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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/385

of 4 March 2019

on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2018-2024)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(6)(a)(v) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) On 17 March 2008, the Council adopted Regulation (EC) No 242/2008 ⁽²⁾ concluding the Fisheries Partnership Agreement between the Republic of Côte d'Ivoire and the European Community ⁽³⁾ (the 'Agreement'). The Agreement was then tacitly renewed and is still in force.
- (2) The last Protocol to the Agreement expired on 30 June 2018.
- (3) The Commission has negotiated, on behalf of the Union, a new Protocol implementing the Agreement (the 'Protocol'). The Protocol was initialled on 16 March 2018.
- (4) In accordance with Council Decision (EU) 2018/1069 ⁽⁴⁾, the Protocol was signed on 1 August 2018, subject to its conclusion at a later date.
- (5) The Protocol has been applied on a provisional basis as from the date of its signature.
- (6) The objective of the Protocol is to enable the Union and the Republic of Côte d'Ivoire ('Côte d'Ivoire') to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Ivorian waters, and Côte d'Ivoire's efforts to develop a blue economy.
- (7) The Protocol should be approved.
- (8) Article 9 of the Agreement establishes the Joint Committee responsible for monitoring its implementation (the 'Joint Committee'). Furthermore, in accordance with Article 5(4) and Articles 6 and 7 of the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be empowered, subject to specific conditions, to approve those amendments under a simplified procedure,

⁽¹⁾ Consent of 12 February 2019 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 242/2008 of 17 March 2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire (OJ L 75, 18.3.2008, p. 51).

⁽³⁾ OJ L 48, 22.2.2008, p. 41.

⁽⁴⁾ Council Decision (EU) 2018/1069 of 26 July 2018 on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2018-2024) (OJ L 194, 31.7.2018, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2018-2024) is hereby approved on behalf of the Union ^(³).

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 14 of the Protocol.

Article 3

Subject to the provisions and conditions set out in the Annex to this Decision, the Commission shall be empowered to approve, on behalf of the Union, the amendments to the Protocol to be adopted by the Joint Committee.

Article 4

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

Done at Brussels, 4 March 2019.

For the Council
The President
A. ANTON

⁽³⁾ The Protocol has been published in OJ L 194 of 31.7.2018, p. 3, together with the decision on signature.

ANNEX

SCOPE OF THE EMPOWERMENT AND PROCEDURE FOR ESTABLISHING THE UNION POSITION IN THE JOINT COMMITTEE

- (1) The Commission shall be authorised to negotiate with the Republic of Côte d'Ivoire and, where appropriate and subject to compliance with point 3, agree on modifications to the Protocol in respect of the following issues:
 - (a) review of fishing opportunities and related provisions in accordance with Articles 6 and 7 of the Protocol;
 - (b) adaption of the arrangements for implementing sectoral support in accordance with Article 6 of the Protocol;
 - (c) management measures falling within the powers of the Joint Committee in accordance with Article 5(4) of the Protocol.
 - (2) In the Joint Committee established under the Agreement, the Union shall:
 - (a) act in accordance with the objectives pursued by the Union within the framework of the Common Fisheries Policy;
 - (b) promote positions that are consistent with the relevant rules adopted by regional fisheries management organisations and in the context of joint management by coastal States.
 - (3) When a decision on modifications to the Protocol referred to in point 1 is to be adopted during a Joint Committee meeting, the necessary steps shall be taken to ensure that the position to be expressed on behalf of the Union takes account of the latest statistical, biological and other relevant information transmitted to the Commission.

