cask aged

The word 'cask' may be replaced with the word 'barrel'.

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## ANNEX VI

## Terms referred to in Article 54(1)

Member State	Terms
Austria	Burg, Domäne, Eigenbau, Familie, Gutswein, Güterverwaltung, Hof, Hofgut, Kloster, Landgut, Schloss, Stadtgut, Stift, Weinbau, Weingut, Weingärtner, Winzer, Winzermeister
Czech Republic	Sklep, vinařský dům, vinařství
Germany	Burg, Domäne, Kloster, Schloss, Stift, Weinbau, Weingärtner, Weingut, Winzer
France	Abbaye, Bastide, Campagne, Chapelle, Château, Clos, Commanderie, Cru, Domaine, Mas, Manoir, Mont, Monastère, Monopole, Moulin, Prieuré, Tour
Greece	Αγρέπαυλη (Agrepavlis), Αμπελι (Ampeli), Αμπελώνας(-ες) (Ampelonas(-es)), Αρχοντικό (Archontiko), Κάστρο (Kastro), Κτήμα (Ktima), Μετόχι (Metochi), Μοναστήρι (Monastiri), Ορεινό Κτήμα (Orino Ktima), Πύργος (Pyrgos)
Italy	abbazia, abtei, ansitz, burg, castello, kloster, rocca, schlofl, stift, torre, villa
Cyprus	Αμπελώνας (-ες) (Ampelonas (-es), Κτήμα (Ktima), Μοναστήρι (Monastiri), Μονή (Moni)
Portugal	Casa, Herdade, Paço, Palácio, Quinta, Solar
Slovenia	Klet, Kmetija, Posestvo, Vinska klet
Slovakia	Kaštieľ, Kúria, Pivnica, Vinárstvo, Usadlosť

## ANNEX VII

## Restrictions on the use of specific types of bottle, as referred to in Article 56

## 1. 'Flûte d'Alsace':

- (a) type: a glass bottle consisting of a straight cylindrical body with a long neck, with the following approximate proportions:
- total height/diameter at base = 5:1,
  - height of the cylindrical body = total height/3;
- (b) the wines for which this type of bottle is reserved, in the case of wines produced from grapes harvested on French territory, are wines bearing the following protected designations of origin:
- 'Alsace' or 'vin d'Alsace', 'Alsace Grand Cru',
  - 'Crépy',
  - 'Château-Grillet',
  - 'Côtes de Provence', red and rosé,
  - 'Cassis',
  - 'Jurançon', 'Jurançon sec',
  - 'Béarn', 'Béarn-Bellocq', rosé,
  - 'Tavel', rosé.

However, the restriction on the use of bottles of this type shall apply only to wines produced from grapes harvested on French territory.

## 2. 'Bocksbeutel' or 'Cantil':

- (a) type: short-necked glass bottle, pot-bellied but flattened in shape; the base and the cross-section of the bottle at the point of greatest convexity are ellipsoidal:
- the ratio between the long and short axes of the ellipsoidal cross-section = 2:1,
  - the ratio of the height of the convex body to the cylindrical neck of the bottle = 2,5:1;
- (b) wines for which this type of bottle is reserved:
- (i) German wines bearing the following protected designations of origin:
- Franken,
  - Baden:
    - originating in Taubertal and Schüpfgrund,
    - originating in the following parts of the local administrative area of Baden-Baden: Neuweier, Steinbach, Umweg and Varnhalt;
- (ii) Italian wines bearing the following protected designations of origin:
- Santa Maddalena (St. Magdalener),
  - Valle Isarco (Eisacktaler), made from the Sylvaner and Müller-Thurgau varieties,
  - Terlaner, made from the Pinot bianco variety,
  - Bozner Leiten,
  - Alto Adige (Südtiroler), made from the Riesling, Müller-Thurgau, Pinot nero, Moscato giallo, Sylvaner, Lagrein, Pinot bianco (Weissburgunder) and Moscato rosa (Rosenmuskateller) varieties,
  - Greco di Bianco,
  - Trentino, made from the Moscato variety;
- (iii) Greek wines:
- Agioritiko,
  - Rombola Kefalonias,



- wines from the island of Kefalonia,
- wines from the island of Paros,
- wines bearing a protected geographical indication from Peloponnese;

(iv) Portuguese wines:

- rosé wines and other wines bearing protected designations of origin and geographical indications which can be proven to have already been correctly and traditionally presented in 'cantil'-type bottles before they were classified as wines with protected designations of origin and geographical indications.

3. 'Clavelin':

- (a) type: a short-necked glass bottle containing 0,62 litres, consisting of a cylindrical body with broad shoulders, giving the bottle a squat appearance, with approximately the following proportions:

- total height/diameter at base = 2,75,
- height of the cylindrical part = total height/2;

- (b) wines for which this type of bottle is reserved:

- French wines bearing the following protected designations of origin:
  - Côte du Jura,
  - Arbois,
  - L'Etoile,
  - Château Chalon.

4. 'Tokaj':

- (a) type: a straight, long-necked, colourless glass bottle consisting of a cylindrical body with the following proportions:

- height of cylindrical body/total height = 1:2,7,
- total height/diameter at base = 1:3,6,
- capacity: 500 ml; 375 ml, 250 ml, 100 ml or 187,5 ml (in case of exporting to a third country),
- a seal made of the material of the bottle referring to the wine region or the producer may be placed on the bottle;

- (b) wines for which this type of bottle is reserved:

Hungarian and Slovak wines bearing the following protected designations of origin:

- Tokaj,
  - Vinohradnícka oblasť Tokaj,
- supplemented by one of the following protected traditional terms:
- aszú/výber,
  - aszúeszencia/výberová esencia,
  - eszencia/esencia,
  - másas/máslás,
  - fordítás/forditás,
  - szamorodni/samorodné.

However, the restriction on the use of bottles of this type shall apply only to wines produced from grapes harvested in Hungarian or Slovakian territory.

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/34****of 17 October 2018**

**laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks**

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 <sup>(1)</sup>, and in particular Article 110(1)(b), (c) and (e), Article 110(2), Article 111, Article 115(1) and Article 123 thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(2)</sup>, and in particular Article 90(4) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007 <sup>(3)</sup>. Sections 2 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 lay down rules on designations of origin, geographical indications, traditional terms and labelling and presentation in the wine sector. Those Sections 2 and 3 also empower the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the wine market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the provisions of Commission Regulation (EC) No 607/2009 <sup>(4)</sup> which is repealed by Commission Delegated Regulation (EU) 2019/33 <sup>(5)</sup>.
- (2) Experience gained from the application of Regulation (EC) No 607/2009 has demonstrated that the current procedures for the registration, amendment and cancellation of designations of origin and geographical indications can be intricate, burdensome and time consuming. Regulation (EU) No 1308/2013 has created legal vacuums, in particular as regards the procedure to be followed in applications to amend product specifications. Rules of procedure concerning designations of origin and geographical indications in the wine sector are inconsistent with the rules applicable to quality schemes in the foodstuffs, spirit drinks and aromatised wines sectors of Union law. This gives rise to inconsistencies in how this category of intellectual property rights is implemented. These discrepancies should be addressed in light of the right to protection of intellectual property established in Article 17(2) of the Charter of Fundamental Rights of the European Union. This Regulation should therefore simplify, clarify, complete and harmonise the relevant procedures. Procedures should be modelled as far as possible on the efficient and well tested procedures for protecting intellectual property rights relating to

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(3)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

<sup>(4)</sup> Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

<sup>(5)</sup> Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (See page 2 of this Official Journal).

agricultural products and foodstuffs laid down in Regulation (EU) No 1151/2012 of the European Parliament and of the Council <sup>(6)</sup>, Commission Delegated Regulation (EU) No 664/2014 <sup>(7)</sup> and Commission Implementing Regulation (EU) No 668/2014 <sup>(8)</sup>, and adapted to take account of the specificities of the wine sector.

- (3) Designations of origin and geographical indications are intrinsically linked to the territory of Member States. National and local authorities have the best expertise and knowledge of the relevant facts. This should be reflected in the relevant procedural rules, having regard to the principle of subsidiarity set out in Article 5(3) of the Treaty on European Union.
- (4) In the interest of clarity, certain steps of the procedure governing an application for protection of a designation of origin or geographical indication in the wine sector should be set out in detail.
- (5) Additional rules on joint applications concerning more than one national territory should be laid down.
- (6) In order to have uniform and comparable single documents, it is necessary to specify the minimum content that should be provided in those documents. In the case of designations of origin, particular emphasis should be placed on the description of the link between the quality and characteristics of the product and the particular geographical environment. In the case of geographical indications, particular emphasis should be placed on defining the link between a specific quality, reputation or other characteristics and the geographical origin of the product.
- (7) The demarcated geographical area of designations of origin and geographical indications for which protection is sought should be described in the product specification in a detailed, precise and unequivocal way that enables producers, competent authorities and control bodies to operate on certain, conclusive and reliable bases.
- (8) In order to ensure the smooth functioning of the system, it is necessary to establish uniform rules concerning the rejection step of the procedure applying to applications for protection. Uniform rules are also required concerning the content of the applications for Union amendments, standard amendments and temporary amendments and concerning the content of the cancellation requests.
- (9) For the sake of legal certainty, deadlines concerning the objection procedure should be fixed and criteria for the identification of the starting dates of those deadlines should be established.
- (10) In order to ensure that uniform and efficient procedures are in place, forms for submitting applications, objections, amendments and cancellations should be provided.
- (11) To ensure transparency and uniformity across Member States, it is necessary to adopt rules on the content and the form of the electronic register of protected designations of origin and protected geographical indications, established under Article 104 of Regulation (EU) No 1308/2013 ('the register'). The register is an electronic database stored within an information system, and is accessible to the public. All data related to protected designations of origin and protected geographical indications present in the earlier register established in the electronic database 'e-Bacchus', referred to in Article 18 of Regulation (EC) No 607/2009, should be entered in the register on the date of entry into force of this Regulation.
- (12) Existing rules on the reproduction of the Union symbol for protected designations of origin and protected geographical indications for agricultural products and foodstuffs, laid down in Implementing Regulation (EU) No 668/2014 should be replicated to enable consumers to recognise wine bearing a protected designation of origin or protected geographical indication.

<sup>(6)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

<sup>(7)</sup> Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17).

<sup>(8)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

- (13) The added value of a protected designation of origin or a protected geographical indication is based on the value guarantees given to consumers. The scheme is only credible if it is accompanied by effective verification, control and auditing which includes a system of checks at all stages of production, processing and distribution, managed by the competent authorities designated by Member States in accordance with Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council <sup>(9)</sup>. In this context, it is necessary to have regard to the rules on checks, controls and audits provided for in Regulation (EC) No 882/2004 and adapt them for protected designations of origin and protected geographical indications operations in the wine sector.
- (14) Rules should be established in respect of checks to be carried out on wines bearing a protected designation of origin or a protected geographical indication relating to a geographical area in a third country.
- (15) The accreditation of control bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council <sup>(10)</sup> and should comply with International standards developed by the European Committee for Standardisation (CEN) and by the International Organisation for Standardisation (ISO). Accredited control bodies should comply with those standards in their operations.
- (16) In order to allow Cyprus sufficient time to adapt and align its control system with the provisions of Regulation (EC) No 765/2008, it is appropriate to grant it an exemption from the requirement to comply with the ISO standards for certification bodies for a period of two years from the date of entry into force of this Regulation.
- (17) Member States should be authorised to charge a fee to operators to cover the costs incurred for the establishment and operation of the control system.
- (18) In order to ensure consistency across Member States in how the names included in the register are protected against unfair uses and in how practices liable to mislead consumers are prevented, uniform conditions should be laid down concerning the actions to be implemented at Member States level in that regard.
- (19) Member States should communicate the names and addresses of the competent authorities and control bodies to the Commission. To facilitate coordination and cooperation among the Member States with regard to the control systems in place for protected designations of origin and protected geographical indications, the Commission should make those names and addresses public. The competent authorities of third countries should send information to the Commission on the controls in force in those countries for names which benefit from protection in the Union with a view to checking the uniformity of the control system.
- (20) For the sake of clarity, transparency and in the interest of ensuring uniform application of Union law, it is necessary to lay down specific technical provisions concerning the nature and the content of the checks to be carried out on an annual basis in addition to rules on cooperation between Member States in that regard, in particular by referring to the provisions of Commission Delegated Regulation (EU) 2018/273 <sup>(11)</sup>.
- (21) To ensure that traditional terms for which protection is sought meet the conditions laid down in Regulation (EU) No 1308/2013, and in the interest of providing legal certainty, it is necessary to establish detailed rules on the procedures concerning applications for protection, objection, modification or cancellation of traditional terms of certain grapevine products. These rules should specify details as regards the content of the application as well as in relation to the relevant additional information and supporting documents required, the deadlines to be respected and communications between the Commission and the parties involved in each procedure.
- (22) In order to allow consumers and trade operators to find out which traditional terms are protected in the Union, specific rules should be established concerning the registration and entry of traditional terms in the Union register. To ensure that the register is accessible to all, it should be accessible electronically.

<sup>(9)</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>(10)</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

<sup>(11)</sup> Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).

- (23) In view of the economic importance of traditional terms and in order to ensure that consumers are not misled, national authorities should take measures against any unlawful use of traditional terms and prohibit the marketing of such products.
- (24) In the interests of effective administrative management and taking account of the experience acquired through the use of information systems put in place by the Commission, communications between the Member States and the Commission should be simplified and the information should be exchanged in accordance with Commission Delegated Regulation (EU) 2017/1183 <sup>(12)</sup> and Commission Implementing Regulation (EU) 2017/1185 <sup>(13)</sup>.
- (25) The Commission has put in place an information system 'E-Ambrosia' for the management of the applications for protection and for amendment of the product specification of protected designations of origin and geographical indications in the wine sector. Member States and the Commission should continue to use this system for the purposes of communication concerning the procedures related to applications for protection and for the approval of amendments. However, owing to a strict system of accreditation, this system should not be used for communications with Member States concerning the procedure for objections and cancellation requests and it should not be used for communications with third countries. Instead, for the procedure for objections and cancellation requests, Member States, the competent authorities and representative professional organisations of third countries, as well as natural or legal persons who have a legitimate interest under this Regulation should communicate with the Commission via electronic mail.
- (26) Applications for registration, modification or cancellation of traditional terms are not yet managed through a centralised information system. Instead, those applications should continue to be submitted via email using the forms set out in Annexes VIII to XI. All other communication or exchange of information concerning traditional terms should also take place via email.
- (27) The manner in which the Commission makes the information concerning protected designations of origin, protected geographical indications and traditional terms in the wine sector accessible to the public should be defined.
- (28) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### INTRODUCTORY PROVISION

##### *Article 1*

##### **Subject matter**

This Regulation lays down rules for the application of Regulations (EU) No 1306/2013 and (EU) No 1308/2013 respectively, concerning protected designations of origin, protected geographical indications and traditional terms, in the wine sector, as regards:

- (a) applications for protection;
- (b) the objection procedure;
- (c) amendments to product specifications and modifications of traditional terms;
- (d) the register;

<sup>(12)</sup> Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

<sup>(13)</sup> Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

- (e) cancellation of protection;
- (f) the use of Union symbols;
- (g) the checks;
- (h) communications.

## CHAPTER II

### PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

#### SECTION 1

#### **Application for protection**

##### *Article 2*

#### **Applications for protection from Member States**

When forwarding an application for protection to the Commission in accordance with Article 96(5) of Regulation (EU) No 1308/2013, Member States shall include the electronic reference to the publication of the product specification referred to in Article 97(3) of Regulation (EU) No 1308/2013 and the declaration referred to in Article 6 of Delegated Regulation (EU) 2019/33.

##### *Article 3*

#### **Applications for protection from third countries**

Applications for protection that concern a geographical area in a third country shall be submitted by a single producer within the meaning of Article 3 of Delegated Regulation (EU) 2019/33 or a group of producers having a legitimate interest, either directly to the Commission or via the authorities of that third country, and shall, in addition, comply with the requirements of Article 94(3) of Regulation (EU) No 1308/2013.

##### *Article 4*

#### **Joint applications**

1. A joint application, as referred to in Article 95(3) of Regulation (EU) No 1308/2013, shall be submitted to the Commission by one of the Member States concerned, or by an applicant within the meaning of Article 3 in one of the third countries concerned, directly or through the authorities of that third country. The requirements laid down in Article 94 of Regulation (EU) No 1308/2013 and in Articles 2 and 3 of this Regulation shall be fulfilled in all Member States and third countries concerned.

2. The Member State, third country or an applicant within the meaning of Article 3 established in a third country which submits to the Commission a joint application as referred to in paragraph 1 becomes the consignee of any notification or decision issued by the Commission.

##### *Article 5*

#### **Single document**

1. The single document referred to in point (d) of Article 94(1) of Regulation (EU) No 1308/2013 shall include the following main elements of the product specification:

- (a) the name to be protected as a designation of origin or a geographical indication;
- (b) the Member State or third country to which the demarcated area belongs;
- (c) the type of geographical indication;
- (d) a description of the wine or wines;
- (e) the categories of grapevine products;
- (f) the maximum yields per hectare;
- (g) the indication of the wine grape variety or varieties from which the wine or wines are obtained;
- (h) a concise definition of the demarcated geographical area;
- (i) a description of the link referred to in point (a)(i) or in point (b)(i) of Article 93(1) of Regulation (EU) No 1308/2013;

- (j) where applicable, the specific oenological practices used to make the wine or wines, as well as the relevant restrictions on making them;
  - (k) where applicable, the specific rules concerning packaging and labelling and all other essential relevant requirements.
2. The description of the link referred to in point (i) of paragraph 1 shall include:
- (a) in the case of a designation of origin, a description of the causal link between the quality and characteristics of the product and the geographical environment with its inherent natural and human factors to which they are essentially or exclusively linked, including, where applicable, elements of the product description or production method justifying the link;
  - (b) in the case of a geographical indication, a description of the causal link between the geographical origin and the relevant specific quality, reputation or other characteristics attributable to the geographical origin of the product, accompanied by a statement indicating on which ones of the given factors — specific quality, reputation or other characteristics attributable to the geographical origin of the product — the causal link is based. The description may also concern the elements of the product description or production method justifying the causal link.

Where an application covers different categories of grapevine products, the details bearing out the link shall be demonstrated for each of the grapevine products concerned.

3. The single document shall be drawn up in accordance with the form made available in the information systems referred to in Article 30(1)(a). Third countries shall use the model for single documents set out in Annex I.

#### Article 6

### Geographical area

The demarcated geographical area shall be defined in a precise way that presents no ambiguities, referring as far as possible to physical or administrative boundaries.

#### Article 7

### Scrutiny procedure

1. If an admissible application does not meet the conditions laid down in Subsection 2 of Section 2 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013, the Commission shall inform the Member State or authorities of the third country or the applicant established in the third country in question of the grounds for refusal, setting a deadline for the withdrawal or modification of the application or for the submission of comments.

If, following that information, substantial modifications are made to the product specification, before the new version of the single document is sent to the Commission, those modifications shall be made the subject of adequate publication to enable any natural or legal person having a legitimate interest and established or resident in the territory of the Member State in question to lodge an objection. The electronic reference to the publication of the product specification shall be updated and shall lead to the consolidated version of the proposed product specification.

2. If the obstacles to the conferral of protection are not remedied by the Member State or third-country authorities or the applicant, established in the third country in question, within the given deadline, the Commission shall reject the application in accordance with Article 97(4) of Regulation (EU) No 1308/2013.
3. Any decision to reject the application concerned shall be taken by the Commission on the basis of the documents and information available to it. The Commission shall notify the Member State or the third-country authorities or the applicant established in the third country in question of the decision to reject the application.

#### SECTION 2

### Objection procedure

#### Article 8

### Procedural rules for objections

1. A substantiated statement of objection as referred to in Article 98 of Regulation (EU) No 1308/2013 and Article 11(1) of Delegated Regulation (EU) 2019/33 shall contain:
- (a) the reference to the name published in the *Official Journal of the European Union*, L series to which the objection relates;

- (b) the name and contact details of the authority or person that lodged the objection;
- (c) a description of the legitimate interest of the natural or legal person that lodged the objection, with the exclusion of national authorities having legal personality in the national legal order;
- (d) an indication of the grounds for objection, as referred to in Article 11(1) of Delegated Regulation (EU) 2019/33;
- (e) the details of the facts, evidence and comments in support of the objection.

It may be accompanied by supporting documents, where relevant.

If the objection is based on the existence of an earlier trade mark of reputation and renown, the objection shall be accompanied by:

- (a) proof of the filing or the registration of the earlier trade mark or proof of its use; and
- (b) proof of its reputation and renown.

The information and evidence to be produced in support of the use of an earlier trade mark shall comprise particulars of the location, duration, extent and nature of the use made of the earlier trade mark, and of its reputation and renown.

A substantiated statement of objection shall be drawn up in accordance with the form set out in Annex II.

2. The period of three months referred to in Article 12(1) of Delegated Regulation (EU) 2019/33 shall commence on the date on which the invitation to engage in consultations is delivered to the interested parties by electronic means.
3. The Commission shall be notified of the results of the consultations referred to in Article 12(3) and (4) of Delegated Regulation (EU) 2019/33 within one month from the end of the consultations in accordance with the form set out in Annex III to this Regulation.

### SECTION 3

#### ***Amendments to the product specification***

##### *Article 9*

#### **Applications for Union amendments**

1. An application for a Union amendment to a product specification, as referred to in Article 105 of Regulation (EU) No 1308/2013 and Articles 15 and 16 of Delegated Regulation (EU) 2019/33 shall contain:
  - (a) the reference to the protected name to which the amendment relates;
  - (b) the name of the applicant and a description of the legitimate interest of the applicant;
  - (c) the heading in the product specification affected by the amendment;
  - (d) an exhaustive description of and the specific reasons for each of the amendments proposed;
  - (e) the consolidated and duly completed single document, as modified;
  - (f) the electronic reference to the publication of the consolidated and duly completed product specification, as modified.
2. An application for Union amendment shall be drawn up in accordance with the form made available in the information systems referred to in Article 30(1)(a). Third countries shall use the form set out in Annex IV.

The amended single document shall be drawn up in accordance with Article 5. The electronic reference to the publication of the product specification shall lead to the consolidated version of the proposed product specification. An application from a third country may include a copy of the consolidated version of the product specification instead of the electronic reference to the published copy of the product specification.

3. The information to be published in accordance with Article 97(3) of Regulation (EU) No 1308/2013 shall contain the duly completed application as referred to in paragraphs 1 and 2 of this Article.



*Article 10***Communicating a standard amendment**

1. The communication of standard amendments to the product specification, as referred to in Article 17 of Delegated Regulation (EU) 2019/33 shall contain:
  - (a) the reference to the protected name to which the standard amendment relates;
  - (b) a description of and the reasons for the approved amendments;
  - (c) the decision approving the standard amendment as referred to in paragraphs 2 and 3 of Article 17 of Delegated Regulation (EU) 2019/33;
  - (d) the consolidated single document, as modified, where relevant;
  - (e) the electronic reference to the publication of the consolidated product specification, as modified.
2. The communication from a Member State shall include a declaration by that Member State that it considers that the amendment approved meets the requirements of Regulation (EU) No 1308/2013 and Delegated Regulation (EU) 2019/33.
3. In the case of products originating in third countries, the communication from the authorities of the third country or by an applicant within the meaning of Article 3 having a legitimate interest shall include proof that the amendment is applicable in the third country. It may contain the consolidated product specification as made public instead of the publication reference thereto.
4. The form made available in the information systems referred to in Article 30(1)(a) shall be used for the purposes of communications referred to in paragraphs 1 and 2.
5. The form set out in Annex V shall be used for communications referred to in paragraph 3.

*Article 11***Communicating a temporary amendment**

1. The communication of a temporary amendment to the product specification, as referred to in Article 18 of Delegated Regulation (EU) 2019/33 shall contain:
  - (a) the reference to the protected name to which it relates;
  - (b) a description of the approved temporary amendment together with the reasons supporting the temporary amendment referred to in Article 14(2) of Delegated Regulation (EU) 2019/33;
  - (c) the electronic reference to the publication of the national decision approving the temporary amendment.
2. The communication from a Member State shall include a declaration by that Member State that it considers that the amendment approved meets the requirements of Regulation (EU) No 1308/2013 and Delegated Regulation (EU) 2019/33.
3. In the case of products originating in third countries, the communication from the authorities of the third country or by an applicant within the meaning of Article 3 having a legitimate interest shall include proof that the amendment is applicable in the third country. It may contain the consolidated product specification as made public instead of the publication reference thereto.
4. The form made available in the information systems referred to in Article 30(1)(a) shall be used for communications referred to in paragraphs 1 and 2.
5. The form set out in Annex VI shall be used for communications referred to in paragraph 3.

*SECTION 4***Register***Article 12***Register**

1. Upon the entry into force of a decision conferring protection on the name of a designation of origin or geographical indication, the Commission shall record the following data in the electronic register of protected designations of origin and protected geographical indications established in accordance with Article 104 of Regulation (EU) No 1308/2013:
  - (a) the name to be protected as a designation of origin or geographical indication;
  - (b) the file number;

- (c) whether the name is protected as either a designation of origin or a geographical indication;
  - (d) the name of the country or countries of origin;
  - (e) the date of registration;
  - (f) the electronic reference to the legal instrument protecting the name;
  - (g) the electronic reference to the single document;
  - (h) where the geographical area falls within the territory of Member States, the electronic reference to the publication of the product specification.
2. Where the Commission approves an amendment to a product specification or receives a communication of an approved amendment to a product specification that entails a change to the information recorded in the register, it shall record the new data with effect from the entry into force of the decision approving the amendment.
  3. When a cancellation takes effect, the Commission shall delete the name from the register and shall maintain a record of the cancellation.
  4. All data present in the electronic database 'e-Bacchus' referred to in Article 18 of Regulation (EC) No 607/2009, on the date of entry into force of this Regulation, shall be entered in the electronic register referred to in paragraph 1 of this Article.
  5. The register shall be accessible to the public.

#### SECTION 5

### **Cancellation**

#### Article 13

### **Cancellation requests**

1. A request to cancel the protection of a designation of origin or geographical indication as referred to in Article 106 of Regulation (EU) No 1308/2013 shall contain:
  - (a) the reference to the protected name to which it relates;
  - (b) the name and contact details of the authority or natural or legal person seeking to cancel the protection;
  - (c) a description of the legitimate interest of the natural or legal person seeking to cancel the protection, with the exclusion of national authorities having legal personality in the national legal order;
  - (d) an indication of the grounds for cancellation;
  - (e) the details of the facts, evidence and comments in support of the cancellation request.

It may be accompanied by supporting documents, where relevant.

A cancellation request shall be drawn up in accordance with the form set out in Annex VII.

#### SECTION 6

### **Use of the Union symbol**

#### Article 14

### **The Union symbol**

The Union symbol indicating the protected designation of origin or the protected geographical indication, referred to in Article 120(1)(e) of Regulation (EU) No 1308/2013, shall be reproduced as laid down in Annex X to Implementing Regulation (EU) No 668/2014.

#### SECTION 7

### **Checks**

#### Article 15

### **Authorities responsible for verifying compliance with the product specification**

1. When performing the checks provided for in this Section, the responsible competent authorities and control bodies shall comply with the requirements laid down in Regulation (EC) No 882/2004.

2. In respect of protected designations of origin and protected geographical indications relating to a geographical area in a third country, annual verification of compliance with the product specification, during the production phase and during or after conditioning of the wine, shall be performed by:

- (a) one or more public authorities designated by the third country; or
- (b) one or more certification bodies.

3. The control bodies referred to in Article 90(3) of Regulation (EU) No 1306/2013 and the one or more certification bodies referred to in point (b) of paragraph 2 of this Article shall comply with, and be accredited in accordance with, the International standard ISO/IEC 17065:2012.

By way of derogation from paragraph 1, and for a period of two years from the date of entry into force of this Regulation, Cyprus shall not be bound by the obligation to comply with and be accredited in accordance with the International standard ISO/IEC 17065:2012.