To this effect and based on that information, a document setting out the particulars of the proposed Union position shall be transmitted by the Commission services, in sufficient time before the relevant Joint Committee meeting, to the Council or to its preparatory bodies for consideration and approval.
 - (4) In respect of the issues referred to in point 1(a), the approval of the envisaged Union position by the Council shall require a qualified majority of votes. In the other cases, the Union position envisaged in the preparatory document shall be deemed to be agreed, unless a number of Member States equivalent to a blocking minority objects during a meeting of the Council's preparatory body or within 20 days from receipt of the preparatory document, whichever occurs earlier. In case of such objection, the matter shall be referred to the Council.
 - (5) If, in the course of further meetings, including on the spot, it is impossible to reach an agreement in order for the Union position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.
 - (6) The Commission is invited to take, in due time, any steps necessary as a follow up to the decision of the Joint Committee, including, where appropriate, publication of the relevant decision in the *Official Journal of the European Union* and submission of any proposal necessary for the implementation of that decision.
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REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/386

of 11 March 2019

laying down rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and with regard to import licences issued and import rights allocated under those tariff rate quotas

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular points (a) and (c) of Article 187 thereof,

Whereas:

- (1) Regulation (EU) 2019/216 of the European Parliament and of the Council ⁽²⁾ provides that the tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 are to be apportioned between the Union and the United Kingdom based on the EU-27 share in the quota usage set out in the Annex to that Regulation.
- (2) As a result, measures need to be adopted in order to implement the apportionment of the relevant tariff rate quotas for certain agricultural products set out in Part A of the Annex to Regulation (EU) 2019/216. In particular, it should be established that the tariff rate quota quantities set out in the Regulations opening the respective tariff rate quotas are replaced by the new quantities resulting from the apportionment implemented by this Regulation.
- (3) Within certain tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 quantities have been allocated to particular third countries as part of the Union's international commitments. It is therefore necessary to apportion those specifically allocated quantities between the Union and the United Kingdom, based on the apportionments set out in Regulation (EU) 2019/216 and taking into account historic trade flows between those third countries, the Union and the United Kingdom.
- (4) As the day from which the relevant Article of Regulation (EU) 2019/216 will possibly begin to apply is likely to be a day falling in a quota period that has started running, it is necessary to provide for specific rules for the implementation of the apportionment for the quantities not yet allocated on that day for the tariff rate quotas in respect of which the quota period begins before the day from which Article 1(2) of Regulation (EU) 2019/216 applies and ends after that day. However, in such cases the apportioned tariff rate quota quantities should not exceed the new quantities available for the EU-27 as set out in this Regulation for each tariff rate quota managed by the simultaneous examination method, taking into account the quantities allocated in the Member States other than the United Kingdom before the day from which Article 1(2) of Regulation (EU) 2019/216 applies.
- (5) In order to ensure legal certainty and transparency for the operators, the Commission should publish the quantities that are available following the apportionment of those tariff rate quotas within two working days from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.
- (6) It is also necessary to lay down rules on the validity of rights and obligations deriving from import licences issued and import rights allocated by the license issuing authorities of the United Kingdom or by the licence issuing authorities of other Member States.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Regulation (EU) 2019/216 of the European Parliament and of the Council of 30 January 2019 on the apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union and amending Council Regulation (EC) No 32/2000 (OJ L 38, 8.2.2019, p. 1).

- (7) In order to ensure that from the day from which Article 1(2) of Regulation (EU) 2019/216 applies imports under the tariff rate quotas included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 are performed only by operators established in the Union, it is necessary to provide for a specific rule concerning the validity of import licences and import rights transferred to operators established in the United Kingdom and not used by that day.
- (8) In the interest of legal certainty and transparency for the operators, it should be clarified that, except where import licences were issued and import rights were allocated by the licence issuing authorities in the United Kingdom, the Union rules in force as regards rights and obligations deriving from import licences and import rights, including those concerning securities, remain applicable. In addition, rules concerning import licences transferred to operators established in the United Kingdom need to be laid down.
- (9) The agreement in the form of an Exchange of Letters on the consultations between the European Community and the Kingdom of Thailand under GATT Article XXIII ⁽³⁾, approved by Council Decision 96/317/EC ⁽⁴⁾, provides for the opening of an additional autonomous annual tariff quota of 10 500 tonnes of manioc starch, of which 10 000 tonnes are reserved for Thailand and 500 tonnes are available for all third countries. For management purposes, those 500 tonnes were added to WTO tariff quota under order number 09.0132 (CN 1108 14 00 manioc starch) that needs to be apportioned in view of the United Kingdom's withdrawal from the Union. In view of this, the tariff quota of 500 tonnes (CN 1108 14 00 manioc starch) needs to be separated from the quantities that should be apportioned in view of the United Kingdom's withdrawal from the Union and as such should be made available under a separate order number.
- (10) This Regulation should apply from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.
- (11) 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

Apportionment of tariff rate quotas

1. The tariff rate quotas for certain agricultural products included in the Union's schedule of concessions and commitments annexed to the General Agreement on Tariffs and Trade 1994 shall be apportioned between the Union and the United Kingdom as follows:
 - (a) the apportioned quantities of the tariff rate quotas managed by the simultaneous examination method shall be as set out in Annex I;
 - (b) the apportioned quantities of the tariff rate quotas managed by the 'first come, first served' method shall be as set out in Annex II.
2. The tariff rate quota quantities set out in the Regulations opening the tariff rate quotas referred to in Annexes I and II to this Regulation shall be replaced by the quantities set out in the third column of those Annexes.
3. By way of derogation from paragraph 1, where for a tariff rate quota the quota period begins before the day from which Article 1(2) of Regulation (EU) 2019/216 applies and ends after that day, the apportionment of the tariff rate quota concerned shall be made by applying the EU-27 percentage to the quantities of that tariff rate quota available after the last allocation. Taking into account the quantities allocated in the Member States other than the United Kingdom for each such tariff quota in the same quota period before the day from which Article 1(2) of Regulation (EU) 2019/216 applies, the apportioned tariff rate quota quantities shall not exceed the quantities set out in the third column of Annex I to this Regulation for each tariff rate quota managed by the simultaneous examination method.

Within two working days from the day from which Article 1(2) of Regulation (EU) 2019/216 applies, the Commission shall publish, by means of an appropriate web publication, the quantities available for each tariff rate quota referred to in the first subparagraph of this paragraph on the day from which Article 1(2) of that Regulation applies.

⁽³⁾ OJ L 122, 22.5.1996, p. 16.

⁽⁴⁾ OJ L 122, 22.5.1996, p. 15.

Article 2

Import licences issued and import rights allocated before Article 1(2) of Regulation (EU) 2019/216 applies

1. Rights and obligations deriving from import licenses issued and import rights allocated by the licensing issuing authorities of the United Kingdom under the tariff rate quotas referred to in Annexes I and II to this Regulation shall expire in the Union as soon as Article 1(2) of Regulation (EU) 2019/216 applies.
2. Rights and obligations deriving from import licences issued and import rights allocated by the licencing authorities of Member States other than the United Kingdom under the tariff rate quotas referred to in Annexes I and II to this Regulation shall remain valid in the Union.

However, where before Article 1(2) of Regulation (EU) 2019/216 applies such licences were transferred to operators established in the United Kingdom, the rights and obligations deriving from those licences shall expire in the Union as soon as Article 1(2) of Regulation (EU) 2019/216 applies.

Article 3

Amendment of Commission Regulation (EU) No 1085/2010

In the Annex to Commission Regulation (EU) No 1085/2010 ⁽⁵⁾ the following new line is added:

Order number	CN codes/product	Origin	Customs duty	Annual tariff quota (tonnes, net weight)
'09.0135	1108 14 00 Manioc starch	All third countries	Duty equal to the most favoured nation duty (MFN duty) in force, less EUR 100/tonne	500'

Article 4

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

It shall apply from the day from which Article 1(2) of Regulation (EU) 2019/216 applies.

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

Done at Brussels, 11 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽⁵⁾ Commission Regulation (EU) No 1085/2010 of 25 November 2010 opening and providing for the administration of certain annual tariff quotas for importing sweet potatoes, manioc, manioc starch and other products falling within CN codes 0714 90 11 and 0714 90 19 and amending Regulation (EU) No 1000/2010 (OJ L 310, 26.11.2010, p. 3).