4. Where the authority referred to in Article 90(2) of Regulation (EU) No 1306/2013 and the one or more authorities referred to in point (a) of paragraph 2 of this Article verify compliance with the product specification, they shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources needed to carry out their tasks.

5. Each operator wishing to participate in all or part of the production or, where relevant, packaging of a product bearing a protected designation of origin or geographical indication shall inform the competent authority referred to in Article 90(2) of Regulation (EU) No 1306/2013 accordingly.

6. Member States shall be authorised to impose a fee on operators subject to the controls in order to cover the costs incurred for the establishment and operation of the control system.

#### *Article 16*

### **Actions to be carried out by the Member States to prevent unlawful use of protected designations of origin and protected geographical indications**

Member States shall carry out checks based on a risk analysis to prevent or stop the unlawful use of protected designations of origin and protected geographical indications on products produced or marketed in their territories.

Member States shall take all necessary measures to address non-compliance, including administrative and judicial measures.

Member States shall designate the authorities responsible for taking these measures in accordance with procedures determined by each individual Member State. The designated authorities shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources needed to carry out their tasks.

#### *Article 17*

### **Communication between Member States and the Commission**

Member States shall communicate the details of the competent authority referred to in Article 90(2) of Regulation (EU) No 1306/2013, including the authorities referred to in Article 16 of this Regulation and where applicable the control bodies referred to in Article 90(3) of Regulation (EU) No 1306/2013 to the Commission. The Commission shall make public the names and addresses of the competent authority or authorities or control bodies.

#### *Article 18*

### **Communication between third countries and the Commission**

Where wines from a third country benefit from a protected designation of origin or geographical indication, the third country concerned shall send the Commission, at its request:

- (a) information on the designated authorities or certification bodies which perform the annual verification of compliance with the product specification, during the production and during or after conditioning of the wine;
- (b) information setting out what aspects are covered by the checks;
- (c) proof that the wine in question fulfils the conditions of the relevant designation of origin or geographical indication.

*Article 19***Annual verification**

1. The annual verification carried out by the competent authority or control bodies referred to in Article 90(3) of Regulation (EU) No 1306/2013 shall consist of:

- (a) an organoleptic and analytical testing for products bearing a designation of origin;
- (b) either analytical testing only or both organoleptic and analytical testing for products bearing a geographical indication;
- (c) checking compliance with the other conditions set out in the product specification.

The annual verification shall be conducted in the Member State in which production takes place in accordance with the product specification and shall be carried out through one or more of the following methods:

- (a) through random checks based on a risk analysis;
- (b) through sampling;
- (c) systematic checks.

Where Member States opt to conduct random checks referred to in point (a) of the second subparagraph, they shall select the minimum number of operators to be subjected to those checks.

Where Member States opt to conduct sampling referred to in point (b) of the second subparagraph, they shall ensure that by the number, nature and frequency of controls, the sampling is representative of the whole of the demarcated geographical area in question and corresponds to the volume of wine-sector products marketed or held with a view to their marketing.

2. The testing referred to in points (a) and (b) of the first subparagraph of paragraph 1 shall be performed on anonymous samples and shall demonstrate that the product tested complies with the characteristics and qualities described in the product specification for the relevant designation of origin or geographical indication.

The testing shall be carried out at any stage in the production process, and at the packaging stage, where relevant. Each sample taken shall be representative of the relevant wines held by the operator.

3. For the purposes of checking compliance with the product specification referred to in point (c) of the first subparagraph of paragraph 1, the control authority shall:

- (a) conduct an on-site check at the premises of operators to verify that the operators are actually able to meet the conditions laid down in the product specification;
- (b) conduct a check on the products at any stage of the production process, and at the packaging stage, where relevant, on the basis of an inspection plan covering every stage of production of the product, drawn up in advance by the control authority and of which operators are aware.

4. The annual verification shall ensure that a product cannot use the protected designation of origin or geographical indication relating to it unless:

- (a) the results of the testing referred to in points (a) and (b) of the first subparagraph of paragraph 1 and in paragraph 2 prove that the product in question complies with the conditions in the product specification and possesses all the appropriate characteristics of the designation of origin or geographical indication concerned;
- (b) the checks carried out in accordance with paragraph 3 confirm that the other conditions listed in the product specification are met.

5. In the case of a protected trans-border designation of origin or geographical indication, the verification may be performed by a control authority of either of the Member States concerned.

6. Any product failing to meet the conditions set out in paragraphs 1 to 5 may be placed on the market, but without the relevant designation of origin or geographical indication, provided that the other legal requirements are satisfied.

7. By way of derogation from paragraph 1, annual verification may be carried out at the packaging stage of the product, in the territory of a Member State other than the Member State in which the production took place, in which case Article 43 of Delegated Regulation (EU) 2018/273 applies.

Competent authorities or control bodies of different Member States responsible for carrying out checks on a protected designation of origin or protected geographical indication shall cooperate in particular to ensure that, as regards packaging obligations, the operators established in a Member State other than the Member State in which the production of the wine whose name is registered as a protected designation of origin or protected geographical indication takes place comply with the control obligations of the product specification in question.

8. Paragraphs 1 to 5 shall apply to wines benefitting from transitional national protection under Article 8 of Delegated Regulation (EU) 2019/33.

*Article 20***Analytical and organoleptic testing**

The analytical and organoleptic testing referred to in points (a) and (b) of the first subparagraph of paragraph 1 of Article 19 shall consist of:

- (a) a physical and chemical analysis of the wine in question, measuring the following characteristic properties:
  - (i) total and actual alcoholic strength,
  - (ii) total sugars expressed in terms of fructose and glucose (including any sucrose, in the case of semi-sparkling and sparkling wines),
  - (iii) total acidity,
  - (iv) volatile acidity,
  - (v) total sulphur dioxide;
- (b) an additional analysis of the wine in question, measuring the following characteristic properties:
  - (i) carbon dioxide (semi-sparkling and sparkling wines, excess pressure in bar at 20 °C),
  - (ii) any other characteristic properties provided for in Member States legislation or product specifications of protected designations of origin and geographical indications concerned;
- (c) an organoleptic test covering visual appearance, odour and taste.

## CHAPTER III

## TRADITIONAL TERMS

## SECTION 1

***Applications for protection****Article 21***Application for protection**

1. The application for protection of a traditional term shall be communicated to the Commission by the competent authorities of the Member States or those of the third countries or by the representative professional organisations established in third countries in accordance with Article 30(3).
2. In the case of a request submitted by a representative professional organisation established in a third country, the applicant shall communicate the information regarding the representative professional organisation and its members to the Commission in accordance with Article 30(3). The Commission shall make this information public.

## SECTION 2

***Objection procedure****Article 22***Submission of an objection**

1. A Member State, third country, or any natural or legal person having a legitimate interest may submit an objection to the application for protection of a traditional term within two months of the date of publication, in the *Official Journal of the European Union*, of the implementing act referred to in Article 28(3) of Delegated Regulation (EU) 2019/33.
2. An objection shall be communicated to the Commission in accordance with Article 30(3).

*Article 23***Documents supporting an objection**

1. A duly substantiated objection shall contain details of the facts, evidence and comments submitted in support of the objection, accompanied by the relevant supporting documents.
2. If the objection is based on the existence of an earlier trade mark of reputation and renown, the objection shall be accompanied by:
  - (a) proof of the filing or the registration of the earlier trade mark or proof of its use; and
  - (b) proof of its reputation and renown.

The information and evidence to be produced in support of the use of an earlier trade mark shall comprise particulars of the location, duration, extent and nature of the use made of the earlier trade mark, and of its reputation and renown.

3. If the details of the prior right(s) claimed, ground(s), facts, evidence or comments, or the supporting documents, referred to in paragraphs 1 and 2, have not been produced at the date of submission of the objection or if details or documents are missing, the Commission shall inform the authority or person that lodged the objection accordingly and shall invite them to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied before the time limit expires, the Commission shall reject the objection as inadmissible. The decision to reject the objection as inadmissible shall be notified to the authority or person that lodged the objection and to the Member State or the third-country authorities or the representative professional organisation established in the third country in question.

#### Article 24

### Submission of observations by the parties

1. Where the Commission communicates an objection which is not rejected in accordance with Article 23(3) to the applicant that submitted the application for protection, the applicant shall file observations within a period of two months from the issuance date of such communication.
2. Where so requested by the Commission in the course of its scrutiny of an objection, the parties shall provide comments on the communications received from the other parties, if appropriate, within a period of two months from the issuance date of such request.

#### SECTION 3

### Protection of traditional terms

#### Article 25

### Registration

1. Upon the entry into force of a decision conferring protection over a traditional term, the Commission shall record the following data in the electronic register of protected traditional terms:
  - (a) the name to be protected as a traditional term;
  - (b) the type of traditional term according to Article 112 of Regulation (EU) No 1308/2013;
  - (c) the language referred to in Article 24 of Delegated Regulation (EU) 2019/33;
  - (d) the grapevine product category or categories concerned by the protection;
  - (e) a reference to the national legislation of the Member State or third country in which the traditional term is defined and regulated, or to the rules applicable to wine producers in the third country, including those originating from representative trade organisations, in the absence of national legislation in those third countries;
  - (f) a summary of the definition or conditions of use;
  - (g) the name of the country or countries of origin;
  - (h) the date of inclusion in the register.
2. The electronic register of protected traditional terms shall be made available to the public.

#### Article 26

### Enforcement of the protection

For the purposes of the application of Article 113 of Regulation (EU) No 1308/2013, where there is unlawful use of protected traditional terms, competent national authorities, on their own initiative or at the request of a party, shall take all measures to prevent or stop the marketing, including any export, of the products in question.

#### SECTION 4

### Modification and cancellation

#### Article 27

### Modification request

1. Articles 21 to 24 shall apply *mutatis mutandis* to a request to modify a protected traditional term.
2. Where the Commission approves a modification to a traditional term, it shall record the new specifications with effect from the date of entry into force of the implementing act approving the modification.

*Article 28***Cancellation request**

1. A request to cancel the protection of a traditional term shall contain:
  - (a) the reference to the traditional term it refers to;
  - (b) the name and contact details of the natural or legal person seeking cancellation;
  - (c) a description of the legitimate interest of the natural or legal person that lodged the cancellation request;
  - (d) an indication of the grounds for cancellation, referred to in Article 36 of Delegated Regulation (EU) 2019/33;
  - (e) the details of the facts, evidence and comments in support of the cancellation request.

It may be accompanied by supporting documents, where relevant.

2. If detailed information concerning the grounds, facts, evidence and comments, as well as the supporting documents referred to in paragraph 1, have not been furnished at the same time as the cancellation request, the Commission shall inform the author of the cancellation request accordingly and shall invite him to remedy the deficiencies noted within a period of two months.

If the deficiencies are not remedied before the time limit expires, the Commission shall deem the cancellation request inadmissible and shall reject it. The decision deeming the request inadmissible shall be notified to the author of the cancellation request.

*Article 29***Scrutiny of a cancellation request**

1. If the Commission does not deem the cancellation request to be inadmissible in accordance with Article 28(2), it shall communicate the cancellation request to the Member State or the third-country authorities or the applicant established in the third country in question and shall invite him to file observations within two months from the issuance date of such invitation. Any observations received within this two months period shall be communicated to the author of the request.

In the course of the examination of a cancellation request, the Commission shall invite the parties to submit comments on the communications received from the other parties within a period of two months from the issuance date of such request.

2. If the Member State or the third-country authorities or the applicant established in the third country in question or the author of a cancellation request does not file any comments in response, or does not respect the time periods, the Commission shall rule on the request.
3. A decision to cancel the protection of the traditional term concerned shall be taken by the Commission on the basis of the evidence available to it. It shall consider whether the grounds referred to in Article 36 of Delegated Regulation (EU) 2019/33 are fulfilled.

The decision to cancel the protection of the traditional term shall be notified to the author of the cancellation request and to the Member State or the third-country authorities in question.

4. Where multiple cancellation requests are lodged in respect of a traditional term and where it can be concluded from a preliminary examination of one or more such requests that it is no longer possible to continue to protect a traditional term, the Commission may suspend the other cancellation procedures. The Commission shall notify the parties that submitted the other cancellation requests of any decision affecting them which was taken in the course of the procedure.

Where a decision cancelling a traditional term is adopted, cancellation procedures which have been suspended shall be deemed to be closed and the authors of the cancellation requests in question shall be duly informed.

5. When a decision cancelling a traditional term takes effect, the Commission shall remove the name from the register, while maintaining a record of the cancellation.

## CHAPTER IV

## COMMUNICATIONS, PUBLICATION AND FINAL PROVISIONS

## Article 30

**Communications between the Commission, the Member States, third countries and other operators**

1. The documents and information required for the implementation of Chapter II shall be communicated to the Commission as follows:
  - (a) for the competent authorities of Member States, through the information systems made available by the Commission in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185;
  - (b) for the competent authorities and representative professional organisations of third countries, as well as natural or legal persons who have a legitimate interest under this Regulation, via electronic mail, using the forms set out in Annexes I to VII.
2. By way of derogation from point (a) of paragraph 1, the competent authorities of the Member States shall submit to the Commission the substantiated statements of objection, the notifications of the result of the consultations carried out with the objective of reaching an agreement in the context of an objection procedure and cancellation requests, referred to in Articles 11, 12 and 21 of Delegated Regulation (EU) 2019/33 respectively, via electronic mail using the forms set out in Annex II, III and VII to this Regulation respectively.
3. The documents and information required for the implementation of Chapter III shall be communicated to the Commission, via electronic mail, using the forms set out in Annexes VIII to XI.
4. Information shall be communicated and made available by the Commission to the competent authorities of Member States through the information systems put in place by the Commission in accordance with point (a) of paragraph 1. Information in the context of the procedures referred to in point (b) of paragraph 1 and in paragraphs 2 and 3 shall be communicated by the Commission to the Member States, the competent authorities and representative professional organisations of third countries, as well as natural or legal persons who have a legitimate interest under this Regulation via electronic mail.

Member States, the competent authorities and representative professional organisations of third countries, as well as natural or legal persons who have a legitimate interest under this Regulation may contact the Commission, via the two electronic mail addresses indicated in Annex XII, in order to obtain information on the practicalities of accessing the information systems, on the methods of communication and of how information required for the implementation of Chapters II and III is to be made available.

## Article 31

**Submission and receipt of communications**

1. The communications and submissions referred to in Article 30 shall be deemed to have been made on the date on which they are received by the Commission.
2. The Commission shall confirm receipt of all communications received and all files submitted through the information systems referred to in Article 30(1)(a) to the competent authorities of the Member States through the information systems.

The Commission shall attribute a file number to each new application for protection, Union amendments, communication concerning applications for standard amendments and communication concerning applications for temporary amendments.

The confirmation of receipt shall include at least the following elements:

- (a) the file number;
- (b) the name concerned;
- (c) the date of receipt.

The Commission shall notify and make available information and remarks regarding such communications and submissions through the information systems referred to in Article 30(1)(a).

3. For communications and submissions of files made via electronic mail, the Commission shall confirm receipt via electronic mail.

It shall attribute a file number to each new application for protection, for a Union amendment, communications concerning applications for standard amendments and communications concerning applications for temporary amendments.



The confirmation of receipt shall include at least the following elements:

- (a) the file number;
- (b) the name concerned;
- (c) the date of receipt.

The Commission shall notify and make available information and remarks regarding such communications and submission via electronic mail.

4. Article 4 of Delegated Regulation (EU) 2017/1183 and Articles 1 to 5 of Implementing Regulation (EU) 2017/1185 shall apply *mutatis mutandis* to the notification and making available of information, as referred to in paragraphs 1 and 2 of this Article.

#### Article 32

##### **Information to be made public**

The information the Commission is to make public in accordance with Section 2 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013, with Delegated Regulation (EU) 2019/33 and with this Regulation shall be made public through the information systems made available by the Commission in accordance with Article 30(1)(a) of this Regulation.

#### Article 33

##### **Publication of the decision**

Decisions conferring or rejecting protection, decisions approving or rejecting Union amendments, as referred to in Chapter II, and decisions rejecting objections as inadmissible, as referred to in Article 111 of Regulation (EU) No 1308/2013, shall be published in the *Official Journal of the European Union*, L series.

Decisions conferring or rejecting protection and decisions approving or rejecting modifications, as referred to in Chapter III, shall be published in the *Official Journal of the European Union*, L series.

#### Article 34

##### **Entry into force**

This Regulation shall enter into force on the third 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, 17 October 2018.

For the Commission  
The President  
Jean-Claude JUNCKER

\_\_\_\_\_

## ANNEX I

## SINGLE DOCUMENT

'NAME'

PDO/PGI-XX-XXXX

Date of application: XX-XX-XXXX

1. **Name(s) to be registered:**

...

2. **Third country to which the demarcated area belongs:**

...

3. **Geographical indication type:**

...

4. **Categories of grapevine products:**

...

5. **Description of the wine(s):**

...

5.1. **Organoleptic Characteristics:**

Visual appearance

Odour

Taste

5.2. **Analytical characteristics:**

...

Maximum total alcoholic strength (in % volume)	
Minimum actual alcoholic strength (in % volume)	
Minimum total acidity	
Maximum volatile acidity (in milliequivalents per litre)	
Maximum total sulphur dioxide (in milligrams per litre)	

6. **Wine making practices:**6.1. **Specific oenological practices used to make the wine or wines, relevant restrictions on making them:**6.2. **Maximum yields per hectare:**7. **Vine variety or varieties from which the wine(s) are obtained:**

...

8. **Definition of the demarcated Area:**

...

9. **Description of the link(s):**

...

10. **Further applicable requirements:**

10.1. **Specific packaging requirements:**

10.2. **Specific labelling requirements:**

10.3. **Additional requirements:**

11. **Checks**

11.1. **Competent authorities or certification bodies responsible for the controls:**

11.2. **Specific tasks of the competent authorities or certification bodies responsible for the controls:**

\_\_\_\_\_

## ANNEX II

## SUBSTANTIATED STATEMENT OF OBJECTION

[Mark the appropriate box with an 'X':]  PDO  PGI

**1. Name of product**

[as published in the *Official Journal*]

...

**2. Official reference**

[as published in the *Official Journal*]

Reference number: ...

Date of publication in the *Official Journal*: ...

**3. Name of the objector (Person, body, Member State or Third Country)**

...

**4. Contact details**

Contact person: Title (Mr, Ms...): ... Name: ...

Group/organisation/individual: ...

or national authority:

Department: ...

Address: ...

Telephone + ...

Email address: ...

**5. Legitimate interest (not required for national authorities)**

[Provide a statement explaining the legitimate interest of the objector. National authorities are exempt from this requirement].

**6. Reasons for the objection:**

The application for protection, amendment or cancellation is incompatible with the rules on designations of origin and geographical indications because it would conflict with Articles 92 to 95, 105 or 106 of Regulation (EU) No 1308/2013 and with the provisions adopted pursuant thereto.

The application for protection or amendment is incompatible with the rules on designations of origin and geographical indications because the registration of the name proposed would be in conflict with Articles 100 or 101 of Regulation (EU) No 1308/2013.

The application for protection or amendment is incompatible with the rules on designations of origin and geographical indications because the registration of the name proposed would jeopardise the rights of a trade mark holder or of a user of a fully homonymous name or of a compound name one term of which is identical to the name to be registered, or the existence of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(3) of Regulation (EU) No 1308/2013.

**7. Details of the objection**

[Provide duly substantiated reasons and justification, details of the facts, evidence and comments in support of the objection. Provide the necessary documents in case of an objection based on the existence of an earlier trademark of reputation and renown (Article 8(1) of Implementing Regulation (EU) 2019/34).]

**8. List of the supporting documents**

*[Provide the list of the documents sent to support the objection].*

**9. Dated and signed**

[Name]

[Department/Organisation]

[Address]

[Telephone: +]

[Email address: ]

---

## ANNEX III

## NOTIFICATION OF END OF CONSULTATIONS FOLLOWING THE OBJECTION PROCEDURE

[Mark the appropriate box with an 'X':]  PDO  PGI

**1. Name of product**

[as published in the *Official Journal*]

**2. Official reference**

[as published in the *Official Journal*]

Reference number:

Date of publication in the *Official Journal*:

**3. Name of the objector (Person, body, Member State or Third Country)**

...

**4. Result of consultations****4.1 Agreement was reached with the following opponent(s):**

[annex copies of letters showing agreement and all the factors that enabled the agreement (Article 12(3) of Delegated Regulation (EU) 2019/33).]

**4.2 Agreement was not reached with the following opponent(s):**

[annex the information referred to in Article 12(4) of Delegated Regulation (EU) 2019/33.]

**5. Product Specification and single document****5.1 The product specification has been amended:**

... Yes\* ... No

\* If 'Yes', annex a description of the amendments and the amended product specification

**5.2 The single document has been amended:**

... Yes\*\* ... No

\*\* If 'Yes', annex a copy of the updated document

**6. Dated and signed**

[Name]

[Department/Organisation]

[Address]

[Telephone: +]

[Email address: ]

\_\_\_\_\_

## ANNEX IV

## APPLICATION FOR A UNION AMENDMENT TO THE PRODUCT SPECIFICATION

[Registered name] ‘...’...

EU No: [for EU use only]

[Mark ‘X’ in the appropriate box:]  PDO  PGI

1. **Applicant and legitimate interest**

*[Provide name, address, telephone and email address of the applicant proposing the amendment. Provide also a statement setting out the legitimate interest of the applicant.]*

2. **Third country to which the demarcated area belongs**

...

3. **Heading in the product specification affected by the amendment(s)**

Name of product

Category of the grapevine product

Link

Marketing restrictions

4. **Type of amendment(s)**

*[Provide a statement explaining why the amendment(s) fall under the definition of ‘Union amendment’ as provided for in Article 14(1) of Delegated Regulation (EU) 2019/33.]*

5. **Amendment(s)**

*[Provide an exhaustive description of and the specific reasons for each amendment. The application for an amendment must be complete and comprehensive. The information given in this section must be exhaustive as provided for in Article 16(1) of Delegated Regulation (EU) 2019/33.]*

6. **Annexes**

6.1. The consolidated and duly completed single document, as modified

6.2. The consolidated version of the product specification as published, or the reference to the publication of the product specification

\_\_\_\_\_

## ANNEX V

## COMMUNICATING THE APPROVAL OF A STANDARD AMENDMENT

[Registered name] '...'...

EU No: [for EU use only]

[Mark the appropriate box with an 'X':]  PDO  PGI

1. **Sender**

Single producer or group of producers having a legitimate interest or authorities of the third country to which the demarcated area belongs (see Article 3 of Implementing Regulation (EU) 2019/34).

2. **Description of the approved amendment(s)**

*[Provide a description of and the reasons for the standard amendment(s) and a statement explaining why the amendment(s) fall under the definition of standard amendment as provided for in Article 14(1) of Delegated Regulation (EU) 2019/33.]*

3. **Third country to which the demarcated area belongs**

...

4. **Annexes**

4.1. The application of the approved standard amendment

4.2. The decision approving the standard amendment

4.3. The proof that the amendment is applicable in the third country

4.4. The consolidated single document, as modified, where relevant

4.5. A copy the consolidated version of the product specification as published or the reference to the publication of the product specification

\_\_\_\_\_



## ANNEX VI

**COMMUNICATING THE APPROVAL OF A TEMPORARY AMENDMENT**

[Registered name] ‘ ’

EU No: [for EU use only]

[Select one, ‘X’:]  PDO  PGI

**1. Sender**

Single producer or group of producers having a legitimate interest or authorities of the third country to which the demarcated area belongs (see Article 3 of Implementing Regulation (EU) 2019/34).

**2. Description of the approved amendment(s)**

*[Provide a description of and the specific reasons for the temporary amendment(s) including the reference of the formal recognition of the natural disaster or adverse weather conditions by the competent authorities or of the imposition of obligatory sanitary and phytosanitary measures. Provide also a statement explaining why the amendment(s) fall under the definition of ‘temporary amendment’ as provided for in Article 14(2) of Delegated Regulation (EU) 2019/33.]*

**3. Third country to which the demarcated area belongs**

...

**4. Annexes**

- 4.1. The application of the approved temporary amendment
  - 4.2. The decision approving the temporary amendment
  - 4.3. The proof that the amendment is applicable in the third country
-

## ANNEX VII

## CANCELLATION REQUEST

[Registered name:] ‘...’

EU No: [for EU use only]

[Mark the appropriate box with an ‘X’:]  PGI  PDO

**1. Registered name proposed to be cancelled**

...

**2. Member State or Third Country to which the demarcated area belongs**

...

**3. Person, body, Member State or Third Country making the cancellation request**

*[Provide name, address, telephone and email address of the natural or legal person or of the producers requesting the cancellation (for requests concerning third countries names provide also name and address of the authorities or certification bodies verifying compliance with the provision of the product specification). Provide also a statement explaining the legitimate interest of the natural or legal person requesting the cancellation (not required for national authorities with legal personality).]*

**4. Grounds for cancellation**

Compliance with the corresponding product specification is no longer ensured (Article 106 of Regulation (EU) No 1308/2013).

Compliance with the corresponding product specification is no longer ensured for the specific reason that no product bearing the protected name has been placed on the market in the last seven consecutive years (Article 106 of Regulation (EU) No 1308/2013 in combination with Article 20 of Delegated Regulation (EU) 2019/33).

**5. Details of the cancellation request**

*[Provide duly substantiated reasons and justification for the cancellation request, details of the facts evidence and comments in support of the cancellation. Where relevant, provide the supporting documentation.]*

**6. List of supporting documentation**

*[Provide the list of the documentation sent to support the cancellation request].*

**7. Dated and signed**

[Name]

[Department/Organisation]

[Address]

[Telephone: +]

[Email address: ]

\_\_\_\_\_

## ANNEX VIII

**APPLICATION FOR PROTECTION OF A TRADITIONAL TERM**

Date of receipt (DD/MM/YYYY) ...

*[to be completed by the Commission]*

Number of pages (including this page) ...

Language of the application ...

File number ...

*[to be completed by the Commission]*

**Applicant**

Competent authority of the Member State (\*)

Competent authority of the third country (\*)

Representative professional organisation (\*)

*[(\*) delete as appropriate]*

Address (street number and name, town/city and postal code, country) ...

Legal entity (to be completed for representative professional organisations) ...

Nationality ...

Telephone, fax, email ...

**Traditional term for which the protection is requested ...**

Traditional term under Article 112(a) of Regulation (EU) No 1308/2013 (\*)

Traditional term under Article 112(b) of Regulation (EU) No 1308/2013 (\*)

*[(\*) delete as appropriate]*

**Language ...****List of protected designations of origin or geographical indications concerned ...****Grapevine products categories ...****Definition ...****Copy of the rules**

*[to be attached]*

Name of the signatory ...

Signature ...

---

## ANNEX IX

**OBJECTION TO AN APPLICATION FOR THE PROTECTION OF A TRADITIONAL TERM**

Date of receipt (DD/MM/YYYY) ...

*[to be completed by the Commission]*

Number of pages (including this page) ...

Language of the objection ...

File number ...

*[to be completed by the Commission]*

**Traditional term objected to ...**

**Objector**

Name of the objector (*Member State or third country, or any legal or natural person having a legitimate interest*)

Full address (*street number and name, town/city and postal code, country*) ...

Nationality ...

Telephone, fax, email ...

**Intermediary**

— Member State(s) (\*)

— Third-country authority (optional) (\*)

*[(\*) delete as appropriate]*

Name(s) of intermediary(ies) ...

Full address(es) (*street number and name, town/city and postal code, country*) ...

**Prior rights**

— Protected designation of origin (\*)

— Protected geographical indication (\*)

— National geographical indication (\*)

*[(\*) delete as appropriate]*

Name ...

Registration number ...

Date of registration (DD/MM/YYYY) ...

— Trademark

Sign ...

List of products and services ...

Registration number ...

Date of registration ...

Country of origin ...

Reputation/renown (\*) ...

*[(\*) delete as appropriate]*

**Grounds for objection**

- Article 27 of Delegated Regulation (\*)
- Article 32(2) of Delegated Regulation (\*)
- Article 33(1) of Delegated Regulation (\*)
- Article 33(2) of Delegated Regulation (\*)

[(\*) delete as appropriate]

**Explanation of ground(s) ...**

*[Provide duly substantiated reasons and justification, details of the facts, evidence and comments in support of the objection. Provide the necessary documents in case of an objection based on the existence of an earlier trademark of reputation and renown].*

Name of signatory ...