ANNEX I

Tariff rate quotas managed by the simultaneous examination method with licences

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.4451	Commission Implementing Regulation (EU) No 593/2013 ⁽²⁾	2 481 tonnes	34,7 %
09.4450	Implementing Regulation (EU) No 593/2013	16 936 tonnes	99,6 %
	Implementing Regulation (EU) No 593/2013	12 453 tonnes	100 %
09.4452	Implementing Regulation (EU) No 593/2013	2 022 tonnes	87,9 %
	Implementing Regulation (EU) No 593/2013	3 584 tonnes	87,9 %
09.4002	Implementing Regulation (EU) No 593/2013	11 481 tonnes	99,8 %
09.4455	Implementing Regulation (EU) No 593/2013	711 tonnes	71,1 %
09.4454	Implementing Regulation (EU) No 593/2013	846 tonnes	65,1 %
09.4453	Implementing Regulation (EU) No 593/2013	8 951 tonnes	89,5 %
09.4003	Commission Regulation (EC) No 431/2008 ⁽³⁾	43 732 tonnes	79,7 %
09.4001	Implementing Regulation (EU) No 593/2013	1 405 tonnes	62,4 %
09.4004	Implementing Regulation (EU) No 593/2013	200 tonnes	100 %
09.4057	Commission Regulation (EC) No 412/2008 ⁽⁴⁾	15 443 tonnes	30,9 %
09.4058	Regulation (EC) No 412/2008	4 233 tonnes	30,9 %
09.4020	Commission Regulation (EC) No 748/2008 ⁽⁵⁾	800 tonnes	100 %
09.4460	Regulation (EC) No 748/2008	700 tonnes	100 %
09.4038	Commission Regulation (EC) No 442/2009 ⁽⁶⁾	12 680 tonnes	36 %
09.4170	Regulation (EC) No 442/2009	1 770 tonnes	36 %
09.4282	Commission Implementing Regulation (EU) 2017/1585 ⁽⁷⁾	Year 2020: 55 548 tonnes Year 2021: 68 048 tonnes From 2022: 80 548 tonnes ⁽⁸⁾	100 %
09.4067	Commission Regulation (EC) No 533/2007 ⁽⁹⁾	4 054 tonnes	64,9 %
09.4068	Regulation (EC) No 533/2007	8 253 tonnes	96,3 %
09.4069	Regulation (EC) No 533/2007	2 427 tonnes	89,7 %
09.4410	Commission Regulation (EC) No 1385/2007 ⁽¹⁰⁾	14 479 tonnes	86,7 %
09.4411	Regulation (EC) No 1385/2007	4 432 tonnes	86,9 %

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.4412	Regulation (EC) No 1385/2007	2 868 tonnes	86,9 %
09.4070	Regulation (EC) No 533/2007	1 781 tonnes	100 %
09.4420	Regulation (EC) No 1385/2007	4 227 tonnes	86,1 %
09.4421	Regulation (EC) No 1385/2007	597 tonnes	85,3 %
09.4422	Regulation (EC) No 1385/2007	2 121 tonnes	85,3 %
09.4169	Commission Regulation (EC) No 536/2007 ⁽¹¹⁾	21 345 tonnes	100 %
09.4211	Commission Regulation (EC) No 616/2007 ⁽¹²⁾	129 930 tonnes	76,1 %
09.4212	Regulation (EC) No 616/2007	68 385 tonnes	73,8 %
09.4213	Regulation (EC) No 616/2007	824 tonnes	99,5 %
09.4217	Regulation (EC) No 616/2007	89 950 tonnes	97,5 %
09.4218	Regulation (EC) No 616/2007	11 301 tonnes	97,5 %
09.4214	Regulation (EC) No 616/2007	52 665 tonnes	66,3 %
09.4215	Regulation (EC) No 616/2007	109 441 tonnes	68,4 %
09.4216	Regulation (EC) No 616/2007	8 471 tonnes	74 %
09.4251	Regulation (EC) No 616/2007	10 969 tonnes	69,4 %
09.4261	Regulation (EC) No 616/2007	236 tonnes	69,4 %
09.4252	Regulation (EC) No 616/2007	59 699 tonnes	94,9 %
09.4254	Regulation (EC) No 616/2007	8 019 tonnes	57,3 %
09.4260	Regulation (EC) No 616/2007	1 669 tonnes	59,6 %
09.4253	Regulation (EC) No 616/2007	163 tonnes	55,3 %
09.4255	Regulation (EC) No 616/2007	1 162 tonnes	55,3 %
09.4262	Regulation (EC) No 616/2007	260 tonnes	55,3 %
09.4257	Regulation (EC) No 616/2007	0 tonnes	0 %
09.4256	Regulation (EC) No 616/2007	8 572 tonnes	63,5 %
09.4263	Regulation (EC) No 616/2007	159 tonnes	72,1 %
09.4258	Regulation (EC) No 616/2007	300 tonnes	50 %
09.4264	Regulation (EC) No 616/2007	0 tonnes	0 %
09.4259	Regulation (EC) No 616/2007	278 tonnes	46,4 %

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.4265	Regulation (EC) No 616/2007	58 tonnes	46,4 %
09.4015	Commission Regulation (EC) No 539/2007 ⁽¹³⁾	114 669 tonnes	84,9 %
09.4401	Regulation (EC) No 539/2007	7 000 tonnes	100 %
09.4402	Regulation (EC) No 539/2007	15 500 tonnes	100 %
09.4590	Commission Regulation (EC) No 2535/2001 ⁽¹⁴⁾	68 536 tonnes	99,998 %
09.4599	Regulation (EC) No 2535/2001	11 360 tonnes	100 %
09.4182	Regulation (EC) No 2535/2001	21 230 tonnes	63,2 %
09.4195	Regulation (EC) No 2535/2001	25 947 tonnes	63,2 %
09.4591	Regulation (EC) No 2535/2001	5 360 tonnes	100 %
09.4592	Regulation (EC) No 2535/2001	18 438 tonnes	100 %
09.4593	Regulation (EC) No 2535/2001	5 413 tonnes	100 %
09.4594	Regulation (EC) No 2535/2001	11 741 tonnes	58,7 %
09.4515	Regulation (EC) No 2535/2001	1 670 tonnes	41,7 %
09.4522	Regulation (EC) No 2535/2001	500 tonnes	100 %
09.4595	Regulation (EC) No 2535/2001	14 941 tonnes	99,6 %
09.4514	Regulation (EC) No 2535/2001	4 361 tonnes	62,3 %
09.4521	Regulation (EC) No 2535/2001	3 711 tonnes	100 %
09.4596	Regulation (EC) No 2535/2001	19 525 tonnes	100 %
09.4104	Commission Regulation (EC) No 341/2007 ⁽¹⁵⁾	13 403 tonnes	100 %
09.4099	Regulation (EC) No 341/2007	5 744 tonnes	100 %
09.4105	Regulation (EC) No 341/2007	28 389 tonnes	84,1 %
09.4100	Regulation (EC) No 341/2007	12 167 tonnes	84,1 %
09.4106	Regulation (EC) No 341/2007	2 598 tonnes	61,6 %
09.4102	Regulation (EC) No 341/2007	1 113 tonnes	61,6 %
09.4157	Commission Regulation (EC) No 1979/2006 ⁽¹⁶⁾	28 880 tonnes	100 %
09.4193	Regulation (EC) No 1979/2006	1 520 tonnes	100 %
09.4194	Regulation (EC) No 1979/2006	252 tonnes	100 %
09.4158	Regulation (EC) No 1979/2006	4 779 tonnes	100 %