Signature ...

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## ANNEX X

**MODIFICATION REQUEST CONCERNING A TRADITIONAL TERM**

Date of receipt (DD/MM/YYYY) ...

*[to be completed by the Commission]*

Number of pages (including this page) ...

Language of request of modification ...

File number ...

*[to be completed by the Commission]*

Traditional term for which the modification is requested ...

Name of the legal or natural person requesting the modification ...

Full address (*street number and name, town/city and postal code, country*) ...

Nationality ...

Telephone, fax, email ...

Description of the modification ...

**Explanation of grounds for modification**

*[Provide duly substantiated reasons and justification, details of the facts, evidence and comments in support of the modification].*

Name of signatory ...

Signature ...

  

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## ANNEX XI

**CANCELLATION REQUEST CONCERNING A TRADITIONAL TERM**

Date of receipt (DD/MM/YYYY) ...

*[to be completed by the Commission]*

Number of pages (including this page) ...

Language of request of cancellation ...

File number ...

*[to be completed by the Commission]*

Traditional term for which the cancellation is requested ...

**Author of the cancellation request**

Name of the legal or natural person requesting the cancellation ...

Full address (*street number and name, town/city and postal code, country*) ...

Nationality ...

Tel., fax, email ...

**Legitimate interest of the author of the request ...****Grounds for cancellation**

— Article 27 of Delegated Regulation (\*)

— Article 32(2) of Delegated Regulation (\*)

— Article 33(1) of Delegated Regulation (\*)

— Article 33(2) of Delegated Regulation (\*)

— Article 36(b) of Delegated Regulation (\*)

*[(\*) delete as appropriate]*

**Explanation of ground(s) for cancellation ...**

*[Provide duly substantiated reasons and justification, details of the facts, evidence and comments in support of the cancellation. Provide the necessary documents in case of a cancellation based on the existence of an earlier trademark of reputation and renown].*

Name of signatory ...

Signature ...

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## ANNEX XII

## PART A

**PRACTICALITIES OF COMMUNICATION AND PUBLICATION, RELATED TO THE IMPLEMENTATION OF CHAPTER II, AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 30(4)**

In order to obtain information as to the practicalities of accessing information systems, on the methods of communication and of how information required for the implementation of Chapter II is to be made available, as referred to in the second subparagraph of Article 30(4), the authorities and persons affected by this Regulation shall contact the Commission at the following email address:

Functional mailbox: [AGRI-CONTACT-E-Ambrosia@ec.europa.eu](mailto:AGRI-CONTACT-E-Ambrosia@ec.europa.eu)

## PART B

**PRACTICALITIES OF COMMUNICATION AND PUBLICATION RELATED TO THE IMPLEMENTATION OF CHAPTER III, AS REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 30(4)**

In order to obtain information as to the practicalities of accessing information systems, on the methods of communication and of how information required for the implementation of Chapter III is to be made available, as referred to in the second subparagraph of Article 30(4), the authorities and persons affected by this Regulation shall contact the Commission at the following email address:

Functional mailbox: [AGRI-CONTACT-EBACCHUS@ec.europa.eu](mailto:AGRI-CONTACT-EBACCHUS@ec.europa.eu)

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/35****of 8 January 2019****amending Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>, and in particular Article 15(5) and 63(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 <sup>(2)</sup> lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at a designated point of entry ('DPE') into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Pursuant to Regulation (EC) No 669/2009, Member States are required to submit to the Commission biannually a report on consignments of feed and food in the list, including details of each consignment, the number of consignments subjected to sampling for analysis and the results of the official controls carried out in accordance with Regulation (EC) No 669/2009. Certain Member States register the common entry documents issued by their respective competent authorities in accordance with Regulation (EC) No 669/2009 on a voluntary basis in the Trade Control and Expert System (TRACES) established by Commission Decisions 2003/24/EC <sup>(3)</sup> and 2004/292/EC <sup>(4)</sup>, thus providing the Commission with details of each consignment, the number of consignments subjected to sampling for analysis and the results of the checks provided for in Regulation (EC) No 669/2009. The reporting obligation should therefore be deemed to be satisfied where Member States register in TRACES the common entry documents issued in accordance with Regulation (EC) No 669/2009 during the reporting period set out in that Regulation.
- (3) Article 19(1) of Regulation (EC) No 669/2009 provides for a transitional period during which the minimum requirements for the DPEs may be progressively implemented and identity and physical checks may be carried out at control points other than DPEs. This transitional period was extended by Commission Implementing Regulation (EU) No 718/2014 <sup>(5)</sup> until 14 August 2019, pending the outcome of the review of the provisions applicable to DPEs and to border controls in general. That review resulted in the adoption of Regulation (EU) 2017/625 of the European Parliament and of the Council <sup>(6)</sup>, which is to apply from 14 December 2019. That Regulation provides that delegated acts are to be established concerning rules establishing the cases where and the conditions under which identity and physical checks on consignments of goods subject to a temporary

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

<sup>(3)</sup> Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system (OJ L 8, 14.1.2003, p. 44).

<sup>(4)</sup> Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC (OJ L 94, 31.3.2004, p. 63).

<sup>(5)</sup> Commission Implementing Regulation (EU) No 718/2014 of 27 June 2014 amending Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin (OJ L 190, 28.6.2014, p. 55).

<sup>(6)</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

increase of official controls may be performed by competent authorities at control points other than border control posts. Since those rules are to apply from 14 December 2019, it is appropriate to extend the transitional period until the day before that date.

- (4) Article 2 of Regulation (EC) No 669/2009 provides that the list in Annex I to that Regulation is to be reviewed on a regular basis, and at least biannually, taking into account the sources of information referred to in that Article.
- (5) The occurrence and relevance of recent food incidents notified through the Rapid Alert System for Food and Feed, as established by Regulation (EC) No 178/2002 <sup>(7)</sup> of the European Parliament and of the Council, information regarding official controls performed by Member States on feed and food of non-animal origin as well as the biannual reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009, indicate that the list should be amended.
- (6) In particular, for consignments of aubergines from the Dominican Republic, beans from Kenya and peppers (other than sweet) from Uganda, the relevant sources of information indicate the emergence of new risks to human health due to possible pesticide residues contamination, requiring the introduction of an increased level of official controls. In addition, for consignments of black pepper from Brazil, sweet peppers from China and sesamum seeds from Ethiopia, the relevant sources of information indicate the emergence of new risks to human health due to possible *Salmonella* contamination requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.
- (7) In addition, it is appropriate to delete the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entry in the list concerning pineapples from Benin should therefore be deleted.
- (8) Moreover, it is appropriate to increase the frequency of identity and physical checks on commodities for which the relevant sources of information indicate a degree of non-compliance with the relevant requirements provided for in Union legislation warranting an increased level of official controls. The entries in the list concerning sweet peppers and peppers (other than sweet) from Egypt, peppers (other than sweet) from India and Pakistan, peppers (sweet or other than sweet) from Sri Lanka and hazelnuts from Georgia should therefore be amended accordingly.
- (9) The scope of the entry concerning hazelnuts from Georgia should be amended to include forms of the product other than the ones currently listed, where those other forms present the same risk. It is therefore appropriate to amend the existing entry concerning hazelnuts from Georgia to include flour, meal and powder of hazelnuts and hazelnuts, otherwise prepared or preserved.
- (10) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

#### Article 1

#### Amendments to Regulation (EC) No 669/2009

Regulation (EC) No 669/2009 is amended as follows:

- (1) In Article 15, the following paragraph 4 is added:

‘4. The reporting obligations set out in paragraphs 1 and 2 shall be deemed to be satisfied where Member States have registered in TRACES the common entry documents issued by their respective competent authorities in accordance with this Regulation during the reporting period set out in paragraph 1.’

<sup>(7)</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

(2) In Article 19, paragraph 1 is replaced by the following:

‘1. Until 13 December 2019, where a designated point of entry is not equipped with the facilities required to carry out identity and physical checks as provided for in Article 8(1)(b), those checks may be carried out at another control point in the same Member State, authorised for that purpose by the competent authority, before goods are declared for release for free circulation, provided that such control point complies with the minimum requirements laid down in Article 4.’

(3) Annex I is replaced by the text set out in the Annex to this Regulation.

#### *Article 2*

#### **Entry into force and application**

This Regulation shall enter into force on the third 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, 8 January 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

## 'ANNEX I

**Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry**

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), in shell	— 1202 41 00		<b>Bolivia (BO)</b>	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved <b>(Feed and food)</b>	— 2008 11 91; 2008 11 96; 2008 11 98				
— Black pepper (Piper) <b>(Food – neither crushed nor ground)</b>	ex 0904 11 00	<b>10</b>	<b>Brazil (BR)</b>	Salmonella (2)	20
Goji berries (wolfberries) ( <i>Lycium barbarum</i> L.) <b>(Food – fresh, chilled or dried)</b>	ex 0813 40 95; ex 0810 90 75	<b>10</b> <b>10</b>	<b>China (CN)</b>	Pesticide residues (3) (4)	10
Sweet peppers ( <i>Capsicum annuum</i> ) <b>(Food – crushed or ground)</b>	ex 0904 22 00	<b>11</b>	<b>China (CN)</b>	Salmonella (2)	20
Tea, whether or not flavoured <b>(Food)</b>	0902		<b>China (CN)</b>	Pesticide residues (3) (5)	10
Aubergines ( <i>Solanum melongena</i> ) <b>(Food – fresh or chilled)</b>	0709 30 00		<b>Dominican Republic (DO)</b>	Pesticide residues (3)	20
— Sweet peppers ( <i>Capsicum annuum</i> )	— 0709 60 10; 0710 80 51		<b>Dominican Republic (DO)</b>	Pesticide residues (3) (6)	20
— Peppers (other than sweet) ( <i>Capsicum</i> spp.)	— ex 0709 60 99; ex 0710 80 59	<b>20</b> <b>20</b>			
— Yardlong beans ( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> , <i>vigna unguiculata</i> spp. <i>unguiculata</i> ) <b>(Food – fresh, chilled or frozen)</b>	— ex 0708 20 00; ex 0710 22 00	<b>10</b> <b>10</b>			
— Sweet peppers ( <i>Capsicum annuum</i> )	— 0709 60 10; 0710 80 51				
— Peppers (other than sweet) ( <i>Capsicum</i> spp.) <b>(Food – fresh, chilled or frozen)</b>	— ex 0709 60 99; ex 0710 80 59	<b>20</b> <b>20</b>	<b>Egypt (EG)</b>	Pesticide residues (3) (7)	20
Sesamum seeds <b>(Food – fresh or chilled)</b>	1207 40 90		<b>Ethiopia (ET)</b>	Salmonella (2)	50

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Hazelnuts, in shell	— 0802 21 00		<b>Georgia (GE)</b>	Aflatoxins	50
— Hazelnuts, shelled	— 0802 22 00				
— Flour, meal and powder of hazelnuts	— ex 1106 30 90	<b>40</b>			
— Hazelnuts, otherwise prepared or preserved	— ex 2008 19 19;	<b>30</b>			
<b>(Food)</b>	ex 2008 19 95;	<b>20</b>			
	ex 2008 19 99	<b>30</b>			
Palm oil <b>(Food)</b>	1511 10 90; 1511 90 11; ex 1511 90 19; 1511 90 99	<b>90</b>	<b>Ghana (GH)</b>	Sudan dyes <sup>(8)</sup>	50
— Groundnuts (peanuts), in shell	— 1202 41 00		<b>Gambia (GM)</b>	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91;				
<b>(Feed and food)</b>	2008 11 96; 2008 11 98				
Okra <b>(Food – fresh, chilled or frozen)</b>	ex 0709 99 90; ex 0710 80 95	<b>20</b> <b>30</b>	<b>India (IN)</b>	Pesticide residues <sup>(3)</sup> <sup>(9)</sup>	10
Peppers (other than sweet) ( <i>Capsicum</i> spp.) <b>(Food — fresh, chilled or frozen)</b>	ex 0709 60 99; ex 0710 80 59	<b>20</b> <b>20</b>	<b>India (IN)</b>	Pesticide residues <sup>(3)</sup> <sup>(10)</sup>	20
Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.) <b>(Food – fresh or chilled)</b>	0708 20		<b>Kenya (KE)</b>	Pesticide residues <sup>(3)</sup>	5
Chinese celery ( <i>Apium graveolens</i> ) <b>(Food — fresh or chilled herb)</b>	ex 0709 40 00	<b>20</b>	<b>Cambodia (KH)</b>	Pesticide residues <sup>(3)</sup> <sup>(11)</sup>	50
Yardlong beans ( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> , <i>vigna unguiculata</i> spp. <i>unguiculata</i> ) <b>(Food — fresh, chilled or frozen vegetables)</b>	ex 0708 20 00; ex 0710 22 00	<b>10</b> <b>10</b>	<b>Cambodia (KH)</b>	Pesticide residues <sup>(3)</sup> <sup>(12)</sup>	50
Turnips ( <i>Brassica rapa</i> spp. <i>Rapa</i> ) <b>(Food — prepared or preserved by vinegar or acetic acid)</b>	ex 2001 90 97	<b>11; 19</b>	<b>Lebanon (LB)</b>	Rhodamine B	50
Peppers (sweet or other than sweet) ( <i>Capsicum</i> spp.) <b>(Food — dried, roasted, crushed or ground)</b>	ex 2008 99 99; 0904 21 10; ex 0904 21 90; ex 0904 22 00	<b>79</b> <b>20</b> <b>11; 19</b>	<b>Sri Lanka (LK)</b>	Aflatoxins	50

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved <b>(Feed and food)</b>	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		<b>Madagascar (MG)</b>	Aflatoxins	50
Sesamum seeds <b>(Food — fresh or chilled)</b>	1207 40 90		<b>Nigeria (NG)</b>	Salmonella <sup>(2)</sup>	50
Peppers (other than sweet) ( <i>Capsicum</i> spp.) <b>(Food — fresh, chilled or frozen)</b>	ex 0709 60 99; ex 0710 80 59	<b>20</b> <b>20</b>	<b>Pakistan (PK)</b>	Pesticide residues <sup>(3)</sup>	20
Raspberries <b>(Food — frozen)</b>	0811 20 31; ex 0811 20 11; ex 0811 20 19	<b>10</b> <b>10</b>	<b>Serbia (RS)</b>	Norovirus	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved <b>(Feed and food)</b>	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		<b>Sudan (SD)</b>	Aflatoxins	50
Sesamum seeds <b>(Food — fresh or chilled)</b>	1207 40 90		<b>Sudan (SD)</b>	Salmonella <sup>(2)</sup>	50
Watermelon ( <i>Egusi, Citrullus</i> spp.) seeds and derived products <b>(Food)</b>	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	<b>10</b> <b>30</b> <b>50</b>	<b>Sierra Leone (SL)</b>	Aflatoxins	50
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved <b>(Feed and food)</b>	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		<b>Senegal (SN)</b>	Aflatoxins	50
Turnips ( <i>Brassica rapa</i> spp. <i>Rapa</i> ) <b>(Food — prepared or preserved by vinegar or acetic acid)</b>	ex 2001 90 97	<b>11; 19</b>	<b>Syria (SY)</b>	Rhodamine B	50
Peppers (other than sweet) ( <i>Capsicum</i> spp.) <b>(Food — fresh, chilled or frozen)</b>	ex 0709 60 99; ex 0710 80 59	<b>20</b> <b>20</b>	<b>Thailand (TH)</b>	Pesticide residues <sup>(3)</sup> <sup>(13)</sup>	10

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Dried apricots	— 0813 10 00		<b>Turkey (TR)</b>	Sulphites <sup>(15)</sup>	20
— Apricots, otherwise prepared or preserved <sup>(14)</sup>	— 2008 50 61				
<b>(Food)</b>					
Dried grapes (including dried grapes cut or crushed into a paste, without any further treatment)	0806 20		<b>Turkey (TR)</b>	Ochratoxin A	5
<b>(Food)</b>					
Lemons ( <i>Citrus limon</i> , <i>Citrus limonum</i> )	0805 50 10		<b>Turkey (TR)</b>	Pesticide residues <sup>(3)</sup>	10
<b>(Food – fresh, chilled or dried)</b>					
Pomegranates	ex 0810 90 75	<b>30</b>	<b>Turkey (TR)</b>	Pesticide residues <sup>(3)</sup> <sup>(16)</sup>	10
<b>(Food — fresh or chilled)</b>					
Sweet Peppers ( <i>Capsicum annuum</i> )	0709 60 10; 0710 80 51		<b>Turkey (TR)</b>	Pesticide residues <sup>(3)</sup> <sup>(17)</sup>	10
<b>(Food — fresh, chilled or frozen)</b>					
Peppers (other than sweet) ( <i>Capsicum</i> spp.)	ex 0709 60 99 ex 0710 80 59	<b>20</b> <b>20</b>	<b>Uganda (UG)</b>	Pesticide residues <sup>(3)</sup>	20
<b>(Food — fresh, chilled or frozen)</b>					
Sesamum seeds	1207 40 90		<b>Uganda (UG)</b>	Salmonella <sup>(2)</sup>	50
<b>(Food — fresh or chilled)</b>					
— Pistachios, in shell	— 0802 51 00		<b>United States (US)</b>	Aflatoxins	10
— Pistachios, shelled	— 0802 52 00				
— Pistachios, roasted	— ex 2008 19 13; ex 2008 19 93	<b>20</b> <b>20</b>			
<b>(Food)</b>					
— Dried apricots	— 0813 10 00		<b>Uzbekistan (UZ)</b>	Sulphites <sup>(15)</sup>	50
— Apricots, otherwise prepared or preserved <sup>(14)</sup>	— 2008 50 61				
<b>(Food)</b>					
— Coriander leaves	— ex 0709 99 90	<b>72</b>	<b>Vietnam (VN)</b>	Pesticide residues <sup>(3)</sup> <sup>(18)</sup>	50
— Basil (holy, sweet)	— ex 1211 90 86	<b>20</b>			
— Mint	— ex 1211 90 86	<b>30</b>			
— Parsley	— ex 0709 99 90	<b>40</b>			
<b>(Food — fresh or chilled herbs)</b>					
Okra	ex 0709 99 90 ex 0710 80 95	<b>20</b> <b>30</b>	<b>Vietnam (VN)</b>	Pesticide residues <sup>(3)</sup> <sup>(18)</sup>	50
<b>(Food – fresh, chilled or frozen)</b>					

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Peppers (other than sweet) ( <i>Capsicum</i> spp.) <b>(Food — fresh, chilled or frozen)</b>	ex 0709 60 99; ex 0710 80 59	<b>20</b> <b>20</b>	<b>Vietnam (VN)</b>	Pesticide residues <sup>(3)</sup> <sup>(18)</sup>	50

<sup>(1)</sup> Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists, the CN code is marked 'ex'.

<sup>(2)</sup> Reference method EN/ISO 6579-1 or a method validated against it in accordance with the most recent version of EN/ISO 16140 or other internationally accepted similar protocols.

<sup>(3)</sup> Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).

<sup>(4)</sup> Residues of Amitraz.

<sup>(5)</sup> Residues of Tolfenpyrad.

<sup>(6)</sup> Residues of Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Diafenthiuron, Dicofol (sum of p, p' and o,p' isomers), Dithiocarbamates (dithiocarbamates expressed as CS<sub>2</sub>, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb).

<sup>(7)</sup> Residues of Dicofol (sum of p, p' and o,p' isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Thiophanate-methyl and Triforine.

<sup>(8)</sup> For the purposes of this Annex, 'Sudan dyes' refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).

<sup>(9)</sup> Residues of Diafenthiuron.

<sup>(10)</sup> Residues of Carbofuran.

<sup>(11)</sup> Residues of Phenthoate.

<sup>(12)</sup> Residues of Chlorbufam.

<sup>(13)</sup> Residues of Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)), Prothiofos and Triforine.

<sup>(14)</sup> Identity and physical checks may be carried out by the competent authority of the place of destination as indicated in the CED, in accordance with Article 9(2) of this Regulation.

<sup>(15)</sup> Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.

<sup>(16)</sup> Residues of Prochloraz.

<sup>(17)</sup> Residues of Diafenthiuron, Formetanate (sum of formetanate and its salts expressed as formetanate (hydrochloride)) and Thiophanate-methyl.

<sup>(18)</sup> Residues of Dithiocarbamates (dithiocarbamates expressed as CS<sub>2</sub>, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.'



**COMMISSION REGULATION (EU) 2019/36****of 10 January 2019****amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the substance N-(2-methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC <sup>(1)</sup>, and in particular Article 11(3) thereof,

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

Whereas:

- (1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials approved for use in and on foods and their conditions of use.
- (2) Commission Implementing Regulation (EU) No 872/2012 <sup>(3)</sup> adopted the list of flavouring substances and introduced that list in Part A of Annex I to Regulation (EC) No 1334/2008.
- (3) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application submitted by the Member State or by an interested party.
- (4) Part A of the Union list contains both evaluated flavouring substances, for which no footnotes are assigned, and flavouring substances under evaluation, which are identified by footnote references 1 to 4.
- (5) The substance N-(2-methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide FL No 16.119 was listed with footnote 4 in accordance with Article 4 of Implementing Regulation (EU) No 872/2012, which means that additional scientific data had to be submitted by 31 December 2013 for completion of its evaluation.
- (6) On 18 November 2013, the applicant submitted data on N-(2-methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide FL No 16.119.
- (7) On 1 February 2017, the European Food Safety Authority ('the Authority') completed the evaluation of the safety of the substance (FL No: 16.119) when used as a flavouring substance <sup>(4)</sup> and concluded that its use does not give rise to safety concerns at the estimated levels of dietary intake. The Authority also noted that this substance is intended to be used as a substance with flavouring modifying properties. The conditions of use of this substance should therefore reflect this fact. Based on this, restrictions of use for certain foods in certain food categories should be introduced.
- (8) The Union list laid down in Regulation (EC) No 1334/2008 is intended to regulate only the use of flavouring substances which are added to food in order to impart or modify odour and/or taste. Substance FL No 16.119 could be added to food as well for other purposes than flavouring and such uses remain subject to different Union rules. This Regulation lays down conditions of use which relate solely to the use of FL No 16.119 as a flavouring substance.

<sup>(1)</sup> OJ L 354, 31.12.2008, p. 34.

<sup>(2)</sup> OJ L 354, 31.12.2008, p. 1.

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

<sup>(4)</sup> EFSA Journal 2017;15(3):4726.

- (9) The Authority also provided in its opinion comments regarding the specifications of the substance and indicated that additional information about the ratio of enantiomers was lacking. The applicant has provided information about these issues to the Commission. The specifications should therefore be adapted accordingly.
- (10) Therefore, this flavouring substance should be listed as an evaluated substance in the Union list of flavouring substances without the footnote reference contained in its current entry of the Union list.
- (11) Part A of Annex I to Regulation (EC) No 1334/2008 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 10 January 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

In Section 2 of Part A of Annex I to Regulation (EC) No 1334/2008, the entry concerning 'N-(2-Methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide' is replaced by the following:

'16.119	N-(2-methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide	1003050-32-5	2081	Mixture of <i>cis/trans</i> - diastereoisomers: — 60-80 % <i>trans</i> -, consisting of 50 % (1S,2S) and 50 % (1R,2R), and — 20-40 % <i>cis</i> -, consisting of 50 % (1R,2S) and 50 % (1S,2R).	Restrictions for use as a flavouring substance: In category 1. — not more than 1 mg/kg; In category 12. — not more than 6 mg/kg; In category 14.1.4. — not more than 3 mg/kg.		EFSA'
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**COMMISSION REGULATION (EU) 2019/37****of 10 January 2019****amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC <sup>(1)</sup>, and in particular points (a), (d), (e), (h) and (i) of Article 5(1), Article 11(3) and Article 12(6) thereof,

Whereas:

- (1) Annex I to Commission Regulation (EU) No 10/2011 <sup>(2)</sup> establishes a Union list of authorised substances which may be used in the manufacture of plastic materials and articles intended to come into contact with food. Annex III to that Regulation assigns food simulants to be used for tests to demonstrate compliance of plastic materials and articles not yet in contact with food with the migration limits referred to in Articles 11 and 12 of that Regulation.
- (2) Since the last amendment to Regulation (EU) No 10/2011, the European Food Safety Authority ('the Authority') has published further scientific opinions on particular substances that may be used in food contact materials ('FCM') as well as on the permitted use of already authorised substances. In addition, certain textual errors and ambiguities were identified. In order to ensure that Regulation (EU) No 10/2011 reflects the most recent findings of the Authority and in order to remove any doubt as regards its correct application, that Regulation should be amended and corrected.
- (3) The name of the substance 1,2,3,4-tetrahydronaphthalene-2,6-dicarboxylic acid, dimethyl ester (FCM substance No 1066 and CAS No 23985-75-3) authorised by Commission Regulation (EU) 2018/831 <sup>(3)</sup> as listed in Table 1 of point 1 of Annex I to Regulation (EU) No 10/2011 contains a typographical error in the English version of the document. It is therefore necessary to correct this entry in Table 1 of point 1 of Annex I to Regulation (EU) No 10/2011.
- (4) On the basis of the favourable scientific opinion of the Authority <sup>(4)</sup>, on the use of substance [3-(2,3-epoxypropoxy)propyl]trimethoxy silane (FCM substance No 1068, CAS No 2530-83-8) as a component of sizing agents to treat glass fibres imbedded in low diffusivity plastics such as in polyethylene terephthalate (PET), polycarbonate (PC), polybutylene terephthalate (PBTP), thermoset polyesters, and epoxy bisphenol vinyl ester intended for single and repeated use with long-term storage at room temperature, short-term repeated contact at increased or high temperature and for all foods, the substance was authorised by Regulation (EU) 2018/831 as an additive or polymer production aid in column 5 of Table 1 of point 1 of Annex I to Regulation (EU) No 10/2011. As this substance is intended to react with the polymeric backbone of the plastic material and may become part of it, it should be considered as a starting material or monomer in the manufacture of sizing agents to treat glass fibres imbedded in low diffusivity plastics such as in polyethylene terephthalate (PET), polycarbonate (PC), polybutylene terephthalate (PBTP), thermoset polyesters, and epoxy bisphenol vinyl ester. It is therefore necessary to amend this entry in Table 1 of point 1 of Annex I to Regulation (EU) No 10/2011 to include this substance in column 6 of Annex I to that Regulation in order to clarify its intended uses.
- (5) The Authority adopted two favourable scientific opinions <sup>(5)</sup> <sup>(6)</sup> on the use of the substance poly((R)-3-hydroxybutyrate-co-(R)-3-hydroxyhexanoate) (FCM substance No 1059, CAS number 147398-31-0), which is

<sup>(1)</sup> OJ L 338, 13.11.2004, p. 4.

<sup>(2)</sup> Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food (OJ L 12, 15.1.2011, p. 1).

<sup>(3)</sup> Commission Regulation (EU) 2018/831 of 5 June 2018 amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food (OJ L 140, 6.6.2018, p. 35).

<sup>(4)</sup> EFSA Journal 2017;15(10):5014.

<sup>(5)</sup> EFSA Journal 2016;14(5):4464.

<sup>(6)</sup> EFSA journal 2018;16(7):5326

a biodegradable (co)polymer obtained from microbial fermentation used in the manufacture of packaging articles intended to be in contact with whole fruit and vegetables. In those two opinions, the Authority concluded that this substance is not of a safety concern for the consumer if it is used either alone or blended with other polymers in contact with (dry/solid) foods for which food simulant E is assigned in Table 2 of Annex III to Regulation (EU) No 10/2011, under contact conditions up to 6 months or more at room temperature or below, including hot-fill or short heating up phases. The Authority further concluded that the specific migration of the degradation product crotonic acid should not exceed 0,05 mg/kg food. That substance should therefore be included in the Union list of authorised substances with the restriction that these specifications should be met.

- (6) Crotonic acid (FCM substance No 467 and CAS No 3724-65-0) is authorised as an additive or a monomer in the manufacture of plastics intended to come into contact with foods. A specific migration limit of 0,05 mg/kg food was introduced in the entry for this substance in Table 1 of Annex I to Regulation (EU) No 10/2011 by Commission Regulation (EU) 2017/752 <sup>(7)</sup> replacing the previous compliance verification by residual content per food contact surface area (QMA). Compliance verification of crotonic acid by QMA with a limit of 0,05 mg/6 dm<sup>2</sup> is also included in the entry of the substance 3-hydroxybutanoic acid-3-hydroxypentanoic acid, copolymer (FCM substance No 744, CAS No 80181-31-3) in Table 4 of Annex I to Regulation (EU) No 10/2011 and should also be replaced by the specific migration limit assigned to FCM substance No 467. In light of the fact that the same specific migration limit for crotonic acid is to be applicable for FCM substances 467, 744, and 1059, it is appropriate to introduce a group restriction for crotonic acid for FCM substances 467, 744, and 1059 in Table 2 of Annex I to Regulation (EU) No 10/2011, and amend the corresponding individual entries in Tables 1 and 4 of that Annex.
- (7) The Authority adopted a favourable scientific opinion <sup>(8)</sup> on the use of the substance dimethyl carbonate (FCM substance No 1067 and CAS No 616-38-6) as a monomer in the manufacture of plastics intended to come into contact with foods. The Authority concluded that the substance is not of a safety concern for the consumer if used as co-monomer together with 1,6-hexanediol for making a polycarbonate pre-polymer and then reacted with 4,4'-methylenediphenyldiisocyanate and diols such as polypropylene glycol and 1,4-butanediol to form a thermoplastic polyurethane. The use of this material should be further restricted to contain up to 30 % of the polycarbonate pre-polymer and to be used only for repeated use articles in short-term contact ( $\leq$  30 min) at room temperature with foods for which simulants A and B are assigned in Table 2 of Annex III to Regulation (EU) No 10/2011. Therefore, the substance should be included in the Union list of authorised substances provided these restrictions are met.
- (8) The Authority also noted that the FCM substance No 1067 may also be used for the manufacture of other polycarbonates or under other conditions. In those cases, the Authority concluded that use of the substance is not of a safety concern for the consumer if the migration of dimethyl carbonate does not exceed 0,05 mg/kg food and the total migration of polycarbonate oligomers with a molecular weight below 1 000 Da does not exceed 0,05 mg/kg food. Therefore, those uses of the substance should be authorised provided those restrictions are met.
- (9) The authorisation of the FCM substance No 1067 provided for in this Regulation for the manufacture of other polycarbonates or under other conditions, requires that the total migration of polycarbonate oligomers with a molecular weight below 1 000 Da does not exceed 0,05 mg/kg food. Analytical methods to determine the migration of these oligomers are complex. A description of those methods is not necessarily available to competent authorities. Without a description it is not possible for the competent authority to verify that the migration of oligomers from the material or article complies with the migration limit for these oligomers. Therefore, business operators placing on the market the final article or material containing that substance should be required to provide a description of the method and a calibration sample if required by the method.
- (10) The Authority adopted a favourable scientific opinion <sup>(9)</sup> on the use of the substance isobutane (CAS number 75-28-5, FCM substance No 1069) as a foaming agent for plastics intended to come into contact with food. In that opinion, the Authority concluded that this substance is not of a safety concern for the consumer if it is used as a foaming agent in plastics intended to come into contact with food. Therefore, this use of the substance should be authorised. The class of compounds collectively termed 'foaming agents' also includes

<sup>(7)</sup> Commission Regulation (EU) 2017/752 of 28 April 2017 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food (OJ L 113, 29.4.2017, p. 18).

<sup>(8)</sup> EFSA Journal 2017;15(7):4901.

<sup>(9)</sup> EFSA Journal 2018;16(1):5116.

surfactants and are often understood to be surfactants only. To avoid potential confusion and in line with the function of this substance which was evaluated by the Authority, the synonymous term 'blowing agent' should be used in the entry for this substance in Table 1 of Annex I to Regulation (EU) No 10/2011.

- (11) Table 3 of Annex III to Regulation (EU) No 10/2011 assigns food simulants to be used for tests to demonstrate compliance of plastic materials and articles not yet in contact with food with the overall migration limit laid down in Article 12 of that Regulation. There is an ambiguity between rows 3 and 4 in their reference to the food simulants which are to be used for the overall migration testing of the products listed, and in particular of milk products. The third row refers to aqueous and alcoholic foods and milk products in general and provides for the use of food simulant D1 (50 % ethanol). The fourth row refers to aqueous, acidic and alcoholic foods and milk products and provides for the use of food simulant D1 and of food simulant B (3 % acetic acid). Food simulant B is to be used for acidic products with a pH value below 4,5 as laid down in point 2 of Annex III to Regulation (EU) No 10/2011. Milk products are mentioned in both rows because although milk itself has a relatively neutral pH (pH 6,5-6,8), certain processed (fermented or soured) milk products have acidic pH ranges between 4,0 and 4,5. This dichotomy could erroneously be interpreted to mean that acidic milk products are also included in the third row and thus could be tested only with food simulant D1 instead of with food simulant B as laid down in the fourth row. It is therefore appropriate to clarify the third and fourth rows of Table 3 by specifying the pH of the listed milk products using the pH value of 4,5 as the cut-off value.
- (12) Annexes I and III to Regulation (EU) No 10/2011 should therefore be amended and corrected accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and III to Regulation (EU) No 10/2011 are amended in accordance with the Annex to this Regulation.

*Article 2*

Plastic materials and articles complying with Regulation (EU) No 10/2011 as applicable before the entry into force of this Regulation may be placed on the market until 31 January 2020 and may remain on the market until exhaustion of stocks.

*Article 3*

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

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

Done at Brussels, 10 January 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

ANNEX

Annexes I and III to Regulation (EU) No 10/2011 are amended as follows:

(1) in Annex I, Table 1 is amended as follows:

(a) the entries concerning FCM substances No 467, 744, 1066, and 1068 are replaced by the following:

'467	14800	3724-65-0	crotonic acid	yes	yes	no		(35)		
	45600									
'744	18888	080181-31-3	3-hydroxybutanoic acid-3- hydroxypentanoic acid, copolymer	no	yes	no		(35)	The substance is used as product obtained by bacterial fermentation. In compliance with the specifications mentioned in the Table 4 of Annex I.'	
'1066		23985-75-3	1,2,3,4-tetrahydronaphthalene-2,6-dicarboxylic acid, dimethyl ester	no	yes	no	0,05		Only to be used as a co-monomer in the manufacture of a polyester non-food contact layer in a plastic multilayer material, which is to be used only in contact with foods for which food simulants A, B, C and/or D1 are assigned in Table 2 of Annex III. The specific migration limit in column 8 refers to the sum of the substance and of its dimers (cyclic and open chain).'	
'1068		2530-83-8	[3-(2,3-epoxypropoxy)propyl]trimethoxy silane	no	yes	no			Only to be used as a component of a sizing agent to treat glass fibres to be embedded in glass-fibre-reinforced low diffusivity plastics (polyethylene terephthalate (PET), polycarbonate (PC), polybutylene terephthalate (PBT), thermoset polyesters and epoxy bisphenol vinylester) in contact with all foodstuffs. In treated glass fibres, residues of the substance must not be detectable at 0,01 mg/kg for the substance and 0,06 mg/kg for each of the reaction products (hydrolysed monomers and epoxy-containing cyclic dimer, trimer and tetramer).'	

(b) the following entries are inserted in numerical order of the FCM substance numbers:

'1059		147398-31-0	poly((R)-3-hydroxybutyrate-co-(R)-3-hydroxyhexanoate)	no	yes	no		(35)	Only to be used alone or blended with other polymers in contact with foods for which food simulant E is assigned in Table 2 of Annex III.'	
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'1067		616-38-6	dimethyl carbonate	no	yes	no			Only to be used: a) with 1,6-hexanediol in the manufacture of polycarbonate pre-polymers that are used at up to 30 % to manufacture thermo-plastic polyurethanes with 4,4'-methylenediphenyldiisocyanate and diols, such as polypropylene glycol and 1,4-butanediol. The resulting material shall only be applied in repeated use articles intended to come into short-term contact ( $\leq 30$ min at room temperature) with food for which simulants A and/or B are assigned in Table 2 of Annex III; or b) for the production of other polycarbonates and/or under other conditions provided that the migration of dimethyl carbonate does not exceed 0,05 mg/kg food and that the migration of all polycarbonate oligomers with a molecular weight below 1 000 Da together does not exceed 0,05 mg/kg food.	(27)
'1069		75-28-5	isobutane	yes	no	no			Only to be used as a blowing agent.'	



(2) in Table 2 of Annex I, the following entry is added:

‘35	467	0,05	expressed as crotonic acid’
	744		
	1059		

(3) in Table 3 of Annex I, the following entry is added:

‘(27)	When a final material or article containing this substance and produced under conditions other than those described in point (a) column 10 of Table 1 is placed on the market, a well described method to determine whether the oligomer migration complies with the restrictions specified in point (b) column 10 of Table 1 shall form part of the supporting documentation referred to in Article 16. This method shall be suitable for use by a competent authority to verify compliance. If an adequate method is publicly available, reference shall be made to that method. If the method requires a calibration sample, a sufficient sample shall be supplied to the competent authority on its request.’
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(4) in Table 4 of Annex I, the row concerning restriction of the entry concerning substance FCM No 744 is replaced by the following:

‘Restriction	Specific migration limit for crotonic acid is 0,05 mg/kg food’
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(5) in table 3 of point 4 of Annex III, the third and fourth rows are replaced by the following:

‘all aqueous and alcoholic foods and milk products with a pH $\geq$ 4,5	food simulant D1
all aqueous and alcoholic foods and milk products with a pH $<$ 4,5	food simulant D1 and food simulant B’

**COMMISSION REGULATION (EU) 2019/38****of 10 January 2019****amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for iprodione in or on certain products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC <sup>(1)</sup>, and in particular Article 14(1)(a) and Article 18(1)(b),

Whereas:

- (1) For iprodione, maximum residue limits (MRLs) were set in Annex II to Regulation (EC) No 396/2005.
- (2) Following an application for renewal of approval in accordance with Article 7(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(2)</sup>, the approval of active substance was not renewed by Commission Implementing Regulation (EU) 2017/2091 <sup>(3)</sup>, which stipulates that all existing authorisations for plant protection products containing that active substance are to be withdrawn by 5 June 2018. It is therefore appropriate to delete the MRLs set out for this substance in Annex II in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.
- (3) In view of the non-approval of the active substance iprodione, the MRLs for this substance should be set at the limit of determination (LOD) in accordance with Article 18 of Regulation (EC) No 396/2005. For the active substances for which all MRLs should be reduced to the relevant LOD, default values should be listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.
- (4) The Commission consulted the European Union reference laboratories as regards the need to adapt certain LODs. Those laboratories concluded that for certain commodities technical development permits the setting of lower LODs.
- (5) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.
- (6) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes II and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

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

It shall apply from 31 July 2019.

<sup>(1)</sup> OJ L 70, 16.3.2005, p. 1.<sup>(2)</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).<sup>(3)</sup> Commission Implementing Regulation (EU) 2017/2091 of 14 November 2017 concerning the non-renewal of approval of the active substance iprodione, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L 297, 15.11.2017, p. 25).

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

Done at Brussels, 10 January 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

Annexes II and V to Regulation (EC) No 396/2005 are amended as follows:

- (1) In Annex II, the column for iprodione is deleted.  
 (2) In Annex V, the following column for iprodione is added:

**Pesticide residues and maximum residue levels (mg/kg)**

Code number	Groups and examples of individual products to which the MRLs apply <sup>(*)</sup>	Iprodione (R)
(1)	(2)	(3)
0100000	<b>FRUITS, FRESH or FROZEN; TREE NUTS</b>	<b>0,01 (*)</b>
0110000	<b>Citrus fruits</b>	
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others (2)	
0120000	<b>Tree nuts</b>	
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others (2)	
0130000	<b>Pome fruits</b>	
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others (2)	
0140000	<b>Stone fruits</b>	
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others (2)	

(1)	(2)	(3)
0150000	<b>Berries and small fruits</b>	
0151000	(a) <i>grapes</i>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	
0153000	(c) <i>cane fruits</i>	
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) <i>other small fruits and berries</i>	
0154010	Blueberries	
0154020	Cranberries	
0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others (2)	
0160000	<b>Miscellaneous fruits with</b>	
0161000	(a) <i>edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others (2)	
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	
0162060	American persimmons/Virginia kaki	
0162990	Others (2)	
0163000	(c) <i>inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas	
0163030	Mangoes	
0163040	Papayas	

(1)	(2)	(3)
0163050	Granate apples/pomegranates	
0163060	Cherimoyas	
0163070	Guavas	
0163080	Pineapples	
0163090	Breadfruits	
0163100	Durians	
0163110	Soursops/guanabanas	
0163990	Others (2)	
0200000	<b>VEGETABLES, FRESH or FROZEN</b>	
0210000	<b>Root and tuber vegetables</b>	<b>0,01 (*)</b>
0211000	(a) <i>potatoes</i>	
0212000	(b) <i>tropical root and tuber vegetables</i>	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others (2)	
0220000	<b>Bulb vegetables</b>	<b>0,01 (*)</b>
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	
0230000	<b>Fruiting vegetables</b>	<b>0,01 (*)</b>
0231000	(a) <i>Solanaceae and Malvaceae</i>	
0231010	Tomatoes	
0231020	Sweet peppers/bell peppers	
0231030	Aubergines/eggplants	
0231040	Okra/lady's fingers	
0231990	Others (2)	

(1)	(2)	(3)
0232000	(b) <i>cucurbits with edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others (2)	
0233000	(c) <i>cucurbits with inedible peel</i>	
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others (2)	
0234000	(d) <i>sweet corn</i>	
0239000	(e) <i>other fruiting vegetables</i>	
0240000	<b>Brassica vegetables (excluding brassica roots and brassica baby leaf crops)</b>	<b>0,01 (*)</b>
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) <i>head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	
0244000	(d) <i>kohlrabies</i>	
0250000	<b>Leaf vegetables, herbs and edible flowers</b>	
0251000	(a) <i>lettuces and salad plants</i>	<b>0,01 (*)</b>
0251010	Lamb's lettuces/corn salads	
0251020	Lettuces	
0251030	Escaroles/broad-leaved endives	
0251040	Cresses and other sprouts and shoots	
0251050	Land cresses	
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others (2)	
0252000	(b) <i>spinaches and similar leaves</i>	<b>0,01 (*)</b>
0252010	Spinaches	
0252020	Purslanes	

(1)	(2)	(3)
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	<b>0,01</b> (*)
0256000	(f) <i>herbs and edible flowers</i>	<b>0,02</b> (*)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leaves	
0256100	Tarragon	
0256990	Others (2)	
0260000	<b>Legume vegetables</b>	<b>0,01</b> (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others (2)	
0270000	<b>Stem vegetables</b>	<b>0,01</b> (*)
0270010	Asparagus	
0270020	Cardoons	
0270030	Celeries	
0270040	Florence fennels	
0270050	Globe artichokes	
0270060	Leeks	
0270070	Rhubarbs	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others (2)	
0280000	<b>Fungi, mosses and lichens</b>	0,01 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	<b>Algae and prokaryotes organisms</b>	0,01 (*)
0300000	<b>PULSES</b>	<b>0,01</b> (*)
0300010	Beans	
0300020	Lentils	



(1)	(2)	(3)
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	<b>OILSEEDS AND OIL FRUITS</b>	<b>0,01 (*)</b>
0401000	<b>Oilseeds</b>	
0401010	Linseeds	
0401020	Peanuts/groundnuts	
0401030	Poppy seeds	
0401040	Sesame seeds	
0401050	Sunflower seeds	
0401060	Rapeseeds/canola seeds	
0401070	Soyabeans	
0401080	Mustard seeds	
0401090	Cotton seeds	
0401100	Pumpkin seeds	
0401110	Safflower seeds	
0401120	Borage seeds	
0401130	Gold of pleasure seeds	
0401140	Hemp seeds	
0401150	Castor beans	
0401990	Others (2)	
0402000	<b>Oil fruits</b>	
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others (2)	
0500000	<b>CEREALS</b>	<b>0,01 (*)</b>
0500010	Barley	
0500020	Buckwheat and other pseudocereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	
0500050	Oat	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat	
0500990	Others (2)	
0600000	<b>TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS</b>	<b>0,05 (*)</b>
0610000	<b>Teas</b>	
0620000	<b>Coffee beans</b>	
0630000	<b>Herbal infusions from</b>	
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	

(1)	(2)	(3)
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) <i>leaves and herbs</i>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	
0633000	(c) <i>roots</i>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) <i>any other parts of the plant</i>	
0640000	<b>Cocoa beans</b>	
0650000	<b>Carobs/Saint John's breads</b>	
0700000	<b>HOPS</b>	0,05 (*)
0800000	<b>SPICES</b>	<b>0,05 (*)</b>
0810000	<b>Seed spices</b>	
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others (2)	
0820000	<b>Fruit spices</b>	
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others (2)	
0830000	<b>Bark spices</b>	
0830010	Cinnamon	
0830990	Others (2)	

(1)	(2)	(3)
0840000	<b>Root and rhizome spices</b>	
0840010	Liquorice	
0840020	Ginger (10)	
0840030	Turmeric/curcuma	
0840040	Horseradish (11)	
0840990	Others (2)	
0850000	<b>Bud spices</b>	
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	<b>Flower pistil spices</b>	
0860010	Saffron	
0860990	Others (2)	
0870000	<b>Aril spices</b>	
0870010	Mace	
0870990	Others (2)	
0900000	<b>SUGAR PLANTS</b>	<b>0,01 (*)</b>
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others (2)	
1000000	<b>PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS</b>	
1010000	<b>Commodities from</b>	<b>0,01 (*)</b>
1011000	(a) <i>swine</i>	
1011010	Muscle	
1011020	Fat	
1011030	Liver	
1011040	Kidney	
1011050	Edible offals (other than liver and kidney)	
1011990	Others (2)	
1012000	(b) <i>bovine</i>	
1012010	Muscle	
1012020	Fat	
1012030	Liver	
1012040	Kidney	
1012050	Edible offals (other than liver and kidney)	
1012990	Others (2)	
1013000	(c) <i>sheep</i>	
1013010	Muscle	
1013020	Fat	
1013030	Liver	

(1)	(2)	(3)
1013040	Kidney	
1013050	Edible offals (other than liver and kidney)	
1013990	Others (2)	
1014000	(d) <i>goat</i>	
1014010	Muscle	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offals (other than liver and kidney)	
1014990	Others (2)	
1015000	(e) <i>equine</i>	
1015010	Muscle	
1015020	Fat	
1015030	Liver	
1015040	Kidney	
1015050	Edible offals (other than liver and kidney)	
1015990	Others (2)	
1016000	(f) <i>poultry</i>	
1016010	Muscle	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others (2)	
1017000	(g) <i>other farmed terrestrial animals</i>	
1017010	Muscle	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offals (other than liver and kidney)	
1017990	Others (2)	
1020000	<b>Milk</b>	<b>0,01 (*)</b>
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others (2)	
1030000	<b>Birds eggs</b>	<b>0,01 (*)</b>
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	

(1)	(2)	(3)
1040000	<b>Honey and other apiculture products (7)</b>	0,05 (*)
1050000	<b>Amphibians and Reptiles</b>	0,01 (*)
1060000	<b>Terrestrial invertebrate animals</b>	0,01 (*)
1070000	<b>Wild terrestrial vertebrate animals</b>	0,01 (*)
1100000	<b>PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)</b>	
1200000	<b>PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)</b>	
1300000	<b>PROCESSED FOOD PRODUCTS (9)</b>	

(\*) Limit of analytical determination

(<sup>a</sup>) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

**Iprodione (R)**

(R) = The residue definition differs for the following combinations pesticide-code number:

Iprodione - code 1000000 except 1040000: Sum of iprodione and all metabolites containing the 3,5-dichloroaniline moiety, expressed as iprodione'

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/39****of 10 January 2019****amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 <sup>(1)</sup>, and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

- (1) Annex III to Commission Regulation (EC) No 1235/2008 <sup>(2)</sup> sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.
- (2) According to information provided by Australia, the name and the internet address of its competent authority have changed.
- (3) According to information provided by Canada, the internet addresses of the control bodies 'Oregon Tilth Incorporated' and 'TransCanada Organic Certification Services' have changed. Furthermore, the recognition of the control body 'Organic Certifiers' has been withdrawn.
- (4) According to information provided by India, the name of its competent authority has changed.
- (5) According to information provided by Japan, the recognition of the control bodies 'Japan Eco-system Farming Association' and 'The Mushroom Research Institute of Japan' have been withdrawn.
- (6) According to information provided by New Zealand, the name of the control body 'BioGro New Zealand' and the internet addresses of all control bodies have changed.
- (7) According to information provided by the Republic of Korea, the internet addresses of the control bodies 'Jeonnam bioindustry foundation' and 'Green Environmentally- Friendly certification center' have changed. Furthermore, the recognition of the control body 'Controlunion' has been withdrawn.
- (8) According to information provided by Switzerland, the name and the internet address of the control body 'IMOswiss AG' have changed.
- (9) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control authorities and control bodies competent to carry out controls and issue certificates in third countries for the purpose of equivalence.
- (10) The Commission has received and examined a request from 'Agricert- Certificação de Produtos Alimentares lda' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Egypt, Guinea and Mozambique.
- (11) The Commission has received and examined a request from 'Albinspekt' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, B and D to Armenia, Bosnia and Herzegovina, Montenegro, the former Yugoslav Republic of Macedonia and Serbia, and for product category B to Iran, Kazakhstan Moldova, Turkey and Ukraine.

<sup>(1)</sup> OJ L 189, 20.7.2007, p. 1.<sup>(2)</sup> Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

- (12) The Commission has received and examined a request from 'Bioagricert- S.r.l.' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, D and E to Kazakhstan, for product category B to French Polynesia and for product categories A and D to the Philippines.
- (13) The Commission has received and examined a request from 'Bio.inspecta AG' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Algeria, Cambodia, Chad and Tunisia.
- (14) On 6 September 2018, IOAS an accreditation body in the field of organic production, informed the Commission of its decision to withdraw the accreditation of 'Bolicert Ltd' due to the failure of that control body to resolve non-compliances within the maximum number of submission periods allowed under IOAS' assessment procedure. Furthermore, the audit carried out by the Commission at 'Bolicert Ltd' in Bolivia in May 2017 revealed shortcomings in the organic production standard and control measures. In view of this situation, the Commission requested 'Bolicert Ltd' to provide a valid accreditation certificate and to take adequate measures to address the shortcomings. Taking into account that 'Bolicert Ltd' failed to take appropriate and timely remedial action to address the shortcomings and to provide the Commission with a valid accreditation certificate, the Commission has decided, in accordance with Article 12(2)(d), (e) and (f) of Regulation (EC) No 1235/2008, to withdraw 'Bolicert Ltd' from the list of control bodies and control authorities for the purpose of equivalence.
- (15) The Commission has received and examined a request from 'Ecocert SA' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Lebanon, for product category B to Haiti, Moldova and Tanzania, for product category E to Sri Lanka and for product category F to Kenya. In addition, it appears that its recognition for product category C needs to be withdrawn in respect of Brunei, Chile, China, Ecuador, Hong Kong, Honduras, India, Japan, the Republic of Korea, Morocco, Monaco, Madagascar, Mozambique, Peru, Thailand, Tunisia, Turkey, the United States and Vietnam.
- (16) The Commission requested 'Ekoagros' to provide additional information on the activities covered in their annual report in accordance with Article 12(1)(b) of Regulation (EC) No 1235/2008. In particular, 'Ekoagros' was requested to provide information on how the non-conformities of the operators taken over from other control bodies in Ukraine have been addressed in accordance with Article 92 of Commission Regulation (EC) No 889/2008 <sup>(3)</sup>. Moreover, Ekoagros was asked to explain how the additional controls for certain products originating in Ukraine, Kazakhstan and Russia have been implemented. 'Ekoagros' failed to provide satisfactory replies to the Commission. Therefore, the entry of 'Ekoagros' for Ukraine in Annex IV to Regulation (EC) No 1235/2008 should be suspended until satisfactory information is provided.
- (17) The Commission has received and examined a request from 'IBD Certificações Ltda' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, D and E to Russia and to withdraw its recognition for product category C for Brazil.
- (18) The Commission has received and examined a request from 'Letis S.A' to change its address and to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Uzbekistan, for product categories A and D to Azerbaijan, Belarus, Egypt, Côte d'Ivoire, Kyrgyzstan, Morocco, Turkmenistan and the United Arab Emirates, for product categories B and C to Costa Rica, and for product categories A, B, C and D to Belize, Brazil, Colombia, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador.
- (19) The Commission has received a request from 'Oregon Tilth' to withdraw its recognition for China.
- (20) The Commission has received and examined a request from 'Organic Control System' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, D and E to the former Yugoslav Republic of Macedonia.
- (21) The Commission has received a request from 'ORSER' to withdraw its recognition for Nepal.
- (22) 'Soil Association Certification Limited' has notified the Commission of the change of its address.

<sup>(3)</sup> Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250 18.9.2008, p. 1).

- (23) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended accordingly.
- (24) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1235/2008 is amended as follows:

- (1) Annex III is amended in accordance with Annex I to this Regulation;
- (2) Annex IV is amended in accordance with Annex II to this Regulation.