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.4123	Commission Regulation (EC) No 1067/2008 ⁽¹⁷⁾	571 943 tonnes	99,99 %
09.4125	Regulation (EC) No 1067/2008	2 285 665 tonnes	96,4 %
09.4133	Regulation (EC) No 1067/2008	129 577 tonnes	100 %
09.4126	Commission Regulation (EC) No 2305/2003 ⁽¹⁸⁾	306 812 tonnes	99,9 %
09.4131	Commission Regulation (EC) No 969/2006 ⁽¹⁹⁾	269 214 tonnes	96,8 %
09.4120 ⁽²⁰⁾	Commission Regulation (EC) No 1296/2008 ⁽²¹⁾	500 000 tonnes	100 %
09.4121 ⁽²²⁾	Regulation (EC) No 1296/2008	2 000 000 tonnes	100 %
09.4122 ⁽²³⁾	Regulation (EC) No 1296/2008	300 000 tonnes	100 %
09.4148	Commission Implementing Regulation (EU) No 1273/2011 ⁽²⁴⁾	1 416 tonnes	86,6 %
09.4127	Implementing Regulation (EU) No 1273/2011	15 888 tonnes	41 %
09.4128	Implementing Regulation (EU) No 1273/2011	18 798 tonnes	87,6 %
09.4129	Implementing Regulation (EU) No 1273/2011	240 tonnes	23,5 %
09.4130	Implementing Regulation (EU) No 1273/2011	1 805 tonnes	100 %
09.4138	Implementing Regulation (EU) No 1273/2011	— ⁽²⁵⁾	—
09.4112	Implementing Regulation (EU) No 1273/2011	4 682 tonnes	84,9 %
09.4116	Implementing Regulation (EU) No 1273/2011	990 tonnes	41,5 %
09.4117	Implementing Regulation (EU) No 1273/2011	1 458 tonnes	82,4 %
09.4118	Implementing Regulation (EU) No 1273/2011	1 370 tonnes	85,9 %
09.4119	Implementing Regulation (EU) No 1273/2011	3 041 tonnes	88,5 %
09.4166	Implementing Regulation (EU) No 1273/2011	22 442 tonnes	88 %
09.4168	Implementing Regulation (EU) No 1273/2011	26 581 tonnes	83,6 %
09.4149	Implementing Regulation (EU) No 1273/2011	48 729 tonnes	93,7 %
09.4150	Implementing Regulation (EU) No 1273/2011	14 993 tonnes	93,7 %
09.4152	Implementing Regulation (EU) No 1273/2011	10 308 tonnes	93,7 %
09.4153	Implementing Regulation (EU) No 1273/2011	8 434 tonnes	93,7 %
09.4154	Implementing Regulation (EU) No 1273/2011	11 245 tonnes	93,7 %
09.4317	Commission Regulation (EC) No 891/2009 ⁽²⁶⁾	4 961 tonnes	50 %

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.4318 (until 2023/2024)	Regulation (EC) No 891/2009	308 518 ⁽²⁷⁾ tonnes	92,4 %
09.4318 (as from 2024/2025)	Regulation (EC) No 891/2009	380 555 ⁽²⁸⁾ tonnes	92,4 %
09.4319	Regulation (EC) No 891/2009	68 969 ⁽²⁹⁾ tonnes	100 %
09.4320	Regulation (EC) No 891/2009	260 390 ⁽³⁰⁾ tonnes	89,8 %
09.4321	Regulation (EC) No 891/2009	5 841 tonnes	58,4 %
09.4329 (until 2021/2022)	Regulation (EC) No 891/2009	72 037 ⁽³¹⁾ tonnes	92,4 %
09.4329 (2022/2023)	Regulation (EC) No 891/2009	54 028 ⁽³²⁾ tonnes	92,4 %
09.4330 (2022/2023)	Regulation (EC) No 891/2009	18 009 ⁽³³⁾ tonnes	92,4 %
09.4330 (2023/2024)	Regulation (EC) No 891/2009	54 028 ⁽³⁴⁾ tonnes	92,4 %
09.4079	Commission Implementing Regulation (EU) No 480/2012 ⁽³⁵⁾	1 000 tonnes	100 %

(1) For presentational purposes, the percentage has been rounded to one decimal place. The EU-27 TRQ size is, however, calculated based on the exact percentage.