*Article 2*

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

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

Done at Brussels, 10 January 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

(1) in the entry relating to **Australia**, point 4 is replaced by the following:

'4. Competent authority: Department of Agriculture and Water Resources,  
<http://www.agriculture.gov.au/export/controlled-goods/organic-bio-dynamic>';

(2) in the entry relating to **Canada**, point 5 is amended as follows:

(a) the rows relating to code numbers CA-ORG-011 and CA-ORG-021 are replaced by the following:

'CA-ORG-011	Oregon Tilth Incorporated (OTCO)	<a href="http://www.tilth.org">http://www.tilth.org</a>
CA-ORG-021	TransCanada Organic Certification Services (TCO Cert)	<a href="http://www.tcocert.ca/contacts/">http://www.tcocert.ca/contacts/</a>

(b) the row relating to code number CA-ORG-012 is deleted;

(3) in the entry relating to **India**, point 4 is replaced by the following:

'4. Competent authority: Agricultural and Processed Food Products Export Development Authority APEDA,  
<http://www.apeda.gov.in/apedawebsite/index.asp>';

(4) in the entry relating to **Japan**, the rows relating to JP-BIO-019 and JP-BIO-33 are deleted;

(5) in the entry relating to **New Zealand**, point 5 is replaced by the following:

'5. Control bodies:

NZ-BIO-001	Ministry for Primary Industries (MPI)	<a href="http://www.mpi.govt.nz/exporting/food/organics/">http://www.mpi.govt.nz/exporting/food/organics/</a>
NZ-BIO-002	AsureQuality Limited	<a href="https://www.asurequality.com">https://www.asurequality.com</a>
NZ-BIO-003	BioGro New Zealand Limited	<a href="https://www.biogro.co.nz">https://www.biogro.co.nz</a>

(6) in the entry relating to the **Republic of Korea**, point 5 is amended as follows:

(a) the rows relating to code numbers KR-ORG-017 and KR-ORG-020 are replaced by the following:

'KR-ORG-017	Jeonnam bioindustry foundation	<a href="http://www.jbf.kr">www.jbf.kr</a>
KR-ORG-020	Green Environmentally-Friendly certification center	<a href="http://cafe.naver.com/greenorganic6279">http://cafe.naver.com/greenorganic6279</a>

(b) the row relating to code number KR-ORG-018 is deleted;

(7) in the entry relating to **Switzerland**, in point 5, the row relating to code number CH-BIO-004 is replaced by the following:

'CH-BIO-004	Ecocert IMOSwiss AG	<a href="http://www.ecocert-imo.ch">http://www.ecocert-imo.ch</a>
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## ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is amended as follows:

- (1) in the entry relating to '**Agricert — Certificação de Produtos Alimentares lda**', in point 3, the following rows are inserted in the order of the code numbers:

'EG-BIO-172	Egypt	x	—	—	x	—	—
GN-BIO-172	Guinea	x	—	—	x	—	—
MZ-BIO-172	Mozambique	x	—	—	x	—	—'

- (2) in the entry relating to '**Albinspekt**', in point 3, the following rows are inserted in the order of the code numbers:

'AM-BIO-139	Armenia	x	x	—	x	—	—
BA-BIO-139	Bosnia and Herzegovina	x	x	—	x	—	—
IR-BIO-139	Iran	—	x	—	—	—	—
KZ-BIO-139	Kazakhstan	—	x	—	—	—	—
MD-BIO-139	Moldova	—	x	—	—	—	—
ME-BIO-139	Montenegro	x	x	—	x	—	—
MK-BIO-139	the former Yugoslav Republic of Macedonia	x	x	—	x	—	—
RS-BIO-139	Serbia	x	x	—	x	—	—
TR-BIO-139	Turkey	—	x	—	—	—	—
UA-BIO-139	Ukraine	—	x	—	—	—	—'

- (3) in the entry relating to '**Bioagricert S.r.l.**', point 3 is amended as follows:

- (a) the following rows are inserted in the order of the code numbers:

'KZ-BIO-132	Kazakhstan	x	—	—	x	x	—
PH-BIO-132	Philippines	x	—	—	x	—	—'

- (b) in the row relating to French Polynesia, a cross is added in column B;

- (4) in the entry relating to '**Bio.inspecta AG**', in point 3, the following rows are inserted in the order of the code numbers:

'DZ-BIO-161	Algeria	x	—	—	x	—	—
KH-BIO-161	Cambodia	x	—	—	x	—	—
TD-BIO-161	Chad	x	—	—	x	—	—
TN-BIO-161	Tunisia	x	—	—	x	—	—'

- (5) the entry relating to '**Bolicert Ltd**' is deleted;

- (6) in the entry relating to '**Ecocert SA**', point 3 is amended as follows:

- (a) the following row is inserted in the order of the code numbers:

'LB-BIO-154	Lebanon	x	—	—	x	—	—'
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- (b) in the rows relating to Haiti, Moldova and Tanzania, a cross is added in column B;
- (c) in the rows relating to Chile, China, Ecuador, Hong Kong, Honduras, India, Japan, the Republic of Korea, Morocco, Monaco, Madagascar, Mozambique, Peru, Thailand, Tunisia, Turkey and Vietnam, the cross in column C is deleted;
- (d) in the row relating to Sri Lanka, a cross is added in column E;
- (e) in the row relating to Kenya, a cross is added in column F;
- (f) the rows relating to Brunei and the United States are deleted;
- (7) in the entry relating to '**Ekoagros**', in point 3, the row relating to Ukraine is deleted;
- (8) in the entry relating to '**IBD Certificações Ltda**', point 3 is amended as follows:
- (a) the following row is inserted in the order of the code numbers

'RU-BIO-122	Russia	x	—	—	x	x	—'
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- (b) in the row relating to Brazil, the cross in column C is deleted;
- (9) the entry relating to '**Letis SA**' is amended as follows:
- (a) point 1 is replaced by the following:
- '1. Address: Urquiza 1285 planta alta, Rosario, Santa Fe, Argentina';
- (b) in point 3, the following rows are inserted in the order of the code numbers:

'AZ-BIO-135	Azerbaijan	x	—	—	x	—	—
BY-BIO-135	Belarus	x	—	—	x	—	—
BZ-BIO-135	Belize	x	x	x	x	—	—
BR-BIO-135	Brazil	x	x	x	x	—	—
CI-BIO-135	Côte d'Ivoire	x	—	—	x	—	—
CO-BIO-135	Colombia	x	x	x	x	—	—
CR-BIO-135	Costa Rica	—	x	x	—	—	—
DO-BIO-135	Dominican Republic	x	x	x	x	—	—
EG-BIO-135	Egypt	x	—	—	x	—	—
GT-BIO-135	Guatemala	x	x	x	x	—	—
HN-BIO-135	Honduras	x	x	x	x	—	—
KG-BIO-135	Kyrgyzstan	x	—	—	x	—	—
MA-BIO-135	Morocco	x	—	—	x	—	—
PA-BIO-135	Panama	x	x	x	x	—	—
SV-BIO-135	El Salvador	x	x	x	x	—	—
TM-BIO-135	Turkmenistan	x	—	—	x	—	—
AE-BIO-135	United Arab Emirates	x	—	—	x	—	—
VN-BIO-135	Uzbekistan	x	—	—	—	—	—'

- (10) in the entry relating to '**Oregon Tilth**', in point 3, the row relating to China is deleted;
- (11) in the entry relating to '**Organic Control System**', in point 3, the following row is inserted in the order of the code numbers

MK-BIO-162	the former Yugoslav Republic of Macedonia	x	—	—	x	x	—
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- (12) in the entry relating to '**ORSER**', the row relating to Nepal is deleted;
- (13) in the entry relating to '**Soil Association Certification Limited**', point 1 is replaced by the following:
- '1. Address: Spear House 51 Victoria Street, Bristol BS1 6AD, United Kingdom'.
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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/40****of 10 January 2019****on the minimum selling price for skimmed milk powder for the 30th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

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 <sup>(1)</sup>,Having regard to Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage <sup>(2)</sup>, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 <sup>(3)</sup> has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 30th partial invitation to tender, a minimum selling price should be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 30th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 8 January 2019, the minimum selling price shall be 155,40 EUR/100 kg.

*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, 10 January 2019.

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

*Directorate-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 206, 30.7.2016, p. 71.

<sup>(3)</sup> Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

# DECISIONS

## COUNCIL DECISION (EU) 2019/41

of 3 December 2018

**on the position to be taken, on behalf of the European Union, within the Association Committee established by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards an amendment to Protocol 3 to that Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part <sup>(1)</sup> ('the Agreement') entered into force on 1 May 2002. Pursuant to Article 89 of the Agreement, an Association Council was established to examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.
- (2) Pursuant to Article 92 of the Agreement, an Association Committee was established which shall be responsible for the implementation of the Agreement and to which the Association Council may delegate, in full or in part, any of its powers.
- (3) Pursuant to Article 94(1) of the Agreement, the Association Committee is to have the power to take decisions for the management of the Agreement as well as in areas where the Association Council has delegated its powers to it.
- (4) Pursuant to Article 2 of Council and Commission Decision 2002/357/EC, ECSC <sup>(2)</sup>, the position to be taken by the Union within the Association Committee shall be laid down by the Council, on a proposal by the Commission.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the EU-Jordan Association Committee, as the Decision of the Association Committee amending the provisions of Protocol 3 to the Agreement, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of the Hashemite Kingdom of Jordan ('Jordan'), and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status, will be binding on the Union.
- (6) Pursuant to Article 39 of Protocol 3 to the Agreement, as amended by Decision No 1/2006 of the EU-Jordan Association Council <sup>(3)</sup>, the Association Committee may decide to amend the provisions of that Protocol.
- (7) Pursuant to the Protocol 3 to the Agreement, as amended by Decision No 1/2016 concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status, Jordan submitted proposals for further relaxation of the scheme introduced by Decision No 1/2016.

<sup>(1)</sup> OJ L 129, 15.5.2002, p. 3.

<sup>(2)</sup> Council and Commission Decision 2002/357/EC, ECSC of 26 March 2002 on the conclusion of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (OJ L 129, 15.5.2002, p. 1).

<sup>(3)</sup> Decision No 1/2006 of the EU-Jordan Association Council of 15 June 2006 amending Protocol 3 to the Euro-Mediterranean Agreement, concerning the definition of the concept of originating products and methods of administrative cooperation (OJ L 209, 31.7.2006, p. 30).

- (8) As a result of the examination of Jordan's request, the Council, on behalf of the Union, considers it justified to agree on additional flexibilities of the rules of origin scheme, notably as concerns abandoning the zone requirement, setting a requirement for the Syrian workforce at the level of 15 % of total workforce throughout the scheme for each production facility, and extending the validity of the scheme until 31 December 2030.
- (9) The Annex to the Decision of the Association Committee attached to this Decision ('the Decision of the Association Committee') should apply until 31 December 2030.
- (10) The achievement by Jordan of its objective of creating at least 60 000 legal and active job opportunities, in particular corresponding to active work permits or other measurable means corresponding to legal and active employment determined by the Association Committee, for Syrian refugees would also represent a significant milestone in respect of the implementation of the Decision of the Association Committee. Accordingly, when this objective is achieved, the Union and Jordan should, also taking into account the modernisation of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin, extend the coverage of the Decision of the Association Committee to include all production in Jordan of products covered by that Decision without the requirement to satisfy the specific conditions set out in Article 1(1)(b) of the Annex to the Decision of the Association Committee.
- (11) If the objective of creating a total number of at least 60 000 legal and active job opportunities, in particular corresponding to active work permits or other measurable means corresponding to legal and active employment determined by the Association Committee, for Syrian refugees is not achieved, the specific conditions set out in Article 1(1)(b) of the Annex to the Decision of the Association Committee should apply.
- (12) The application of the Annex to the Decision of the Association Committee should be accompanied by appropriate monitoring and reporting obligations and may be suspended if the conditions for its application are no longer fulfilled or if the conditions for safeguard measures are met,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted on behalf of the Union within the EU-Jordan Association Committee established by Article 92 of the Agreement, as regards the amendment of Protocol 3 to that Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation, shall be based on the draft Decision of the Association Committee, attached to this Decision.

*Article 2*

After its adoption, the Decision of the Association Committee shall be published in the *Official Journal of the European Union*.

*Article 3*

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

Done at Brussels, 3 December 2018.

*For the Council*  
*The President*  
N. HOFER

DRAFT

**DECISION No .../... OF THE EU-JORDAN ASSOCIATION COMMITTEE****of ...**

**amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of the Hashemite Kingdom of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status**

THE EU-JORDAN ASSOCIATION COMMITTEE,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, (the 'Agreement'), and in particular Article 94 of the Agreement and Article 39 of Protocol 3 to the Agreement,

Whereas:

- (1) Since the entry into force of Decision No 1/2016 of the EU-Jordan Association Committee <sup>(1)</sup> until March 2018, eleven companies registered to benefit from the relaxed rules of origin scheme.
- (2) Between January 2016 and October 2018, the Hashemite Kingdom of Jordan ('Jordan') issued over 120 000 work permits to Syrian refugees, of which approximately 42 000 were active work permits during the third quarter of 2018.
- (3) In December 2017, Jordan presented the first annual report on the implementation of Decision No 1/2016, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status.
- (4) Following the findings of the report, Jordan made a request to review Decision No 1/2016 and to introduce additional flexibilities. The Union considered that certain improvements of the scheme shall further contribute to a higher employment of Syrian refugees, as well as of Jordanians.
- (5) The further revision of requirements applicable to economic operators that wish to benefit from the rules of origin scheme would be subject to certain conditions with a view to ensuring that the benefits go hand in hand with the Jordanian efforts of employing Syrian refugees.
- (6) The Annex to this Decision applies to goods produced in production facilities located in Jordan and aims at contributing to the generation of employment for Syrian refugees and for the Jordanian population.
- (7) The objective of this amendment is to improve the original initiative in order to improve the effects of the scheme on the Jordanian economy and to contribute to increasing the number of Syrian refugees legally employed in Jordan, as well as Jordanians.
- (8) There should be a possibility of temporarily suspending the application of the Annex to this Decision, if the conditions set out in Article 1(1), (2) and (3) of the Annex to this Decision are not met.

<sup>(1)</sup> Decision No 1/2016 of the EU-Jordan Association Committee of 19 July 2016 amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association 'between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in dedicated development zones and industrial areas, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status [2016/1436] (OJ L 233, 30.8.2016, p. 6).



- (9) There should also be a possibility of temporarily suspending the application of the Annex to this Decision with respect to any of the products listed in Article 2 of the Annex to this Decision imported in such increased quantities and under such conditions as to cause, or threaten to cause, serious injuries to Union producers of like or directly competing products in all or part of the territory of the Union or serious disturbances in any sector of the economy of the Union, in accordance with Articles 24 and 26 of the Agreement.
- (10) This Decision should be valid for a limited period sufficient to provide an incentive for additional investment and employment generation and should therefore expire on 31 December 2030.
- (11) The achievement by Jordan of its objective of creating at least 60 000 legal and active job opportunities, in particular corresponding to active work permits or other measurable means corresponding to legal and active employment determined by the Association Committee, for Syrian refugees would also represent a significant milestone. Accordingly, when this objective is achieved, the Union and Jordan should, also taking into account the modernisation of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin, extend the coverage of this Decision to include all production in Jordan of products covered by this Decision without the need to satisfy the specific conditions set out in Article 1(1)(b) of the Annex to this Decision.
- (12) If the objective of creating at least 60 000 legal and active job opportunities, in particular corresponding to active work permits or other measurable means corresponding to legal and active employment determined by the Association Committee, for Syrian refugees is not achieved, the specific conditions set out in Article 1(1)(b) of the Annex to this Decision should apply.
- (13) Jordan will develop a clear and stable legal framework for decent employment of Syrian refugees. Specifically, Jordan will continue to expand the sectors and occupations open to refugees, mainly at technical level, with a particular focus on women's participation. In implementing the National Empowerment and Employment Programme (NEEP) and in calculating the participation of non-Jordanians working across multiple sectors, Jordan will exempt refugees from possible reductions in the percentage of non-Jordanians. Jordan will also ensure that the cost of obtaining the right to work for Syrian refugees is permanently waived.
- (14) Jordan will, with assistance from the EU where appropriate, ensure a clear framework for the set-up of joint ventures between Jordanians and third-country nationals, including Syrian refugees, focusing particularly on women, ensuring that the rights of both parties are upheld, that ownership is clarified and that access to finance is facilitated.
- (15) Jordan will take necessary steps towards facilitating investment and improving the overall business climate. To that end, Jordan will adopt and implement an action plan in close consultation with the European Union. In particular, Jordan will create stronger synergies between public sector entities, the private sector and donors, in an effort to improve the business environment and attract investment. To complement this action, the international community will provide firm-level assistance and programmes, aimed at increasing the export capability of Jordanian firms in sectors where the country has a competitive advantage in the global market.
- (16) Jordan will ensure regulatory predictability, with the aim of reducing red tape and costs for investors. This includes the development of incentives for business formalisation, streamlining the process for company registration, adopting a stable legal infrastructure for insolvency, corporate taxation, bank lending, as well as developing non-bank financial institutions, and reducing the administrative burden for companies requiring an export license.
- (17) Jordan will organise a Business and Investors' Conference in Jordan in due time to showcase the reformed scheme that was initially supposed to take place in autumn 2017 in Jordan.
- (18) Jordan supports the modernisation of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin with the aim of improving market access conditions for Jordanian exports in the European Union and to expand regional trade and economic integration,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. Annex II(a) to Protocol 3 to the Agreement, containing the conditions for application and the list of working or processing required to be carried out on non-originating materials in order for the product manufactured in Jordan connected with the additional employment of Syrian refugees to obtain originating status, is hereby replaced by a new version of Annex II(a) to Protocol 3 to the Agreement, contained in the Annex to this Decision.

2. Annex II(a) to Protocol 3 to the Agreement shall apply until 31 December 2030.

*Article 2*

The Annex shall form an integral part of this Decision.

*Article 3*

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

Done at [Amman][Brussels], [x/x/]2018

*For the EU-Jordan Association Committee  
The President*

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## ANNEX

## 'ANNEX II(a)

ADDENDUM TO THE LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER FOR THE PRODUCT MANUFACTURED TO OBTAIN ORIGINATING STATUS

*Article 1***Common provisions****A. Definition of origin**

1. For the products listed in Article 2, the following rules may also apply instead of the rules set out in Annex II of Protocol 3 provided that such products respect the following conditions:
  - (a) the required working or processing to be carried out on non-originating materials in order for such products to obtain originating status takes place in production facilities located in the territory of Jordan; and
  - (b) the total work force of each production facility located in the territory of Jordan where such products are worked or processed contains a proportion of Syrian refugees equivalent to at least 15 % (calculated individually for each production facility).
2. The relevant proportion pursuant to subparagraph 1(b) shall be calculated at any point after the entry into force of this Annex and on an annual basis thereafter taking into account the number of Syrian refugees who are employed in formal and decent jobs and on a Full-Time Equivalent basis, and who have received a work permit valid for a minimum period of 12 months under the applicable legislation of Jordan.
3. The competent authorities of Jordan shall monitor that the eligible production facilities comply with the conditions set out in paragraph 1, shall grant to production facilities fulfilling such conditions an authorisation number and shall promptly withdraw such authorisation number where the production facilities no longer fulfil such conditions.

**B. Proof of origin**

4. A proof of origin made out pursuant to this Annex shall contain the following statement in English: 'Derogation – Annex II(a) of Protocol 3 – authorisation number granted by the competent authorities of Jordan'.

**C. Administrative cooperation**

5. When, in accordance with Article 33(5) of this Protocol, as amended by Decision No 1/2006 of the EU-Jordan Association Council <sup>(1)</sup>, the customs authorities of Jordan inform the European Commission or the requesting customs authorities of the Member States of the European Union (the 'Member States') of the results of the verification, they shall specify that the products listed in Article 2 fulfil the conditions set out in paragraph 1.
6. Where the verification procedure or any other available information appears to indicate that the conditions set out in paragraph 1 are not fulfilled, Jordan shall, on its own initiative or at the request of the European Commission or the customs authorities of the Member States, carry out appropriate inquiries or arrange for such inquiries to be carried out with due urgency to identify and prevent such violations. For that purpose, the European Commission or the customs authorities of the Member States may participate in the inquiries.

**D. Report, monitoring and review**

7. Each year after the entry into force of this Annex, Jordan shall submit a report to the European Commission on the operation and effects of this Annex, including production and export statistics at 8 digit level or the highest level of detail available for the products covered by the scheme. Jordan shall also submit a list identifying the production facilities in Jordan and specifying the percentage of Syrian refugees employed in each individual production facility on a year-by-year basis. Jordan shall also report, on a quarterly basis, on the overall number of active work permits or other measurable means corresponding to legal and active employment determined by

<sup>(1)</sup> Decision No 1/2006 of the EU-Jordan Association Council of 15 June 2006 amending Protocol 3 to the Euro-Mediterranean Agreement, concerning the definition of the concept of originating products and methods of administrative cooperation (OJ L 209, 31.7.2006, p. 30).

the Association Committee. The Parties shall jointly review such reports and any issues relating to the implementation and monitoring of this Annex within the bodies established by the Association Agreement and in particular in the Sub-Committee on Industry, Trade and Services. The Parties shall also ensure the involvement of relevant international organisations, such as the International Labour Organisation and the World Bank, in the monitoring process.

8. Once Jordan achieves its target of facilitating a greater participation of Syrian refugees in the formal labour market by issuing at least 60 000 active work permits, or other measurable means corresponding to legal and active employment determined by the Association Committee, to Syrian refugees, the Parties shall apply the provisions of this Annex to all products covered by this Annex without the requirement to comply with the specific conditions set out in subparagraph 1(b).
  9. If the Union considers that there is insufficient evidence of Jordan complying with the conditions set out in paragraph 8, the Union may refer the matter to the Association Committee. If the Association Committee fails to declare within 90 days of the referral of the matter that the conditions set out in paragraph 8 are met or to amend this Annex, the Union may decide that the specific conditions set out in subparagraph 1(b) shall apply.
- E. *Temporary suspension*
10. (a) Without prejudice to paragraphs 8 and 9, the Union may, if it considers that there is insufficient evidence of Jordan or any specific production facility complying with the conditions set out in paragraphs 1, 2 and 3, refer the matter to the Association Committee. That referral shall identify whether the failure to comply with the conditions set out in paragraph 1 is attributable to Jordan or any specific production facility.
  - (b) If the Association Committee fails to declare within 90 days of the referral of the matter that the conditions set out in paragraph 1 are met or to amend this Annex, the application of this Annex shall be suspended. The extent of the suspension shall be that identified in the referral of the Union to the Association Committee.
  - (c) The Association Committee may also decide to extend the 90-day period. In that case, the suspension shall take effect where the Association Council has failed to take any of the actions identified in point (b) within the extended period of time.
  - (d) The application of this Annex may resume if the Association Committee so decides.
  - (e) In case of a suspension, this Annex shall continue to apply for a period of four months in relation to products which are, on the date of temporary suspension of the Annex, either in transit or in temporary storage in customs warehouses or in free zones in the Union, and for which a proof of origin was properly made out in accordance with the provisions of this Annex prior to the date of temporary suspension.
- F. *Safeguard mechanism*
11. Where a product listed in Article 2 benefiting from the application of this Annex is imported in such increased quantities and under such conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competitive products in all or part of the territory of the Union or serious disturbances in any sector of the economy of the Union, in accordance with Articles 24 and 26 of the Agreement, the Union may refer the matter for examination to the Association Committee. If within 90 days of the matter being referred to it, the Association Committee fails to adopt a decision putting an end to such serious injury or threat thereof or serious disturbances or if no other satisfactory solution has been reached, the application of this Annex shall be suspended with respect to that product, until the Association Committee adopts a decision declaring that they have ended or until a satisfactory solution has been reached by the Parties and is notified to the Association Committee.
- G. *Entry into force and application*
12. This Annex shall apply from the day of entry into force of the Association Committee decision to which it is attached and shall apply until 31 December 2030.

#### Article 2

#### **List of products and of required working and processing**

The list of products to which this Annex applies and the rules of working and processing that may be applied as an alternative to those listed in Annex II are set out below.

Annex I to Protocol 3 of the Agreement containing the introductory notes to the list in Annex II to Protocol 3 of the Agreement applies *mutatis mutandis* to the list below, subject to the following amendments:

In Note 5.2, the following basic materials are added in the second paragraph:

- glass fibres;
- metal fibres.

In Note 7.3, the text is replaced by the following:

For the purposes of headings ex 2707 and 2713, simple operations, such as cleaning, decanting, desalting, water-separation, filtering, colouring, marking, obtaining a sulphur-content as a result of mixing products with different sulphur-contents, or any combination of these operations or like operations, do not confer origin.

ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	Manufacture from materials of any heading, except that of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia.	Manufacture from materials of any heading, except that of the product. However, natural magnesium carbonate (magnesite) may be used.
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except for:	Manufacture from materials of any heading, except that of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels.	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations; waste oils.	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
2711	Petroleum gases and other gaseous hydrocarbons.	Operations of refining and/or one or more specific process(es) or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.

2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured.	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials.	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2811	Sulphur trioxide; and	Manufacture from sulphur dioxide or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2840	Sodium perborate;	Manufacture from disodium tetraborate pentahydrate or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
2843	Colloidal precious metals; inorganic or organic compounds of precious metals, whether or not chemically defined; amalgams of precious metals	Manufacture from materials of any heading, including other materials of heading 2843.
ex 2852	— Mercury compounds of internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
	— Mercury compounds of nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds.	Manufacture from materials of any heading. However, the value of all the materials of headings 2852, 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.

ex Chapter 29	Organic chemicals; except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.</p>
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol; except for:	<p>Manufacture from materials of any heading, including other materials of heading 2905. However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.</p>
2905 43; 2905 44; 2905 45	Mannitol; D-glucitol (sorbitol); Glycerol	<p>Manufacture from materials of any sub-heading, except that of the product. However, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2915 and 2916 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex 2932	— Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
	— Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>

2933	Heterocyclic compounds with nitrogen hetero-atom(s) only	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2932 and 2933 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
2934	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 31	Fertilisers	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex 3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils.	<p>Manufacture from materials of any heading, including materials of a different 'group' (?) in this heading. However, materials of the same group as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>



ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster, except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3404	Artificial waxes and prepared waxes: — With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax	Manufacture from materials of any heading
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes	Manufacture from materials of any heading, except that of the product, in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 37	Photographic or cinematographic goods	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 38	Miscellaneous chemical products; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3803	Refined tall oil	Refining of crude tall oil or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3806 30	Ester gums	Manufacture from resin acids or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3809 10	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included: With a basis of amylaceous substances	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols	Manufacture from materials of any heading, including other materials of heading 3823 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3824 60	Sorbitol other than that of sub-heading 2905 44	Manufacture from materials of any sub-heading, except that of the product and except materials of sub-heading 2905 44. However, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the exworks price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 39	Plastics and articles thereof; except for:	Manufacture from materials of any heading, except that of the product. or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3907	— Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS)	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product (*) or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
	— Polyester	Manufacture from materials of any heading, except that of the product or Manufacture from polycarbonate of tetrabromo-(bisphe-nol A) or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

ex 3920	Ionomer sheet or film	<p>Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralised with metal ions, mainly zinc and sodium</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex 3921	Foils of plastic, metallised	<p>Manufacture from highly-transparent polyester-foils with a thickness of less than 23 micron <sup>(5)</sup></p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex Chapter 40	Rubber and articles thereof; except for:	<p>Manufacture from materials of any heading, except that of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber:	
	— Retreaded pneumatic, solid or cushion tyres, of rubber	Retreading of used tyres
	— Other	<p>Manufacture from materials of any heading, except those of headings 4011 and 4012</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture from materials of any heading, except that of the product
4101 to 4103	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not dehaired or split; raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not with wool on or split, other than those excluded by note 1(c) to Chapter 41; other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1(b) or 1(c) to Chapter 41	Manufacture from materials of any heading

4104 to 4106	Tanned or crust hides and skins, without wool or hair on, whether or not split, but not further prepared	Re-tanning of tanned or pre-tanned hides and skins of sub-headings 4104 11, 4104 19, 4105 10, 4106 21, 4106 31 or 4106 91, or Manufacture from materials of any heading, except that of the product
4107, 4112, 4113	Leather further prepared after tanning or crusting	Manufacture from materials of any heading, except that of the product. However, materials of sub-headings 4104 41, 4104 49, 4105 30, 4106 22, 4106 32 and 4106 92 may be used only if a re-tanning operation of the tanned or crust hides and skins in the dry state takes place
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furrier's use), other than raw hides and skins of heading 4101, 4102 or 4103	Manufacture from materials of any heading
ex 4302	Tanned or dressed furskins, assembled:	
	— Plates, crosses and similar forms	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins
	— Other	Manufacture from non-assembled, tanned or dressed furskins
4303	Articles of apparel, clothing accessories and other articles of furskin	Manufacture from non-assembled tanned or dressed furskins of heading 4302
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or end-jointed	Planing, sanding or end-jointing

ex 4408	Sheets for veneering (including those obtained by slicing laminated wood) and for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or end-jointed	Splicing, planing, sanding or endjointing
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beading or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4418	— Builders' joinery and carpentry of wood	Manufacture from materials of any heading, except that of the product. However, cellular wood panels, shingles and shakes may be used
	— Beadings and mouldings	Beading or moulding
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading, except drawn wood of heading 4409
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture from materials of any heading, except that of the product
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
ex Chapter 52	Cotton; except for:	Manufacture from materials of any heading, except that of the product
5204 to 5207	Yarn and thread of cotton	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5208 to 5212	Woven fabrics of cotton:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product

ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture from materials of any heading, except that of the product
5306 to 5308	Yarn of other vegetable textile fibres; paper yarn	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn:	Weaving <sup>(6)</sup> Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
5401 to 5406	Yarn, monofilament and thread of man-made filaments	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres <sup>(6)</sup>
5407 and 5408	Woven fabrics of man-made filament yarn:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
5501 to 5507	Man-made staple fibres	Extrusion of man-made fibres
5508 to 5511	Yarn and sewing thread of man-made staple fibres	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5512 to 5516	Woven fabrics of man-made staple fibres:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
ex Chapter 56	Wadding, felt and non-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres or Flocking accompanied by dyeing or printing <sup>(6)</sup>
5602	Felt, whether or not impregnated, coated, covered or laminated:	
	— Needleloom felt	Extrusion of man-made fibres accompanied by fabric formation, However: — polypropylene filament of heading 5402, — polypropylene fibres of heading 5503 or 5506, or — polypropylene filament tow of heading 5501,

		of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product or Fabric formation alone in the case of felt made from natural fibres <sup>(6)</sup>
	— Other	Extrusion of man-made fibres accompanied by fabric formation, or Fabric formation alone in the case of other felt made from natural fibres <sup>(6)</sup>
5603	Nonwovens, whether or not impregnated, coated, covered or laminated	Any non-woven process including needle punching
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	
	— Rubber thread and cord, textile covered	Manufacture from rubber thread or cord, not textile covered
	Other	— Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres <sup>(6)</sup>
5605	Metallised yarn, whether or not gimped, being textile yarn, or strip or the like of heading 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres <sup>(6)</sup>
5606	Gimped yarn, and strip and the like of heading 5404 or 5405, gimped (other than those of heading 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn	Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres or Spinning accompanied with flocking or Flocking accompanied by dyeing <sup>(6)</sup>
Chapter 57	Carpets and other textile floor coverings:	Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving or Manufacture from coir yarn or sisal yarn or jute yarn or Flocking accompanied by dyeing or by printing or Tufting accompanied by dyeing or by printing Extrusion of man-made fibres accompanied by non-woven techniques including needle punching <sup>(6)</sup>

		<p>However:</p> <ul style="list-style-type: none"> <li>— polypropylene filament of heading 5402,</li> <li>— polypropylene fibres of heading 5503 or 5506, or</li> <li>— polypropylene filament tow of heading 5501,</li> </ul> <p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product</p> <p>Jute fabric may be used as a backing</p>
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for:	<p>Weaving <sup>(6)</sup></p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>
5805	Hand-woven tapestries of the types Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up	Manufacture from materials of any heading, except that of the product
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	<p>Weaving accompanied by dyeing or by flocking or by coating</p> <p>or</p> <p>Flocking accompanied by dyeing or printing</p>
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:	
	— Containing not more than 90 % by weight of textile materials	Weaving
	— Other	Extrusion of man-made fibres accompanied by weaving
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902	Weaving accompanied by dyeing or by coating



		<p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Weaving accompanied by dyeing or by coating <sup>(6)</sup>
5905	Textile wall coverings:	
	— Impregnated, coated, covered or laminated with rubber, plastics or other materials	Weaving accompanied by dyeing or by coating
	— Other	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p>or</p> <p>Weaving accompanied by dyeing or by coating</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product <sup>(6)</sup>:</p>
5906	Rubberised textile fabrics, other than those of heading 5902:	
	— Knitted or crocheted fabrics	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting</p> <p>or</p> <p>Knitting accompanied by dyeing or by coating</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting <sup>(6)</sup></p>
	— Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials	Extrusion of man-made fibres accompanied by weaving
	— Other	<p>Weaving accompanied by dyeing or by coating</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by weaving</p>
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	<p>Weaving accompanied by dyeing or by flocking or by coating</p> <p>or</p> <p>Flocking accompanied by dyeing or by printing</p>

		<p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated:	
	— Incandescent gas mantles, impregnated	Manufacture from tubular knitted gas-mantle fabric
	— Other	Manufacture from materials of any heading, except that of the product
5909 to 5911	Textile articles of a kind suitable for industrial use:	
	— Polishing discs or rings other than of felt of heading 5911	Weaving
	— Woven fabrics, of a kind commonly used in paper-making or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading 5911	Weaving <sup>(6)</sup>
	— Other	<p>Extrusion of man-made filament yarn or spinning of natural or man-made staple fibres, accompanied by weaving <sup>(6)</sup></p> <p>or</p> <p>Weaving accompanied by dyeing or coating</p>
Chapter 60	Knitted or crocheted fabrics	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting</p> <p>or</p> <p>Knitting accompanied by dyeing or by flocking or by coating</p> <p>or</p> <p>Flocking accompanied by dyeing or by printing</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting</p> <p>or</p> <p>Twisting or texturing accompanied by knitting provided that the value of the non-twisted/non-textured yarns used does not exceed 47,5 % of the ex-works price of the product</p>

Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted:	
	— Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form	Manufacture from fabric
	— Other	Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting (knitted to shape products) or Dyeing of yarn of natural fibres accompanied by knitting (knitted to shape products) <sup>(6)</sup>
ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except for:	Manufacture from fabric
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:	
	— Embroidered	Weaving accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(7)</sup> or Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product <sup>(6)</sup> <sup>(7)</sup>
	— Other	Weaving accompanied by making-up (including cutting) or Making-up followed by printing accompanied by at least two preparatory finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product <sup>(6)</sup> <sup>(7)</sup>
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212:	
	— Embroidered	Weaving accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(7)</sup>

	— Fire-resistant equipment of fabric covered with foil of aluminised polyester	Weaving accompanied by making-up (including cutting) or Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting) <sup>(7)</sup>
	— Interlinings for collars and cuffs, cut out	Manufacture from materials of any heading, except that of the product, and in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	Manufacture from materials of any heading, except that of the product
6301 to 6304	Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:	
	— Of felt, of nonwovens	Any non-woven process including needle punching accompanied by making up (including cutting)
	— Other:	
	— Embroidered	Weaving or knitting accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(7)</sup> <sup>(8)</sup>
	— Other	Weaving or knitting accompanied by making-up (including cutting)
6305	Sacks and bags, of a kind used for the packing of goods	Weaving or knitting and making-up (including cutting) <sup>(6)</sup>
6306	Tarpaulins, awnings and sun blinds; tents; sails for boats, sailboards or landcraft; camping goods:	
	— Of nonwovens	Any non-woven process including needle punching accompanied by making up (including cutting)
	— Other	Weaving accompanied by making-up (including cutting) <sup>(6)</sup> <sup>(7)</sup> or Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting)
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 25 % of the ex-works price of the set
ex Chapter 64	Footwear, gaiters and the like; parts of such articles; except for:	Manufacture from materials of any heading, except from assemblies of uppers affixed to inner soles or to other sole components of heading 6406
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable insoles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof	Manufacture from materials of any heading, except that of the product
Chapter 65	Headgear and parts thereof	Manufacture from materials of any heading, except that of the product
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
Chapter 69	Ceramic products	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 70	Glass and glassware, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
7006	Glass of heading 7003, 7004 or 7005, bent, edge-worked, engraved, drilled,	
	— Glass-plate substrates, coated with a dielectric thin film, and of a semiconductor grade in accordance with SEMII-standards <sup>(9)</sup>	Manufacture from non-coated glass-plate substrate of heading 7006
	— Other	Manufacture from materials of heading 7001

7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture from materials of any heading, except that of the product or Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018)	Manufacture from materials of any heading, except that of the product or Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product or Hand-decoration (except silk-screen printing) of hand-blown glassware, provided that the total value of the hand-blown glassware used does not exceed 50 % of the ex-works price of the product
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: uncoloured slivers, rovings, yarn or chopped strands, or glass wool
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
7106, 7108 and 7110	Precious metals:	
	— Unwrought	Manufacture from materials of any heading, except those of headings 7106, 7108 and 7110 or Electrolytic, thermal or chemical separation of precious metals of heading 7106, 7108 or 7110 or Fusion and/or alloying of precious metals of heading 7106, 7108 or 7110 with each other or with base metals
	Semi-manufactured or in powder form	Manufacture from unwrought precious metals
ex 7107, ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7115	Other articles of precious metal or of metal clad with precious metal	Manufacture from materials of any heading, except that of the product

7117	Imitation jewellery	Manufacture from materials of any heading, except that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided that the value of all the materials used does not exceed 50 % of the ex-works price of the product
ex Chapter 73	Articles of iron or steel; except for:	Manufacture from materials of any heading, except that of the product
ex 7301	Sheet piling	Manufacture from materials of heading 7207
7302	Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole pates (base plates), rail clips, bed-plates, ties and other material specialised for jointing or fixing rails	Manufacture from materials of heading 7206
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading 7206, 7207, 7208, 7209, 7210, 7211, 7212, 7218, 7219, 7220 or 7224
ex 7307	Tube or pipe fittings of stainless steel	Turning, drilling, reaming, threading, deburring and sandblasting of forged blanks, provided that the total value of the forged blanks used does not exceed 35 % of the ex-works price of the product
7308	Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture from materials of any heading, except that of the product. However, welded angles, shapes and sections of heading 7301 may not be used
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading 7315 used does not exceed 50 % of the ex-works price of the product
ex Chapter 74	Copper and articles thereof; except for:	Manufacture from materials of any heading, except that of the product
7403	Refined copper and copper alloys, unwrought	Manufacture from materials of any heading
ex Chapter 76	Aluminium and articles thereof; except for:	Manufacture from materials of any heading, except that of the product
7601	Unwrought aluminium	Manufacture from materials of any heading
7607	Aluminium foil (whether or not printed or backed with paper, paperboard, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0,2 mm	Manufacture from materials of any heading, except that of the product and heading 7606

ex Chapter 78	Lead and articles thereof, except for:	Manufacture from materials of any heading, except that of the product
7801	Unwrought lead:	
	— Refined lead	Manufacture from materials of any heading
	— Other	Manufacture from materials of any heading, except that of the product. However, waste and scrap of heading 7802 may not be used
Chapter 80	Tin and articles thereof	Manufacture from materials of any heading, except that of the product
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8206	Tools of two or more of the headings 8202 to 8205, put up in sets for retail sale	Manufacture from materials of any heading, except those of headings 8202 to 8205. However, tools of headings 8202 to 8205 may be incorporated into the set, provided that their total value does not exceed 15 % of the ex-works price of the set
8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 8208, and blades therefor	Manufacture from materials of any heading, except that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example; hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8302 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product



ex 8306	Statuettes and other ornaments, of base metal	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8306 may be used, provided that their total value does not exceed 30 % of the ex-works price of the product
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8401	Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8482	Ball or roller bearings	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8501, 8502	Electric motors and generators; Electric generating sets and rotary converters	Manufacture from materials of any heading, except that of the product and of heading 8503 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8513	Portable electric lamps designed to function by their own source of energy (for example, dry batteries, accumulators, magnetos), other than lighting equipment of heading 8512	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

8519	Sound recording and sound reproducing apparatus	Manufacture from materials of any heading, except that of the product and of heading 8522 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	Manufacture from materials of any heading, except that of the product and of heading 8522 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and other video camera recorders	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

8535 to 8537	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits; connectors for optical fibres, optical fibre bundles or cables; boards, panels, consoles, desks, cabinets and other bases, for electric control or the distribution of electricity	Manufacture from materials of any heading, except that of the product and of heading 8538 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8540 11 and 8540 12	Cathode ray television picture tubes, including video monitor cathode ray tubes	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 8542 31 to ex 8542 33 and ex 8542 39	Monolithic integrated circuits	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product or The operation of diffusion, in which integrated circuits are formed on a semi-conductor substrate by the selective introduction of an appropriate dopant, whether or not assembled and/or tested in a non-party
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds.	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 91	Clocks and watches and parts thereof	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 9506	Golf clubs and parts thereof	Manufacture from materials of any heading, except that of the product. However, roughly-shaped blocks for making golf-club heads may be used

ex Chapter 96	Miscellaneous manufactured articles, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9601 and 9602	Worked ivory, bone, tortoiseshell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).  Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatine (except gelatine of heading 3503) and articles of unhardened gelatin	Manufacture from materials of any heading
9603	Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand-operated mechanical floor sweepers, not motorized, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers, squeegees (other than roller squeegees)	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the ex-works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture: from materials of any heading, except that of the product, and in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencilholders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading 9609	Manufacture from materials of any heading, except that of the product. However, nibs or nib-points of the same heading as the product may be used
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture: — from materials of any heading, except that of the product, and — in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

9613 20	Pocket lighters, gas fuelled, refillable	Manufacture in which the total value of the materials of heading 9613 used does not exceed 30 % of the ex-works price of the product
9614	Smoking pipes (including pipe bowls) and cigar or cigarette holders, and parts thereof	Manufacture from materials of any heading

(<sup>1</sup>) For the special conditions relating to "specific processes", see Introductory Notes 7.1 and 7.3.

(<sup>2</sup>) For the special conditions relating to "specific processes", see Introductory Note 7.2.

(<sup>3</sup>) A "group" is regarded as any part of the heading separated from the rest by a semi-colon.

(<sup>4</sup>) In the case of the products composed of materials classified within both headings 3901 to 3906, on the one hand, and within headings 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(<sup>5</sup>) The following foils shall be considered as highly transparent: foils, the optical dimming of which, measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor), is less than 2 %.

(<sup>6</sup>) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(<sup>7</sup>) See Introductory Note 6.

(<sup>8</sup>) For knitted or crocheted articles, not elastic or rubberised, obtained by sewing or assembling pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 6.

(<sup>9</sup>) SEMII – Semiconductor Equipment and Materials Institute Incorporated'

**DECISION No 1/2018 OF THE EU-JORDAN ASSOCIATION COMMITTEE**  
**of 4 December 2018**

**amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of the Hashemite Kingdom of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status [2019/42]**

THE EU-JORDAN ASSOCIATION COMMITTEE,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, (the 'Agreement'), and in particular Article 94 of the Agreement and Article 39 of Protocol 3 to the Agreement,

Whereas:

- (1) Since the entry into force of Decision No 1/2016 of the EU-Jordan Association Committee <sup>(1)</sup> until March 2018, eleven companies registered to benefit from the relaxed rules of origin scheme.
- (2) Between January 2016 and October 2018, the Hashemite Kingdom of Jordan ('Jordan') issued over 120 000 work permits to Syrian refugees, of which approximately 42 000 were active work permits during the third quarter of 2018.
- (3) In December 2017, Jordan presented the first annual report on the implementation of Decision No 1/2016, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status.
- (4) Following the findings of the report, Jordan made a request to review Decision No 1/2016 and to introduce additional flexibilities. The Union considered that certain improvements of the scheme shall further contribute to a higher employment of Syrian refugees, as well as of Jordanians.
- (5) The further revision or requirements applicable to economic operators that wish to benefit from the rules of origin scheme would be subject to certain conditions with a view to ensuring that the benefits go hand in hand with the Jordanian efforts of employing Syrian refugees.
- (6) The Annex to this Decision applies to goods produced in production facilities located in Jordan and aims at contributing to the generation of employment for Syrian refugees and for the Jordanian population.
- (7) The objective of this amendment is to improve the original initiative in order to improve the effects of the scheme on the Jordanian economy and to contribute to increasing the number of Syrian refugees legally employed in Jordan, as well as Jordanians.
- (8) There should be a possibility of temporarily suspending the application of the Annex to this Decision, if the conditions set out in Article 1(1), (2) and (3) of the Annex to this Decision are not met.
- (9) There should also be a possibility of temporarily suspending the application of the Annex to this Decision with respect to any of the products listed in Article 2 of the Annex to this Decision imported in such increased quantities and under such conditions as to cause, or threaten to cause, serious injuries to Union producers of like or directly competing products in all or part of the territory of the Union or serious disturbances in any sector of the economy of the Union, in accordance with Articles 24 and 26 of the Agreement.

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<sup>(1)</sup> Decision No 1/2016 of the EU-Jordan Association Committee of 19 July 2016 amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in dedicated development zones and industrial areas, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status [2016/1436] (OJ L 233, 30.8.2016, p. 6).

- (10) This Decision should be valid for a limited period sufficient to provide an incentive for additional investment and employment generation and should therefore expire on 31 December 2030.
- (11) The achievement by Jordan of its objective of creating at least 60 000 legal and active job opportunities, in particular corresponding to active work permits or other measurable means corresponding to legal and active employment determined by the Association Committee, for Syrian refugees would also represent a significant milestone. Accordingly, when this objective is achieved, the Union and Jordan should, also taking into account the modernisation of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin, extend the coverage of this Decision to include all production in Jordan of products covered by this Decision without the need to satisfy the specific conditions set out in Article 1(1)(b) of the Annex to this Decision.
- (12) If the objective of creating at least 60 000 legal and active job opportunities, in particular corresponding to active work permits or other measurable means corresponding to legal and active employment determined by the Association Committee, for Syrian refugees is not achieved, the specific conditions set out in Article 1(1)(b) of the Annex to this Decision should apply.
- (13) Jordan will develop a clear and stable legal framework for decent employment of Syrian refugees. Specifically, Jordan will continue to expand the sectors and occupations open to refugees, mainly at technical level, with a particular focus on women's participation. In implementing the National Empowerment and Employment Programme (NEEP) and in calculating the participation of non-Jordanians working across multiple sectors, Jordan will exempt refugees from possible reductions in the percentage of non-Jordanians. Jordan will also ensure that the cost of obtaining the right to work for Syrian refugees is permanently waived.
- (14) Jordan will, with assistance from the EU where appropriate, ensure a clear framework for the set-up of joint ventures between Jordanians and third-country nationals, including Syrian refugees, focusing particularly on women, ensuring that the rights of both parties are upheld, that ownership is clarified and that access to finance is facilitated.
- (15) Jordan will take necessary steps towards facilitating investment and improving the overall business climate. To that end, Jordan will adopt and implement an action plan in close consultation with the European Union. In particular, Jordan will create stronger synergies between public sector entities, the private sector and donors, in an effort to improve the business environment and attract investment. To complement this action, the international community will provide firm-level assistance and programmes, aimed at increasing the export capability of Jordanian firms in sectors where the country has a competitive advantage in the global market.
- (16) Jordan will ensure regulatory predictability, with the aim of reducing red tape and costs for investors. This includes the development of incentives for business formalisation, streamlining the process for company registration, adopting a stable legal infrastructure for insolvency, corporate taxation, bank lending, as well as developing non-bank financial institutions, and reducing the administrative burden for companies requiring an export license.
- (17) Jordan will organise a Business and Investors' Conference in Jordan in due time to showcase the reformed scheme that was initially supposed to take place in autumn 2017 in Jordan.
- (18) Jordan supports the modernisation of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin with the aim of improving market access conditions for Jordanian exports in the European Union and to expand regional trade and economic integration,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. Annex II(a) to Protocol 3 to the Agreement, containing the conditions for application and the list of working or processing required to be carried out on non-originating materials in order for the product manufactured in Jordan connected with the additional employment of Syrian refugees to obtain originating status, is hereby replaced by a new version of Annex II(a) to Protocol 3 to the Agreement, contained in the Annex to this Decision.
2. Annex II(a) to Protocol 3 to the Agreement shall apply until 31 December 2030.



*Article 2*

The Annex shall form an integral part of this Decision.

*Article 3*

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

Done at Amman, 4 December 2018.

*For the EU-Jordan Association Committee*

*The President*

Yousef AL SHAMALI

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## ANNEX

## 'ANNEX II(a)

ADDENDUM TO THE LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER FOR THE PRODUCT MANUFACTURED TO OBTAIN ORIGINATING STATUS

*Article 1***Common provisions***A. Definition of origin*

1. For the products listed in Article 2, the following rules may also apply instead of the rules set out in Annex II of Protocol 3 provided that such products respect the following conditions:
  - (a) the required working or processing to be carried out on non-originating materials in order for such products to obtain originating status takes place in production facilities located in the territory of Jordan; and
  - (b) the total work force of each production facility located in the territory of Jordan where such products are worked or processed contains a proportion of Syrian refugees equivalent to at least 15 % (calculated individually for each production facility).
2. The relevant proportion pursuant to subparagraph 1(b) shall be calculated at any point after the entry into force of this Annex and on an annual basis thereafter taking into account the number of Syrian refugees who are employed in formal and decent jobs and on a Full-Time Equivalent basis, and who have received a work permit valid for a minimum period of 12 months under the applicable legislation of Jordan.
3. The competent authorities of Jordan shall monitor that the eligible production facilities comply with the conditions set out in paragraph 1, shall grant to production facilities fulfilling such conditions an authorisation number and shall promptly withdraw such authorisation number where the production facilities no longer fulfil such conditions.

*B. Proof of origin*

4. A proof of origin made out pursuant to this Annex shall contain the following statement in English: 'Derogation — Annex II(a) of Protocol 3 — authorisation number granted by the competent authorities of Jordan'.

*C. Administrative cooperation*

5. When, in accordance with Article 33(5) of this Protocol, as amended by Decision No 1/2006 of the EU-Jordan Association Council <sup>(1)</sup>, the customs authorities of Jordan inform the European Commission or the requesting customs authorities of the Member States of the European Union (the 'Member States') of the results of the verification, they shall specify that the products listed in Article 2 fulfil the conditions set out in paragraph 1.
6. Where the verification procedure or any other available information appears to indicate that the conditions set out in paragraph 1 are not fulfilled, Jordan shall, on its own initiative or at the request of the European Commission or the customs authorities of the Member States, carry out appropriate inquiries or arrange for such inquiries to be carried out with due urgency to identify and prevent such violations. For that purpose, the European Commission or the customs authorities of the Member States may participate in the inquiries.

*D. Report, monitoring and review*

7. Each year after the entry into force of this Annex, Jordan shall submit a report to the European Commission on the operation and effects of this Annex, including production and export statistics at 8 digit level or the highest level of detail available for the products covered by the scheme. Jordan shall also submit a list identifying the production facilities in Jordan and specifying the percentage of Syrian refugees employed in each individual production facility on a year-by-year basis. Jordan shall also report, on a quarterly basis, on the overall number of active work permits or other measurable means corresponding to legal and active employment determined by

<sup>(1)</sup> Decision No 1/2006 of the EU-Jordan Association Council of 15 June 2006 amending Protocol 3 to the Euro-Mediterranean Agreement, concerning the definition of the concept of originating products and methods of administrative cooperation (OJ L 209, 31.7.2006, p. 30).

the Association Committee. The Parties shall jointly review such reports and any issues relating to the implementation and monitoring of this Annex within the bodies established by the Association Agreement and in particular in the Sub-Committee on Industry, Trade and Services. The Parties shall also ensure the involvement of relevant international organisations, such as the International Labour Organisation and the World Bank, in the monitoring process.

8. Once Jordan achieves its target of facilitating a greater participation of Syrian refugees in the formal labour market by issuing at least 60 000 active work permits, or other measurable means corresponding to legal and active employment determined by the Association Committee, to Syrian refugees, the Parties shall apply the provisions of this Annex to all products covered by this Annex without the requirement to comply with the specific conditions set out in subparagraph 1(b).
9. If the Union considers that there is insufficient evidence of Jordan complying with the conditions set out in paragraph 8, the Union may refer the matter to the Association Committee. If the Association Committee fails to declare within 90 days of the referral of the matter that the conditions set out in paragraph 8 are met or to amend this Annex, the Union may decide that the specific conditions set out in subparagraph 1(b) shall apply.

E. *Temporary suspension*

10. (a) Without prejudice to paragraphs 8 and 9, the Union may, if it considers that there is insufficient evidence of Jordan or any specific production facility complying with the conditions set out in paragraphs 1, 2 and 3, refer the matter to the Association Committee. That referral shall identify whether the failure to comply with the conditions set out in paragraph 1 is attributable to Jordan or any specific production facility.
- (b) If the Association Committee fails to declare within 90 days of the referral of the matter that the conditions set out in paragraph 1 are met or to amend this Annex, the application of this Annex shall be suspended. The extent of the suspension shall be that identified in the referral of the Union to the Association Committee.
- (c) The Association Committee may also decide to extend the 90-day period. In that case, the suspension shall take effect where the Association Council has failed to take any of the actions identified in point (b) within the extended period of time.
- (d) The application of this Annex may resume if the Association Committee so decides.
- (e) In case of a suspension, this Annex shall continue to apply for a period of four months in relation to products which are, on the date of temporary suspension of the Annex, either in transit or in temporary storage in customs warehouses or in free zones in the Union, and for which a proof of origin was properly made out in accordance with the provisions of this Annex prior to the date of temporary suspension.

F. *Safeguard mechanism*

11. Where a product listed in Article 2 benefiting from the application of this Annex is imported in such increased quantities and under such conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competitive products in all or part of the territory of the Union or serious disturbances in any sector of the economy of the Union, in accordance with Articles 24 and 26 of the Agreement, the Union may refer the matter for examination to the Association Committee. If within 90 days of the matter being referred to it, the Association Committee fails to adopt a decision putting an end to such serious injury or threat thereof or serious disturbances or if no other satisfactory solution has been reached, the application of this Annex shall be suspended with respect to that product, until the Association Committee adopts a decision declaring that they have ended or until a satisfactory solution has been reached by the Parties and is notified to the Association Committee.

G. *Entry into force and application*

12. This Annex shall apply from the day of entry into force of the Association Committee decision to which it is attached and shall apply until 31 December 2030.

*Article 2*

**List of products and of required working and processing**

The list of products to which this Annex applies and the rules of working and processing that may be applied as an alternative to those listed in Annex II are set out below.

Annex I to Protocol 3 of the Agreement containing the introductory notes to the list in Annex II to Protocol 3 of the Agreement applies *mutatis mutandis* to the list below, subject to the following amendments:

In Note 5.2, the following basic materials are added in the second paragraph:

- glass fibres;
- metal fibres.

In Note 7.3, the text is replaced by the following:

For the purposes of headings ex 2707 and 2713, simple operations, such as cleaning, decanting, desalting, water-separation, filtering, colouring, marking, obtaining a sulphur-content as a result of mixing products with different sulphur-contents, or any combination of these operations or like operations, do not confer origin.

ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	Manufacture from materials of any heading, except that of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia.	Manufacture from materials of any heading, except that of the product. However, natural magnesium carbonate (magnesite) may be used.
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except for:	Manufacture from materials of any heading, except that of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels.	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations; waste oils.	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
2711	Petroleum gases and other gaseous hydrocarbons.	Operations of refining and/or one or more specific process(es) or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.