(2) Commission Implementing Regulation (EU) No 593/2013 of 21 June 2013 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat (OJ L 170, 22.6.2013, p. 32).

(3) Commission Regulation (EC) No 431/2008 of 19 May 2008 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (OJ L 130, 20.5.2008, p. 3).

(4) Commission Regulation (EC) No 412/2008 of 8 May 2008 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (OJ L 125, 9.5.2008, p. 7).

(5) Commission Regulation (EC) No 748/2008 of 30 July 2008 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (OJ L 202, 31.7.2008, p. 28).

(6) Commission Regulation (EC) No 442/2009 of 27 May 2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector (OJ L 129, 28.5.2009, p. 13).

(7) Commission Implementing Regulation (EU) 2017/1585 of 19 September 2017 opening and providing for the administration of Union tariff quotas for fresh and frozen beef and veal and pigmeat originating in Canada and amending Regulation (EC) No 442/2009 and Implementing Regulations (EU) No 481/2012 and (EU) No 593/2013 (OJ L 241, 20.9.2017, p. 1).

(8) For the year 2019, only the WTO part of this quota (5 549 tonnes carcass weight equivalent) will be apportioned.

(9) Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector (OJ L 125, 15.5.2007, p. 9).

(10) Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).

(11) Commission Regulation (EC) No 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America (OJ L 128, 16.5.2007, p. 6).

(12) Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries (OJ L 142, 5.6.2007, p. 3).

(13) Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin (OJ L 128, 16.5.2007, p. 19).

(14) Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341, 22.12.2001, p. 29).

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- (15) Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).
- (16) Commission Regulation (EC) No 1979/2006 of 22 December 2006 opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries (OJ L 368, 23.12.2006, p. 91).
- (17) Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 (OJ L 290, 31.10.2008, p. 3).
- (18) Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries (OJ L 342, 30.12.2003, p. 7).
- (19) Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries (OJ L 176, 30.6.2006, p. 44).
- (20) Article 185 of Regulation (EU) No 1308/2013, Portugal.
- (21) Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal (OJ L 340, 19.12.2008, p. 57).
- (22) Article 185 of Regulation (EU) No 1308/2013, Spain.
- (23) Article 185 of Regulation (EU) No 1308/2013, Spain.
- (24) Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice (OJ L 325, 8.12.2011, p. 6).
- (25) Commission Implementing Regulation (EU) No 1273/2011 provides that in October each year the remaining quantities not used in previous sub-periods for import tariff quotas with order numbers 09.4127, 09.4128, 09.4129 and 09.4130 are allocated *erga omnes* under import tariff quota number 09.4138.
- (26) Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009, p. 82).
- (27) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Brazil by Regulation (EC) No 891/2009.
- (28) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Brazil by Regulation (EC) No 891/2009.
- (29) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Cuba by Regulation (EC) No 891/2009.
- (30) This volume has been deducted from the corresponding shares allocated to Brazil and Cuba by Regulation (EC) No 891/2009.
- (31) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Brazil by Regulation (EC) No 891/2009.
- (32) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Brazil by Regulation (EC) No 891/2009.
- (33) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Brazil by Regulation (EC) No 891/2009.
- (34) This volume includes the corresponding share of the *erga omnes* import tariff rate quota number 09.4320 allocated to Brazil by Regulation (EC) No 891/2009.
- (35) Commission Implementing Regulation (EU) No 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 00 (OJ L 148, 8.6.2012, p. 1).
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ANNEX II