2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured.	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials.	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or other operations in which all the materials used are classified within a heading other than that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product.
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2811	Sulphur trioxide; and	Manufacture from sulphur dioxide or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
ex 2840	Sodium perborate;	Manufacture from disodium tetraborate pentahydrate or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
2843	Colloidal precious metals; inorganic or organic compounds of precious metals, whether or not chemically defined; amalgams of precious metals	Manufacture from materials of any heading, including other materials of heading 2843.
ex 2852	– Mercury compounds of internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.
	– Mercury compounds of nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds.	Manufacture from materials of any heading. However, the value of all the materials of headings 2852, 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product or manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.

ex Chapter 29	Organic chemicals; except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.</p>
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol; except for:	<p>Manufacture from materials of any heading, including other materials of heading 2905. However, metal alcoholates of this heading may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product.</p>
2905 43; 2905 44; 2905 45	Mannitol; D-glucitol (sorbitol); Glycerol	<p>Manufacture from materials of any sub-heading, except that of the product. However, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2915 and 2916 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex 2932	– Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading. However, the value of all the materials of heading 2909 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
	– Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	<p>Manufacture from materials of any heading</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>

2933	Heterocyclic compounds with nitrogen hetero-atom(s) only	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2932 and 2933 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
2934	Nucleic acids and their salts, whether or not chemically defined; other heterocyclic compounds	<p>Manufacture from materials of any heading. However, the value of all the materials of headings 2932, 2933 and 2934 used shall not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 31	Fertilisers	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	<p>Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>
ex 3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils.	<p>Manufacture from materials of any heading, including materials of a different 'group' (?) in this heading. However, materials of the same group as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product</p>

ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, 'dental waxes' and dental preparations with a basis of plaster, except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3404	Artificial waxes and prepared waxes: — With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax	Manufacture from materials of any heading
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes	Manufacture from materials of any heading, except that of the product, in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 37	Photographic or cinematographic goods	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 38	Miscellaneous chemical products; except for:	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 20 % of the ex-works price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3803	Refined tall oil	Refining of crude tall oil or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3806 30	Ester gums	Manufacture from resin acids or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product



ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3809 10	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included: With a basis of amylaceous substances	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols	Manufacture from materials of any heading, including other materials of heading 3823 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
3824 60	Sorbitol other than that of sub-heading 2905 44	Manufacture from materials of any sub-heading, except that of the product and except materials of sub-heading 2905 44. However, materials of the same sub-heading as the product may be used, provided that their total value does not exceed 20 % of the exworks price of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 39	Plastics and articles thereof; except for:	Manufacture from materials of any heading, except that of the product. or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3907	– Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS)	Manufacture from materials of any heading, except that of the product. However, materials of the same heading as the product may be used, provided that their total value does not exceed 50 % of the ex-works price of the product (*) or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
	– Polyester	Manufacture from materials of any heading, except that of the product or Manufacture from polycarbonate of tetrabromo-(bisphe-nol A) or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

ex 3920	Ionomer sheet or film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralised with metal ions, mainly zinc and sodium or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 3921	Foils of plastic, metallised	Manufacture from highly-transparent polyester-foils with a thickness of less than 23 micron (°) or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 40	Rubber and articles thereof; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber:	
	– Retreaded pneumatic, solid or cushion tyres, of rubber	Retreading of used tyres
	– Other	Manufacture from materials of any heading, except those of headings 4011 and 4012 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture from materials of any heading, except that of the product
4101 to 4103	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not dehaired or split; raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not with wool on or split, other than those excluded by note 1(c) to Chapter 41; other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1(b) or 1(c) to Chapter 41	Manufacture from materials of any heading

4104 to 4106	Tanned or crust hides and skins, without wool or hair on, whether or not split, but not further prepared	Re-tanning of tanned or pre-tanned hides and skins of sub-headings 4104 11, 4104 19, 4105 10, 4106 21, 4106 31 or 4106 91, or Manufacture from materials of any heading, except that of the product
4107, 4112, 4113	Leather further prepared after tanning or crusting	Manufacture from materials of any heading, except that of the product. However, materials of sub-headings 4104 41, 4104 49, 4105 30, 4106 22, 4106 32 and 4106 92 may be used only if a re-tanning operation of the tanned or crust hides and skins in the dry state takes place
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
4301	Raw furskins (including heads, tails, paws and other pieces or cuttings, suitable for furrier's use), other than raw hides and skins of heading 4101, 4102 or 4103	Manufacture from materials of any heading
ex 4302	Tanned or dressed furskins, assembled:	
	– Plates, crosses and similar forms	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins
	– Other	Manufacture from non-assembled, tanned or dressed furskins
4303	Articles of apparel, clothing accessories and other articles of furskin	Manufacture from non-assembled tanned or dressed furskins of heading 4302
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or end-jointed	Planing, sanding or end-jointing

ex 4408	Sheets for veneering (including those obtained by slicing laminated wood) and for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or end-jointed	Splicing, planing, sanding or endjointing
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beading or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4418	– Builders' joinery and carpentry of wood	Manufacture from materials of any heading, except that of the product. However, cellular wood panels, shingles and shakes may be used
	– Beadings and mouldings	Beading or moulding
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading, except drawn wood of heading 4409
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture from materials of any heading, except that of the product
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
ex Chapter 52	Cotton; except for:	Manufacture from materials of any heading, except that of the product
5204 to 5207	Yarn and thread of cotton	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5208 to 5212	Woven fabrics of cotton:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product

ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture from materials of any heading, except that of the product
5306 to 5308	Yarn of other vegetable textile fibres; paper yarn	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn:	Weaving <sup>(6)</sup> Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
5401 to 5406	Yarn, monofilament and thread of man-made filaments	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres <sup>(6)</sup>
5407 and 5408	Woven fabrics of man-made filament yarn:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
5501 to 5507	Man-made staple fibres	Extrusion of man-made fibres
5508 to 5511	Yarn and sewing thread of man-made staple fibres	Spinning of natural fibres or extrusion of man-made fibres accompanied by spinning <sup>(6)</sup>
5512 to 5516	Woven fabrics of man-made staple fibres:	Weaving <sup>(6)</sup> or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product
ex Chapter 56	Wadding, felt and non-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres or Flocking accompanied by dyeing or printing <sup>(6)</sup>
5602	Felt, whether or not impregnated, coated, covered or laminated:	
	– Needleloom felt	Extrusion of man-made fibres accompanied by fabric formation, However: — polypropylene filament of heading 5402, — polypropylene fibres of heading 5503 or 5506, or — polypropylene filament tow of heading 5501,

		<p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex,</p> <p>may be used, provided that their total value does not exceed 40 % of the ex-works price of the product</p> <p>or</p> <p>Fabric formation alone in the case of felt made from natural fibres <sup>(6)</sup></p>
	– Other	<p>Extrusion of man-made fibres accompanied by fabric formation,</p> <p>or</p> <p>Fabric formation alone in the case of other felt made from natural fibres <sup>(6)</sup></p>
5603	Non-wovens, whether or not impregnated, coated, covered or laminated	Any non-woven process including needle punching
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	
	– Rubber thread and cord, textile covered	Manufacture from rubber thread or cord, not textile covered
	– Other	Extrusion of man-made fibres accompanied by spinning or spinning of natural fibres <sup>(6)</sup>
5605	Metallised yarn, whether or not gimped, being textile yarn, or strip or the like of heading 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres <sup>(6)</sup>
5606	Gimped yarn, and strip and the like of heading 5404 or 5405, gimped (other than those of heading 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn	<p>Extrusion of man-made fibres accompanied by spinning or spinning of natural and/or man-made staple fibres</p> <p>or</p> <p>Spinning accompanied with flocking</p> <p>or</p> <p>Flocking accompanied by dyeing <sup>(6)</sup></p>
Chapter 57	Carpets and other textile floor coverings:	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p>or</p> <p>Manufacture from coir yarn or sisal yarn or jute yarn</p> <p>or</p> <p>Flocking accompanied by dyeing or by printing</p> <p>or</p> <p>Tufting accompanied by dyeing or by printing</p> <p>Extrusion of man-made fibres accompanied by non-woven techniques including needle punching <sup>(6)</sup></p>

		<p>However:</p> <ul style="list-style-type: none"> <li>— polypropylene filament of heading 5402,</li> <li>— polypropylene fibres of heading 5503 or 5506, or</li> <li>— polypropylene filament tow of heading 5501,</li> </ul> <p>of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used, provided that their total value does not exceed 40 % of the ex-works price of the product</p> <p>Jute fabric may be used as a backing</p>
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for:	<p>Weaving <sup>(6)</sup></p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>
5805	Hand-woven tapestries of the types Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up	Manufacture from materials of any heading, except that of the product
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	<p>Weaving accompanied by dyeing or by flocking or by coating</p> <p>or</p> <p>Flocking accompanied by dyeing or printing</p>
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:	
	– Containing not more than 90 % by weight of textile materials	Weaving
	– Other	Extrusion of man-made fibres accompanied by weaving
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902	Weaving accompanied by dyeing or by coating

		<p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Weaving accompanied by dyeing or by coating <sup>(6)</sup>
5905	Textile wall coverings:	
	– Impregnated, coated, covered or laminated with rubber, plastics or other materials	Weaving accompanied by dyeing or by coating
	– Other	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by weaving</p> <p>or</p> <p>Weaving accompanied by dyeing or by coating</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product <sup>(6)</sup>:</p>
5906	Rubberised textile fabrics, other than those of heading 5902:	
	– Knitted or crocheted fabrics	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting</p> <p>or</p> <p>Knitting accompanied by dyeing or by coating</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting <sup>(6)</sup></p>
	– Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials	Extrusion of man-made fibres accompanied by weaving
	– Other	<p>Weaving accompanied by dyeing or by coating</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by weaving</p>
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	<p>Weaving accompanied by dyeing or by flocking or by coating</p> <p>or</p> <p>Flocking accompanied by dyeing or by printing</p>



		<p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated:	
	– Incandescent gas mantles, impregnated	Manufacture from tubular knitted gas-mantle fabric
	– Other	Manufacture from materials of any heading, except that of the product
5909 to 5911	Textile articles of a kind suitable for industrial use:	
	– Polishing discs or rings other than of felt of heading 5911	Weaving
	– Woven fabrics, of a kind commonly used in paper-making or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading 5911	Weaving <sup>(6)</sup>
	– Other	<p>Extrusion of man-made filament yarn or spinning of natural or man-made staple fibres, accompanied by weaving <sup>(6)</sup></p> <p>or</p> <p>Weaving accompanied by dyeing or coating</p>
Chapter 60	Knitted or crocheted fabrics	<p>Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting</p> <p>or</p> <p>Knitting accompanied by dyeing or by flocking or by coating</p> <p>or</p> <p>Flocking accompanied by dyeing or by printing</p> <p>or</p> <p>Dyeing of yarn of natural fibres accompanied by knitting</p> <p>or</p> <p>Twisting or texturing accompanied by knitting provided that the value of the non-twisted/non-textured yarns used does not exceed 47,5 % of the ex-works price of the product</p>

Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted:	
	– Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form	Manufacture from fabric
	– Other	Spinning of natural and/or man-made staple fibres or extrusion of man-made filament yarn, in each case accompanied by knitting (knitted to shape products) or Dyeing of yarn of natural fibres accompanied by knitting (knitted to shape products) <sup>(6)</sup>
ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except for:	Manufacture from fabric
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:	
	– Embroidered	Weaving accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(7)</sup> or Making-up preceded by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product <sup>(6)</sup> <sup>(7)</sup>
	– Other	Weaving accompanied by making-up (including cutting) or Making-up followed by printing accompanied by at least two preparatory finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling), provided that the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product <sup>(6)</sup> <sup>(7)</sup>
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212:	
	– Embroidered	Weaving accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(7)</sup>

	– Fire-resistant equipment of fabric covered with foil of aluminised polyester	Weaving accompanied by making-up (including cutting) or Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting) <sup>(7)</sup>
	– Interlinings for collars and cuffs, cut out	Manufacture from materials of any heading, except that of the product, and in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	Manufacture from materials of any heading, except that of the product
6301 to 6304	Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:	
	– Of felt, of non-wovens	Any non-woven process including needle punching accompanied by making up (including cutting)
	– Other:	
	– Embroidered	Weaving or knitting accompanied by making-up (including cutting) or Manufacture from unembroidered fabric, provided that the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(7)</sup> <sup>(8)</sup>
	– Other	Weaving or knitting accompanied by making-up (including cutting)
6305	Sacks and bags, of a kind used for the packing of goods	Weaving or knitting and making-up (including cutting) <sup>(6)</sup>
6306	Tarpaulins, awnings and sun blinds; tents; sails for boats, sailboards or landcraft; camping goods:	
	– Of non-wovens	Any non-woven process including needle punching accompanied by making up (including cutting)
	– Other	Weaving accompanied by making-up (including cutting) <sup>(6)</sup> <sup>(7)</sup> or Coating provided that the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product accompanied by making-up (including cutting)
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 25 % of the ex-works price of the set
ex Chapter 64	Footwear, gaiters and the like; parts of such articles; except for:	Manufacture from materials of any heading, except from assemblies of uppers affixed to inner soles or to other sole components of heading 6406
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable insoles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof	Manufacture from materials of any heading, except that of the product
Chapter 65	Headgear and parts thereof	Manufacture from materials of any heading, except that of the product
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
Chapter 69	Ceramic products	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 70	Glass and glassware, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
7006	Glass of heading 7003, 7004 or 7005, bent, edge-worked, engraved, drilled,	
	– Glass-plate substrates, coated with a dielectric thin film, and of a semiconductor grade in accordance with SEMII-standards (°)	Manufacture from non-coated glass-plate substrate of heading 7006
	– Other	Manufacture from materials of heading 7001

7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture from materials of any heading, except that of the product or Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading 7010 or 7018)	Manufacture from materials of any heading, except that of the product or Cutting of glassware, provided that the total value of the uncut glassware used does not exceed 50 % of the ex-works price of the product or Hand-decoration (except silk-screen printing) of hand-blown glassware, provided that the total value of the hand-blown glassware used does not exceed 50 % of the ex-works price of the product
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: — uncoloured slivers, rovings, yarn or chopped strands, or — glass wool
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
7106, 7108 and 7110	Precious metals:	
	– Unwrought	Manufacture from materials of any heading, except those of headings 7106, 7108 and 7110 or Electrolytic, thermal or chemical separation of precious metals of heading 7106, 7108 or 7110 or Fusion and/or alloying of precious metals of heading 7106, 7108 or 7110 with each other or with base metals
	– Semi-manufactured or in powder form	Manufacture from unwrought precious metals
ex 7107, ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7115	Other articles of precious metal or of metal clad with precious metal	Manufacture from materials of any heading, except that of the product

7117	Imitation jewellery	Manufacture from materials of any heading, except that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided that the value of all the materials used does not exceed 50 % of the ex-works price of the product
ex Chapter 73	Articles of iron or steel; except for:	Manufacture from materials of any heading, except that of the product
ex 7301	Sheet piling	Manufacture from materials of heading 7207
7302	Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole pates (base plates), rail clips, bed-plates, ties and other material specialised for jointing or fixing rails	Manufacture from materials of heading 7206
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading 7206, 7207, 7208, 7209, 7210, 7211, 7212, 7218, 7219, 7220 or 7224
ex 7307	Tube or pipe fittings of stainless steel	Turning, drilling, reaming, threading, deburring and sandblasting of forged blanks, provided that the total value of the forged blanks used does not exceed 35 % of the ex-works price of the product
7308	Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture from materials of any heading, except that of the product. However, welded angles, shapes and sections of heading 7301 may not be used
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading 7315 used does not exceed 50 % of the ex-works price of the product
ex Chapter 74	Copper and articles thereof; except for:	Manufacture from materials of any heading, except that of the product
7403	Refined copper and copper alloys, unwrought	Manufacture from materials of any heading
ex Chapter 76	Aluminium and articles thereof; except for:	Manufacture from materials of any heading, except that of the product
7601	Unwrought aluminium	Manufacture from materials of any heading
7607	Aluminium foil (whether or not printed or backed with paper, paperboard, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0,2 mm	Manufacture from materials of any heading, except that of the product and heading 7606

ex Chapter 78	Lead and articles thereof, except for:	Manufacture from materials of any heading, except that of the product
7801	Unwrought lead:	
	– Refined lead	Manufacture from materials of any heading
	– Other	Manufacture from materials of any heading, except that of the product. However, waste and scrap of heading 7802 may not be used
Chapter 80	Tin and articles thereof	Manufacture from materials of any heading, except that of the product
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8206	Tools of two or more of the headings 8202 to 8205, put up in sets for retail sale	Manufacture from materials of any heading, except those of headings 8202 to 8205. However, tools of headings 8202 to 8205 may be incorporated into the set, provided that their total value does not exceed 15 % of the ex-works price of the set
8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading 8208, and blades therefor	Manufacture from materials of any heading, except that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example; hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture from materials of any heading, except that of the product. However, handles of base metal may be used
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8302 may be used, provided that their total value does not exceed 20 % of the ex-works price of the product

ex 8306	Statuettes and other ornaments, of base metal	Manufacture from materials of any heading, except that of the product. However, other materials of heading 8306 may be used, provided that their total value does not exceed 30 % of the ex-works price of the product
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8401	Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8482	Ball or roller bearings	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8501, 8502	Electric motors and generators; Electric generating sets and rotary converters	Manufacture from materials of any heading, except that of the product and of heading 8503 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8513	Portable electric lamps designed to function by their own source of energy (for example, dry batteries, accumulators, magnetos), other than lighting equipment of heading 8512	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product



8519	Sound recording and sound reproducing apparatus	Manufacture from materials of any heading, except that of the product and of heading 8522 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	Manufacture from materials of any heading, except that of the product and of heading 8522 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and other video camera recorders	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus	Manufacture from materials of any heading, except that of the product and of heading 8529 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

8535 to 8537	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits; connectors for optical fibres, optical fibre bundles or cables; boards, panels, consoles, desks, cabinets and other bases, for electric control or the distribution of electricity	Manufacture from materials of any heading, except that of the product and of heading 8538 or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8540 11 and 8540 12	Cathode ray television picture tubes, including video monitor cathode ray tubes	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 8542 31 to ex 8542 33 and ex 8542 39	Monolithic integrated circuits	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product or The operation of diffusion, in which integrated circuits are formed on a semi-conductor substrate by the selective introduction of an appropriate dopant, whether or not assembled and/or tested in a non-party
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly, other than insulators of heading 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds.	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 91	Clocks and watches and parts thereof	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
ex 9506	Golf clubs and parts thereof	Manufacture from materials of any heading, except that of the product. However, roughly-shaped blocks for making golf-club heads may be used

ex Chapter 96	Miscellaneous manufactured articles, except for:	Manufacture from materials of any heading, except that of the product or Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9601 and 9602	Worked ivory, bone, tortoiseshell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by moulding). Worked vegetable or mineral carving material and articles of these materials; moulded or carved articles of wax, of stearin, of natural gums or natural resins or of modelling pastes, and other moulded or carved articles, not elsewhere specified or included; worked, unhardened gelatine (except gelatine of heading 3503) and articles of unhardened gelatin	Manufacture from materials of any heading
9603	Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand-operated mechanical floor sweepers, not motorized, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers, squeegees (other than roller squeegees)	Manufacture in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided that their total value does not exceed 15 % of the ex-works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture: — from materials of any heading, except that of the product, and — in which the value of all the materials used does not exceed 70 % of the ex-works price of the product
9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencilholders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading 9609	Manufacture from materials of any heading, except that of the product. However, nibs or nib-points of the same heading as the product may be used
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture: — from materials of any heading, except that of the product, and — in which the value of all the materials used does not exceed 70 % of the ex-works price of the product

9613 20	Pocket lighters, gas fuelled, refillable	Manufacture in which the total value of the materials of heading 9613 used does not exceed 30 % of the ex-works price of the product
9614	Smoking pipes (including pipe bowls) and cigar or cigarette holders, and parts thereof	Manufacture from materials of any heading

(<sup>1</sup>) For the special conditions relating to 'specific processes', see Introductory Notes 7.1 and 7.3.

(<sup>2</sup>) For the special conditions relating to 'specific processes', see Introductory Note 7.2.

(<sup>3</sup>) A 'group' is regarded as any part of the heading separated from the rest by a semi-colon.

(<sup>4</sup>) In the case of the products composed of materials classified within both headings 3901 to 3906, on the one hand, and within headings 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(<sup>5</sup>) The following foils shall be considered as highly transparent: foils, the optical dimming of which, measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor), is less than 2 %.

(<sup>6</sup>) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(<sup>7</sup>) See Introductory Note 6.

(<sup>8</sup>) For knitted or crocheted articles, not elastic or rubberised, obtained by sewing or assembling pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 6.

(<sup>9</sup>) SEMII — Semiconductor Equipment and Materials Institute Incorporated.

**DECISION (EU) 2019/43 OF THE EUROPEAN CENTRAL BANK****of 29 November 2018****on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 29.3 and 29.4 thereof,

Having regard to the contribution of the General Council of the European Central Bank in accordance with the fourth indent of Article 46.2 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

- (1) Article 29.3 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') requires the capital key weightings to be adjusted every five years after the establishment of the European System of Central Banks (ESCB) by analogy with the provisions laid down in Article 29.1 of the Statute of the ESCB. The adjusted capital key applies with effect from the first day of the year following the year in which the adjustment occurs.
- (2) The last adjustment of the capital key weightings in accordance with Article 29.3 of the Statute of the ESCB was made in 2013 with effect from 1 January 2014 <sup>(1)</sup>.
- (3) In accordance with Council Decision 2003/517/EC <sup>(2)</sup>, the European Commission provided the European Central Bank (ECB) with the statistical data to be used in determining the adjusted capital key,

HAS ADOPTED THIS DECISION:

*Article 1***Rounding**

Where the European Commission provides revised statistical data to be used in adjusting the capital key and the figures do not total 100 %, the difference shall be compensated for: (i) if the total is below 100 %, by adding 0,0001 of a percentage point to the smallest share(s) in ascending order until exactly 100 % is reached, or (ii) if the total is above 100 %, by subtracting 0,0001 of a percentage point in descending order from the largest share(s) until exactly 100 % is reached.

*Article 2***Capital key weightings**

The weighting assigned to each NCB in the capital key described in Article 29 of the Statute of the ESCB shall be as follows with effect from 1 January 2019:

Nationale Bank van België/Banque Nationale de Belgique	2,5280 %
Българска народна банка (Bulgarian National Bank)	0,8511 %
Česká národní banka	1,6172 %
Danmarks Nationalbank	1,4986 %

<sup>(1)</sup> Decision ECB/2013/28 of 29 August 2013 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 16, 21.1.2014, p. 53).

<sup>(2)</sup> Council Decision 2003/517/EC of 15 July 2003 on the statistical data to be used for the adjustment of the key for subscription to the capital of the European Central Bank (OJ L 181, 19.7.2003, p. 43).

Deutsche Bundesbank	18,3670 %
Eesti Pank	0,1968 %
Central Bank of Ireland	1,1754 %
Bank of Greece	1,7292 %
Banco de España	8,3391 %
Banque de France	14,2061 %
Hrvatska narodna banka	0,5673 %
Banca d'Italia	11,8023 %
Central Bank of Cyprus	0,1503 %
Latvijas Banka	0,2731 %
Lietuvos bankas	0,4059 %
Banque centrale du Luxembourg	0,2270 %
Magyar Nemzeti Bank	1,3348 %
Central Bank of Malta	0,0732 %
De Nederlandsche Bank	4,0677 %
Oesterreichische Nationalbank	2,0325 %
Narodowy Bank Polski	5,2068 %
Banco de Portugal	1,6367 %
Banca Națională a României	2,4470 %
Banka Slovenije	0,3361 %
Národná banka Slovenska	0,8004 %
Suomen Pankki	1,2708 %
Sveriges Riksbank	2,5222 %
Bank of England	14,3374 %

*Article 3*

**Entry into force and repeal**

1. This Decision shall enter into force on 1 January 2019.
2. Decision ECB/2013/28 is repealed with effect from 1 January 2019.
3. References to Decision ECB/2013/28 shall be construed as references to this Decision.

Done at Frankfurt am Main, 29 November 2018.

*The President of the ECB*  
Mario DRAGHI

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**DECISION (EU) 2019/44 OF THE EUROPEAN CENTRAL BANK****of 29 November 2018****on the paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro, amending Decision ECB/2014/61 and repealing Decision ECB/2013/30 (ECB/2018/28)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 28.3 thereof,

Whereas:

- (1) Decision ECB/2013/30 <sup>(1)</sup> determined how and to what extent national central banks (NCBs) of Member States whose currency is the euro (hereinafter 'euro area NCBs') were under an obligation to pay up the capital of the European Central Bank (ECB) from 1 January 2014.
- (2) Article 2 of Decision (EU) 2015/287 of the European Central Bank (ECB/2014/61) <sup>(2)</sup>, in conjunction with Decision ECB/2013/31 <sup>(3)</sup>, determined how and to what extent Lietuvos bankas should pay up the ECB's capital from 1 January 2015 in view of Lithuania's adoption of the euro.
- (3) Decision (EU) 2019/43 of the European Central Bank (ECB/2018/27) <sup>(4)</sup> provides for the adjustment of the key for subscription to the ECB's capital (hereinafter the 'capital key') in accordance with Article 29.3 of the Statute of the European System of Central Banks and of the European Central Bank and establishes with effect from 1 January 2019 the new weightings assigned to each NCB in the adjusted capital key (hereinafter the 'capital key weightings').
- (4) The quinquennial adjustment of the ECB's capital key requires the adoption of a new ECB decision repealing Decision ECB/2013/30 with effect from 1 January 2019, and determining how and to what extent the euro area NCBs are under an obligation to pay up the ECB's capital with effect from 1 January 2019,

HAS ADOPTED THIS DECISION:

*Article 1***Extent and form of subscribed and paid-up capital**

Each euro area NCB shall pay up its subscription to the ECB's capital in full with effect from 1 January 2019.

Taking into account the capital key weightings set out in Article 2 of Decision (EU) 2019/43 (ECB/2018/27), each euro area NCB shall have a total subscribed and paid-up capital of the amount shown next to its name in the following table:

Euro area NCB	EUR
Nationale Bank van België/Banque Nationale de Belgique	273 656 178,72
Deutsche Bundesbank	1 988 229 048,48

<sup>(1)</sup> Decision ECB/2013/30 of 29 August 2013 on the paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro (OJ L 16, 21.1.2014, p. 61).

<sup>(2)</sup> Decision (EU) 2015/287 of the European Central Bank of 31 December 2014 on the paying-up of capital, transfer of foreign reserve assets and contributions by Lietuvos bankas to the European Central Bank's reserves and provisions (ECB/2014/61) (OJ L 50, 21.2.2015, p. 44).

<sup>(3)</sup> Decision ECB/2013/31 of 30 August 2013 on the paying-up of the European Central Bank's capital by the non-euro area national central banks (OJ L 16, 21.1.2014, p. 63).

<sup>(4)</sup> Decision (EU) 2019/43 of the European Central Bank of 29 November 2018 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27) (see page 178 of this Official Journal).



Euro area NCB	EUR
Eesti Pank	21 303 613,91
Central Bank of Ireland	127 237 133,10
Bank of Greece	187 186 022,25
Banco de España	902 708 164,54
Banque de France	1 537 811 329,32
Banca d'Italia	1 277 599 809,38
Central Bank of Cyprus	16 269 985,63
Latvijas Banka	29 563 094,31
Lietuvos bankas	43 938 703,70
Banque centrale du Luxembourg	24 572 766,05
Central Bank of Malta	7 923 905,17
De Nederlandsche Bank	440 328 812,57
Oesterreichische Nationalbank	220 018 268,69
Banco de Portugal	177 172 890,71
Banka Slovenije	36 382 848,76
Národná banka Slovenska	86 643 356,59
Suomen Pankki	137 564 189,84

#### Article 2

#### Adjustment of paid-up capital

1. Given that each euro area NCB has already paid up its full share in the ECB's subscribed capital as applicable until 31 December 2018 under Decision ECB/2013/30, each of them shall either transfer an additional amount to the ECB or receive an amount back from the ECB, as appropriate, in order to arrive at the amounts shown in the table in Article 1.
2. All transfers pursuant to this Article shall be made in accordance with Decision (EU) 2019/45 of the European Central Bank (ECB/2018/29) <sup>(5)</sup>.

#### Article 3

#### Amendment

Article 2 of Decision (EU) 2015/287 (ECB/2014/61) is deleted.

#### Article 4

#### Repeal

1. Decision ECB/2013/30 is repealed with effect from 1 January 2019.
2. References to Decision ECB/2013/30 shall be construed as references to this Decision.

<sup>(5)</sup> Decision (EU) 2019/45 of the European Central Bank of 29 November 2018 laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital and repealing Decision ECB/2013/29 (ECB/2018/29) (see page 183 of this Official Journal).

*Article 5***Entry into force**

This Decision shall enter into force on 1 January 2019.

Done at Frankfurt am Main, 29 November 2018.

*The President of the ECB*  
Mario DRAGHI

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**DECISION (EU) 2019/45 OF THE EUROPEAN CENTRAL BANK****of 29 November 2018****laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital and repealing Decision ECB/2013/29 (ECB/2018/29)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 28.5 thereof,

Whereas:

- (1) Decision (EU) 2019/43 of the European Central Bank (ECB/2018/27) <sup>(1)</sup> provides for the adjustment of the weightings assigned to the national central banks (NCBs) in the key for subscription to the European Central Bank's (ECB's) capital (hereinafter the 'capital key weightings' and the 'capital key' respectively). This adjustment requires the Governing Council to determine the terms and conditions for transfers of capital shares between the NCBs that are members of the European System of Central Banks (ESCB) on 31 December 2018 in order to ensure that the distribution of these shares corresponds to the adjustments made. Accordingly, the adoption of a new decision is required to repeal Decision ECB/2013/29 <sup>(2)</sup> with effect from 1 January 2019.
- (2) Decision (EU) 2019/44 of the European Central Bank (ECB/2018/28) <sup>(3)</sup> determines how and to what extent the NCBs of the Member States whose currency is the euro (hereinafter 'euro area NCBs') are under an obligation to pay up the ECB's capital in view of the adjusted capital key. Decision (EU) 2019/48 of the European Central Bank (ECB/2018/32) <sup>(4)</sup> determines the percentage that the NCBs of the Member States whose currency is not the euro (hereinafter 'non-euro area NCBs') are under an obligation to pay up with effect from 1 January 2019 in view of the adjusted capital key.
- (3) Given that each euro area NCB has already paid up its full share in the ECB's subscribed capital as applicable until 31 December 2018 under Decision ECB/2013/30 of the European Central Bank <sup>(5)</sup>, and as far as Lietuvos bankas is concerned, under Article 2 of Decision (EU) 2015/287 of the European Central Bank (ECB/2014/61) <sup>(6)</sup>, in conjunction with Decision ECB/2013/31 <sup>(7)</sup>, each euro area NCB should either transfer an additional amount to the ECB or receive an amount back from the ECB, as appropriate, in order to arrive at the amounts shown in the table in Article 1 of Decision (EU) 2019/44 (ECB/2018/28).
- (4) Likewise, given that the non-euro area NCBs have already paid up a percentage of their shares in the ECB's subscribed capital as applicable until 31 December 2018 under Decision ECB/2013/31, each of them should either transfer an additional amount to the ECB, or receive an amount back from the ECB, as appropriate, in order to arrive at the amounts shown in the third column of the table in Article 1 of Decision (EU) 2019/48 (ECB/2018/32),

<sup>(1)</sup> Decision (EU) 2019/43 of the European Central Bank of 29 November 2018 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27) (see page 178 of this Official Journal).

<sup>(2)</sup> Decision ECB/2013/29 of 29 August 2013 laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital (OJ L 16, 21.1.2014, p. 55).

<sup>(3)</sup> Decision (EU) 2019/44 of the European Central Bank of 29 November 2018 on the paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro, amending Decision ECB/2014/61 and repealing Decision ECB/2013/30 (ECB/2018/28) (see page 180 of this Official Journal).

<sup>(4)</sup> Decision (EU) 2019/48 of the European Central Bank of 30 November 2018 on the paying-up of the European Central Bank's capital by the non-euro area national central banks and repealing Decision ECB/2013/31 (ECB/2018/32) (see page 196 of this Official Journal).

<sup>(5)</sup> Decision ECB/2013/30 of 29 August 2013 on the paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro (OJ L 16, 21.1.2014, p. 61).

<sup>(6)</sup> Decision (EU) 2015/287 of the European Central Bank of 31 December 2014 on the paying-up of capital, transfer of foreign reserve assets and contribution by Lietuvos bankas to the European Central Bank's reserves and provisions (ECB/2014/61) (OJ L 50, 21.2.2015, p. 44).

<sup>(7)</sup> Decision ECB/2013/31 of 30 August 2013 on the paying-up of the European Central Bank's capital by the non-euro area national central banks (OJ L 16, 21.1.2014, p. 63).

HAS ADOPTED THIS DECISION:

*Article 1*

**Transfer of capital shares**

Given the share in the ECB's capital that each NCB will have subscribed on 31 December 2018, and the share in the ECB's capital that each NCB will subscribe with effect from 1 January 2019 as a consequence of the adjustment of the capital key weightings laid down in Article 2 of Decision (EU) 2019/43 (ECB/2018/27), the NCBs shall transfer capital shares among themselves via transfers to and from the ECB to ensure that the distribution of capital shares with effect from 1 January 2019 corresponds to the adjusted weightings. To this effect, each NCB shall, by virtue of this Article and without the need for any further formality or act, be deemed to have either transferred or received with effect from 1 January 2019 the share in the ECB's subscribed capital shown next to its name in the fourth column of the table in Annex I to this Decision, whereby '+' shall refer to a capital share that the ECB shall transfer to the NCB and '-' to a capital share that the NCB shall transfer to the ECB.

*Article 2*

**Adjustment of the paid-up capital**

1. Given the amount of the ECB's capital that each NCB has paid up and the amount of the ECB's capital that each NCB shall pay up with effect from 1 January 2019, pursuant to Article 1 of Decision (EU) 2019/44 (ECB/2018/28) for the euro area NCBs and Article 1 of Decision (EU) 2019/48 (ECB/2018/32) for the non-euro area NCBs, respectively, on the first operating day of the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) following 1 January 2019 each NCB shall either transfer or receive the net amount shown next to its name in the fourth column of the table in Annex II to this Decision, whereby '+' shall refer to an amount that the NCB shall transfer to the ECB and '-' to an amount that the ECB shall transfer to that NCB.

2. On the first TARGET2 operating day following 1 January 2019, the ECB and the NCBs that are under an obligation to transfer an amount under paragraph 1 shall each separately transfer any interest on the respective amounts due accruing over the period from 1 January 2019 until the date of the transfer. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.

*Article 3*

**General provisions**

1. The transfers described in Article 2 shall take place through TARGET2.
2. Where an NCB does not have access to TARGET2, the amounts described in Article 2 shall be transferred by crediting an account that the ECB or NCB shall nominate in due time.
3. Any interest accruing under Article 2(2) shall be calculated on a daily basis, using the actual-over-360-day method of calculation, at a rate equal to the latest available marginal interest rate used by the Eurosystem in its tenders for main refinancing operations.
4. The ECB and the NCBs that are under an obligation to make a transfer under Article 2 shall, in due course, give the necessary instructions for duly executing such transfer on time.

*Article 4*

**Entry into force and repeal**

1. This Decision shall enter into force on 1 January 2019.

2. Decision ECB/2013/29 is repealed with effect from 1 January 2019.
3. References to Decision ECB/2013/29 shall be construed as references to this Decision.

Done at Frankfurt am Main, 29 November 2018.

*The President of the ECB*  
Mario DRAGHI

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## ANNEX I

## NCBs' SUBSCRIBED CAPITAL

	Share subscribed on 31 December 2018 (EUR)	Share subscribed from 1 January 2019 (EUR)	Share to be transferred (EUR)
<b>Euro area NCB</b>			
Nationale Bank van België/Banque Nationale de Belgique	268 222 025,17	273 656 178,72	5 434 153,55
Deutsche Bundesbank	1 948 208 997,34	1 988 229 048,48	40 020 051,14
Eesti Pank	20 870 613,63	21 303 613,91	433 000,28
Central Bank of Ireland	125 645 857,06	127 237 133,10	1 591 276,04
Bank of Greece	220 094 043,74	187 186 022,25	- 32 908 021,49
Banco de España	957 028 050,02	902 708 164,54	- 54 319 885,48
Banque de France	1 534 899 402,41	1 537 811 329,32	2 911 926,91
Banca d'Italia	1 332 644 970,33	1 277 599 809,38	- 55 045 160,95
Central Bank of Cyprus	16 378 235,70	16 269 985,63	- 108 250,07
Latvijas Banka	30 537 344,94	29 563 094,31	- 974 250,63
Lietuvos bankas	44 728 929,21	43 938 703,70	- 790 225,51
Banque centrale du Luxembourg	21 974 764,35	24 572 766,05	2 598 001,70
Central Bank of Malta	7 014 604,58	7 923 905,17	909 300,59
De Nederlandsche Bank	433 379 158,03	440 328 812,57	6 949 654,54
Oesterreichische Nationalbank	212 505 713,78	220 018 268,69	7 512 554,91
Banco de Portugal	188 723 173,25	177 172 890,71	- 11 550 282,54
Banka Slovenije	37 400 399,43	36 382 848,76	- 1 017 550,67
Národná banka Slovenska	83 623 179,61	86 643 356,59	3 020 176,98
Suomen Pankki	136 005 388,82	137 564 189,84	1 558 801,02
<b>Non-euro area NCB</b>			
Българска народна банка (Bulgarian National Bank)	92 986 810,73	92 131 635,17	- 855 175,56
Česká národní banka	174 011 988,64	175 062 014,33	1 050 025,69
Danmarks Nationalbank	161 000 330,15	162 223 555,95	1 223 225,80
Hrvatska narodna banka	65 199 017,58	61 410 265,11	- 3 788 752,47
Magyar Nemzeti Bank	149 363 447,55	144 492 194,37	- 4 871 253,18
Narodowy Bank Polski	554 565 112,18	563 636 468,10	9 071 355,92

	Share subscribed on 31 December 2018 (EUR)	Share subscribed from 1 January 2019 (EUR)	Share to be transferred (EUR)
Banca Națională a României	281 709 983,98	264 887 922,99	- 16 822 060,99
Sveriges Riksbank	246 041 585,69	273 028 328,31	26 986 742,62
Bank of England	1 480 243 941,72	1 552 024 563,60	71 780 621,88
<b>Total <sup>(1)</sup></b>	<b>10 825 007 069,61</b>	<b>10 825 007 069,61</b>	<b>0,00</b>

<sup>(1)</sup> Due to rounding, totals may not correspond to the sum of all figures shown.

## ANNEX II

## NCBs' PAID-UP CAPITAL

	Share paid up on 31 December 2018 (EUR)	Share paid up from 1 January 2019 (EUR)	Amount of transfer payment (EUR)
<b>Euro area NCB</b>			
Nationale Bank van België/Banque Nationale de Belgique	268 222 025,17	273 656 178,72	5 434 153,55
Deutsche Bundesbank	1 948 208 997,34	1 988 229 048,48	40 020 051,14
Eesti Pank	20 870 613,63	21 303 613,91	433 000,28
Central Bank of Ireland	125 645 857,06	127 237 133,10	1 591 276,04
Bank of Greece	220 094 043,74	187 186 022,25	- 32 908 021,49
Banco de España	957 028 050,02	902 708 164,54	- 54 319 885,48
Banque de France	1 534 899 402,41	1 537 811 329,32	2 911 926,91
Banca d'Italia	1 332 644 970,33	1 277 599 809,38	- 55 045 160,95
Central Bank of Cyprus	16 378 235,70	16 269 985,63	- 108 250,07
Latvijas Banka	30 537 344,94	29 563 094,31	- 974 250,63
Lietuvos bankas	44 728 929,21	43 938 703,70	- 790 225,51
Banque centrale du Luxembourg	21 974 764,35	24 572 766,05	2 598 001,70
Central Bank of Malta	7 014 604,58	7 923 905,17	909 300,59
De Nederlandsche Bank	433 379 158,03	440 328 812,57	6 949 654,54
Oesterreichische Nationalbank	212 505 713,78	220 018 268,69	7 512 554,91
Banco de Portugal	188 723 173,25	177 172 890,71	- 11 550 282,54
Banka Slovenije	37 400 399,43	36 382 848,76	- 1 017 550,67
Národná banka Slovenska	83 623 179,61	86 643 356,59	3 020 176,98
Suomen Pankki	136 005 388,82	137 564 189,84	1 558 801,02
<b>Non-euro area NCB</b>			
Българска народна банка (Bulgarian National Bank)	3 487 005,40	3 454 936,32	- 32 069,08
Česká národní banka	6 525 449,57	6 564 825,54	39 375,97
Danmarks Nationalbank	6 037 512,38	6 083 383,35	45 870,97
Hrvatska narodna banka	2 444 963,16	2 302 884,94	- 142 078,22
Magyar Nemzeti Bank	5 601 129,28	5 418 457,29	- 182 671,99
Narodowy Bank Polski	20 796 191,71	21 136 367,55	340 175,84



	Share paid up on 31 December 2018 (EUR)	Share paid up from 1 January 2019 (EUR)	Amount of transfer payment (EUR)
Banca Națională a României	10 564 124,40	9 933 297,11	- 630 827,29
Sveriges Riksbank	9 226 559,46	10 238 562,31	1 012 002,85
Bank of England	55 509 147,81	58 200 921,14	2 691 773,33
<b>Total <sup>(1)</sup></b>	<b>7 740 076 934,57</b>	<b>7 659 443 757,27</b>	<b>- 80 633 177,30</b>

<sup>(1)</sup> Due to rounding, totals may not correspond to the sum of all figures shown.

**DECISION (EU) 2019/46 OF THE EUROPEAN CENTRAL BANK****of 29 November 2018****laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets and repealing Decision ECB/2013/26 (ECB/2018/30)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 30 thereof,

Whereas:

- (1) Decision (EU) 2019/43 of the European Central Bank (ECB/2018/27) <sup>(1)</sup> provides for the adjustment of the key for subscription to the capital of the European Central Bank (ECB) (hereinafter the 'capital key') in accordance with Article 29.3 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') and establishes, with effect from 1 January 2019, the new weightings assigned to each national central bank (NCB) in the adjusted capital key (hereinafter the 'capital key weightings').
- (2) The adjustments to the capital key weightings and the resulting changes in the NCBs' shares in the ECB's subscribed capital make it necessary to adjust the claims which the ECB has credited under Article 30.3 of the Statute of the ESCB to the NCBs of the Member States whose currency is the euro (hereinafter the 'euro area NCBs') and which are equivalent to the contributions by euro area NCBs of foreign reserve assets to the ECB (hereinafter the 'claims'). Those euro area NCBs whose claims increase due to an increase in their capital key weightings from 1 January 2019 should therefore effect a compensatory transfer to the ECB, while the ECB should effect a compensatory transfer to those euro area NCBs whose claims decrease due to a decrease in their capital key weightings.
- (3) In accordance with the general principles of fairness, equal treatment and the protection of legitimate expectations underlying the Statute of the ESCB, those euro area NCBs whose relative share in the ECB's accumulated equity value increases due to the abovementioned adjustments should also effect a compensatory transfer to those euro area NCBs whose relative shares decrease.
- (4) The respective capital key weightings of each euro area NCB until 31 December 2018 and with effect from 1 January 2019 should be expressed as a percentage of the ECB's total capital as subscribed to by all euro area NCBs for the purpose of calculating the adjustment of the value of each euro area NCB's share in the ECB's accumulated equity value.
- (5) Accordingly, the adoption of a new ECB decision is required to repeal Decision ECB/2013/26 <sup>(2)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1***Definitions**

For the purposes of this Decision:

- (a) 'accumulated equity value' means the total of the ECB's reserves, revaluation accounts and provisions equivalent to reserves as calculated by the ECB as at 31 December 2018. The ECB's reserves and those provisions equivalent to reserves shall include, without limitation to the generality of the accumulated equity value, the general reserve fund and the provision for foreign exchange rate, interest rate, credit and gold price risks;
- (b) 'transfer date' means the second business day following the Governing Council's approval of the ECB's financial accounts for the financial year 2018.

<sup>(1)</sup> Decision (EU) 2019/43 of the European Central Bank of 29 November 2018 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27) (see page 178 of this Official Journal).

<sup>(2)</sup> Decision ECB/2013/26 of 29 August 2013 laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets (OJ L 16, 21.1.2014, p. 47).

*Article 2***Contribution to the ECB's reserves and provisions**

1. If a euro area NCB's share in the accumulated equity value increases due to an increase in its capital key weighting with effect from 1 January 2019, that euro area NCB shall transfer the amount determined pursuant to paragraph 3 to the ECB on the transfer date.
2. If a euro area NCB's share in the accumulated equity value decreases due to a decrease in its capital key weighting with effect from 1 January 2019, that euro area NCB shall receive the amount determined pursuant to paragraph 3 from the ECB on the transfer date.
3. The ECB shall, on or before the day the Governing Council approves the ECB's financial accounts for the financial year 2018, calculate and confirm to each euro area NCB either the amount to be transferred by that euro area NCB to the ECB where paragraph 1 applies, or the amount which that euro area NCB shall receive from the ECB where paragraph 2 applies. Subject to rounding, each amount to be transferred or received shall be calculated by multiplying the accumulated equity value by the absolute difference between each euro area NCB's capital key weighting on 31 December 2018 and its capital key weighting with effect from 1 January 2019 and dividing the result by 100.
4. Each amount described in paragraph 3 shall be due in euro on 1 January 2019 but shall be effectively transferred on the transfer date.
5. On the transfer date, a euro area NCB or the ECB having to transfer an amount under paragraph 1 or paragraph 2 shall also separately transfer any interest accruing over the period from 1 January 2019 until the transfer date on each of the respective amounts due from such euro area NCB and the ECB. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.
6. If the accumulated equity value is less than zero, the amounts that have to be transferred or received under paragraph 3 and paragraph 5 shall be settled in the opposite directions to those specified in paragraph 3 and paragraph 5.

*Article 3***Adjustment of the claims equivalent to the transferred foreign reserve assets**

1. The euro area NCBs' claims shall be adjusted with effect from 1 January 2019 in accordance with their adjusted capital key weightings. The value of the euro area NCBs' claims with effect from 1 January 2019 is shown in the third column of the table in the Annex to this Decision.
2. Each euro area NCB shall, by virtue of this provision and without any further formality or act being required, be considered to have either transferred or received on 1 January 2019 the absolute value of the claim in euro shown next to its name in the fourth column of the table in the Annex to this Decision, whereby '-' shall refer to a claim that the euro area NCB shall transfer to the ECB and '+' to a claim that the ECB shall transfer to the euro area NCB.
3. On the first operating day of the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) following 1 January 2019, each euro area NCB shall either transfer or receive the absolute value of the amount in euro shown next to its name in the fourth column of the table in the Annex to this Decision, whereby '+' shall refer to an amount that the euro area NCB shall transfer to the ECB and '-' to an amount that the ECB shall transfer to the euro area NCB.
4. On the first TARGET2 operating day following 1 January 2019, a euro area NCB or the ECB having to transfer an amount under paragraph 3 shall also separately transfer any interest accruing over the period from 1 January 2019 until the date of this transfer on the respective amount due from such euro area NCB or the ECB. The transferors and recipients of this interest shall be the same as the transferors and recipients of the amounts on which the interest accrues.

*Article 4***General provisions**

1. The interest accruing under Article 2(5) and Article 3(4) shall be calculated on a daily basis, using the actual-over-360-day method of calculation, at a rate equal to the latest available marginal interest rate used by the Eurosystem in its tenders for main refinancing operations.

2. Each transfer pursuant to Article 2(1), (2) and (5) and Article 3(3) and (4) shall take place separately through TARGET2.
3. The ECB and the euro area NCBs that are under an obligation to effect any of the transfers referred to in paragraph 2 shall, in due course, give the necessary instructions for duly executing such transfers on time.

*Article 5*

**Entry into force and repeal**

1. This Decision shall enter into force on 1 January 2019.
2. Decision ECB/2013/26 is repealed with effect from 1 January 2019.
3. References to Decision ECB/2013/26 shall be construed as references to this Decision.

Done at Frankfurt am Main, 29 November 2018.

*The President of the ECB*  
Mario DRAGHI

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## ANNEX

## CLAIMS EQUIVALENT TO THE FOREIGN RESERVE ASSETS TRANSFERRED TO THE ECB

Euro area NCB	Claim equivalent to the foreign reserve assets transferred to the ECB, on 31 December 2018 (EUR)	Claim equivalent to the foreign reserve assets transferred to the ECB, with effect from 1 January 2019 (EUR)	Amount of transfer (EUR)
Nationale Bank van België/Banque Nationale de Belgique	1 435 910 942,87	1 465 002 366,44	29 091 423,57
Deutsche Bundesbank	10 429 623 057,57	10 643 868 063,45	214 245 005,88
Eesti Pank	111 729 610,86	114 047 652,58	2 318 041,72
Central Bank of Ireland	672 637 755,83	681 156 559,14	8 518 803,31
Bank of Greece	1 178 260 605,79	1 002 089 435,15	- 176 171 170,64
Banco de España	5 123 393 758,49	4 832 595 424,83	- 290 798 333,66
Banque de France	8 216 994 285,69	8 232 583 116,25	15 588 830,56
Banca d'Italia	7 134 236 998,72	6 839 555 945,19	- 294 681 053,53
Central Bank of Cyprus	87 679 928,02	87 100 417,59	- 579 510,43
Latvijas Banka	163 479 892,24	158 264 298,37	- 5 215 593,87
Lietuvos bankas	239 453 709,58	235 223 283,44	- 4 230 426,14
Banque centrale du Luxembourg	117 640 617,24	131 548 867,56	13 908 250,32
Central Bank of Malta	37 552 275,85	42 420 163,46	4 867 887,61
De Nederlandsche Bank	2 320 070 005,55	2 357 274 575,15	37 204 569,60
Oesterreichische Nationalbank	1 137 636 924,67	1 177 854 948,49	40 218 023,82
Banco de Portugal	1 010 318 483,25	948 484 720,39	- 61 833 762,86
Banka Slovenije	200 220 853,48	194 773 455,44	- 5 447 398,04
Národná banka Slovenska	447 671 806,99	463 840 147,98	16 168 340,99
Suomen Pankki	728 096 903,95	736 441 854,14	8 344 950,19
<b>Total <sup>(1)</sup></b>	<b>40 792 608 416,64</b>	<b>40 344 125 295,04</b>	<b>- 448 483 121,60</b>

(<sup>1</sup>) Due to rounding, totals may not correspond to the sum of all figures shown.

**DECISION (EU) 2019/47 OF THE EUROPEAN CENTRAL BANK**  
**of 29 November 2018**  
**amending Decision ECB/2010/29 on the issue of euro banknotes (ECB/2018/31)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 16 thereof,

Whereas:

- (1) Decision (EU) 2019/43 of the European Central Bank (ECB/2018/27) <sup>(1)</sup> provides for the adjustment of the key for subscription to the capital of the European Central Bank (ECB) (hereinafter the 'capital key') in accordance with Article 29.3 of the Statute of the European System of Central Banks and of the European Central Bank and establishes, with effect from 1 January 2019, new weightings assigned to each national central bank (NCB) in the adjusted capital key (hereinafter the 'capital key weightings').
- (2) Article 1(d) of Decision ECB/2010/29 <sup>(2)</sup> defines the 'banknote allocation key' and refers to Annex I to that Decision, which specifies the banknote allocation key applying since 1 January 2015. Given that new capital key weightings will apply from 1 January 2019, Decision ECB/2010/29 needs to be amended in order to determine the banknote allocation key applying from 1 January 2019,

HAS ADOPTED THIS DECISION:

*Article 1*

**Amendment**

1. The final sentence of Article 1(d) of Decision ECB/2010/29 is replaced by the following:  
'Annex I to this Decision specifies the banknote allocation key applying from 1 January 2019.'
2. Annex I to Decision ECB/2010/29 is replaced by the text set out in the Annex to this Decision.

*Article 2*

**Entry into force**

This Decision shall enter into force on 1 January 2019.

Done at Frankfurt am Main, 29 November 2018.

*The President of the ECB*  
Mario DRAGHI

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<sup>(1)</sup> Decision (EU) 2019/43 of the European Central Bank of 29 November 2018 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27) (see page 178 of this Official Journal).

<sup>(2)</sup> Decision ECB/2010/29 of 13 December 2010 on the issue of euro banknotes (OJ L 35, 9.2.2011, p. 26).

## ANNEX

## 'ANNEX I

## BANKNOTE ALLOCATION KEY FROM 1 JANUARY 2019

	%
European Central Bank	8,0000
Nationale Bank van België/Banque Nationale de Belgique	3,3410
Deutsche Bundesbank	24,2720
Eesti Pank	0,2600
Central Bank of Ireland	1,5535
Bank of Greece	2,2850
Banco de España	11,0200
Banque de France	18,7735
Banca d'Italia	15,5970
Central Bank of Cyprus	0,1985
Latvijas Banka	0,3610
Lietuvos bankas	0,5365
Banque centrale du Luxembourg	0,3000
Central Bank of Malta	0,0965
De Nederlandsche Bank	5,3755
Oesterreichische Nationalbank	2,6860
Banco de Portugal	2,1630
Banka Slovenije	0,4440
Národná banka Slovenska	1,0575
Suomen Pankki	1,6795
<b>TOTAL</b>	<b>100,0000'</b>

**DECISION (EU) 2019/48 OF THE EUROPEAN CENTRAL BANK****of 30 November 2018****on the paying-up of the European Central Bank's capital by the non-euro area national central banks and repealing Decision ECB/2013/31 (ECB/2018/32)**

THE GENERAL COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 47 thereof,

Whereas:

- (1) Article 47 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') provides that national central banks of Member States with a derogation (hereinafter 'non-euro area NCBs') do not need to pay up their subscribed capital unless the General Council of the European Central Bank (ECB), acting by a majority representing at least two thirds of the subscribed capital of the ECB and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the ECB's operational costs.
- (2) Article 1 of Decision ECB/2013/31 <sup>(1)</sup> provides that each non-euro area NCB shall pay up 3,75 % of its share in the ECB's subscribed capital with effect from 1 January 2014.
- (3) Decision (EU) 2019/43 of the European Central Bank (ECB/2018/27) <sup>(2)</sup> provides for the adjustment of the key for subscription to the ECB's capital (hereinafter the 'capital key') in accordance with Article 29.3 of the Statute of the ESCB and establishes with effect from 1 January 2019 the new weightings assigned to each NCB in the adjusted capital key (hereinafter the 'capital key weightings').
- (4) The quinquennial adjustment of the ECB's capital key requires the adoption of a new ECB decision repealing Decision ECB/2013/31 with effect from 1 January 2019 and determining the percentage of the ECB's subscribed capital which the non-euro area NCBs are under an obligation to pay up with effect from 1 January 2019,

HAS ADOPTED THIS DECISION:

*Article 1***Extent and form of subscribed and paid-up capital**

Each non-euro area NCB shall pay up 3,75 % of its share in the ECB's subscribed capital with effect from 1 January 2019. Taking into account the new capital key weightings laid down in Article 2 of Decision (EU) 2019/43 (ECB/2018/27), each non-euro area NCB shall have a total subscribed and paid-up capital of the amounts shown next to its name in the following table:

Non-euro area NCB	Subscribed capital as at 1 January 2019 (in EUR)	Paid-up capital as at 1 January 2019 (in EUR)
Българска народна банка (Bulgarian National Bank)	92 131 635,17	3 454 936,32
Česká národní banka	175 062 014,33	6 564 825,54
Danmarks Nationalbank	162 223 555,95	6 083 383,35
Hrvatska narodna banka	61 410 265,11	2 302 884,94
Magyar Nemzeti Bank	144 492 194,37	5 418 457,29

<sup>(1)</sup> Decision ECB/2013/31 of 30 August 2013 on the paying-up of the European Central Bank's capital by the non-euro area national central banks (OJ L 16, 21.1.2014, p. 63).

<sup>(2)</sup> Decision (EU) 2019/43 of the European Central Bank of 29 November 2018 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision ECB/2013/28 (ECB/2018/27) (see page 178 of this Official Journal).



Non-euro area NCB	Subscribed capital as at 1 January 2019 (in EUR)	Paid-up capital as at 1 January 2019 (in EUR)
Narodowy Bank Polski	563 636 468,10	21 136 367,55
Banca Națională a României	264 887 922,99	9 933 297,11
Sveriges Riksbank	273 028 328,31	10 238 562,31
Bank of England	1 552 024 563,60	58 200 921,14

*Article 2*

**Adjustment of the paid-up capital**

1. Given that each non-euro area NCB has already paid up 3,75 % of its share in the ECB's subscribed capital as applicable on 31 December 2018 under Decision ECB/2013/31, each of them shall either transfer an additional amount to the ECB, or receive an amount back from the ECB, as appropriate, in order to arrive at the amounts shown in the third column of the table in Article 1.
2. All transfers pursuant to this Article shall be made in accordance with Decision (EU) 2019/45 of the European Central Bank (ECB/2018/29) <sup>(3)</sup>.

*Article 3*

**Entry into force and repeal**

1. This Decision shall enter into force on 1 January 2019.
2. Decision ECB/2013/31 is repealed with effect from 1 January 2019.
3. References to Decision ECB/2013/31 shall be construed as references to this Decision.

Done at Frankfurt am Main, 30 November 2018.

*The President of the ECB*  
Mario DRAGHI

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<sup>(3)</sup> Decision (EU) 2019/45 of the European Central Bank of 29 November 2018 laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital and repealing Decision ECB/2013/29 (ECB/2018/29) (see page 183 of this Official Journal).

**CORRIGENDA****Corrigendum to First Commission Directive 79/796/EEC of 26 July 1979 Laying down Community methods of analysis for testing certain sugars intended for human consumption**

*(Official Journal of the European Communities L 239 of 22 September 1979)*

On page 24 and on the cover page, the title of the Directive:

*for:*

**'FIRST COMMISSION DIRECTIVE**

**of 26 July 1979**

**Laying down Community methods of analysis for testing certain sugars intended for human consumption**

**(79/786/EEC)**

*read:*

**'FIRST COMMISSION DIRECTIVE**

**of 26 July 1979**

**laying down Community methods of analysis for testing certain sugars intended for human consumption**

**(79/796/EEC)**

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