Tariff rate quotas managed by the 'first come, first served' method

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.0114	Commission Regulation (EC) No 438/2009 ⁽²⁾	710 head	100 %
09.0115	Regulation (EC) No 438/2009	711 head	100 %
09.0113	Commission Regulation (EC) No 437/2009 ⁽³⁾	24 070 head	100 %
09.0122	Regulation (EC) No 442/2009	15 067 tonnes	100 %
09.0123	Regulation (EC) No 442/2009	6 133 tonnes	100 %
09.0119	Regulation (EC) No 442/2009	7 000 tonnes	100 %
09.0118	Regulation (EC) No 442/2009	3 780 tonnes	75,6 %
09.0121	Regulation (EC) No 442/2009	6 161 tonnes	100 %
09.0120	Regulation (EC) No 442/2009	164 tonnes	5,5 %
09.2019 09.2181	Commission Implementing Regulation (EU) No 1354/2011 ⁽⁴⁾	92 tonnes	100 %
09.2011 09.2101 09.2102	Implementing Regulation (EU) No 1354/2011	17 006 tonnes	73,9 %
09.2012 09.2105 09.2106	Implementing Regulation (EU) No 1354/2011	3 837 tonnes	20 %
09.1922 09.2115 09.2116	Implementing Regulation (EU) No 1354/2011	For 2019: 7 828 ⁽⁵⁾ tonnes	87,6 %
09.0693 09.2125 09.2126	Implementing Regulation (EU) No 1354/2011	48 tonnes	48,3 %
09.2013 09.2109 09.2110	Implementing Regulation (EU) No 1354/2011	114 184 tonnes	50 %
09.2014 09.2111 09.2112	Implementing Regulation (EU) No 1354/2011	4 759 tonnes	82,1 %
09.2015 09.2171 09.2175	Implementing Regulation (EU) No 1354/2011	200 tonnes	100 %

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.2016 09.2178 09.2179	Implementing Regulation (EU) No 1354/2011	178 tonnes	89,2 %
09.0055	Commission Regulation (EC) No 1831/96 ⁽⁶⁾	4 292 tonnes	99,9 %
09.0094	Regulation (EC) No 1831/96	464 tonnes	98,2 %
09.0056	Regulation (EC) No 1831/96	1 192 tonnes	95,8 %
09.0059	Regulation (EC) No 1831/96	500 tonnes	44,1 %
09.0057	Regulation (EC) No 1831/96	500 tonnes	100 %
09.0035	Regulation (EC) No 1831/96	9 696 tonnes	80,8 %
09.0708	Commission Regulation (EC) No 1475/2007 ⁽⁷⁾	3 096 027 tonnes	53,8 %
09.0126	Regulation (EC) No 1475/2007	0 tonnes	0 %
09.0127	Regulation (EC) No 1475/2007	275 805 tonnes	78,8 %
09.0128	Regulation (EC) No 1475/2007	124 552 tonnes	85,5 %
09.0129	Regulation (EC) No 1475/2007	30 000 tonnes	100 %
09.0130	Regulation (EC) No 1475/2007	1 691 tonnes	84,6 %
09.0124	Regulation (EC) No 1475/2007	252 641 tonnes	42,1 %
09.0131	Regulation (EC) No 1475/2007	4 985 tonnes	99,7 %
09.0041	Regulation (EC) No 1831/96	85 958 tonnes	95,5 %
09.0025	Regulation (EC) No 1831/96	20 000 tonnes	100 %
09.0027	Regulation (EC) No 1831/96	14 931 tonnes	99,5 %
09.0039	Regulation (EC) No 1831/96	8 156 tonnes	81,6 %
09.0060	Regulation (EC) No 1831/96	885 tonnes	59 %
09.0061	Regulation (EC) No 1831/96	666 tonnes	95,7 %
09.0062	Regulation (EC) No 1831/96	810 tonnes	81 %
09.0058	Regulation (EC) No 1831/96	74 tonnes	14,9 %
09.0063	Regulation (EC) No 1831/96	1 387 tonnes	55,5 %
09.0040	Regulation (EC) No 1831/96	105 tonnes	13,1 %
09.0092	Regulation (EC) No 1831/96	2 820 tonnes	99,4 %
09.0033	Regulation (EC) No 1831/96	1 500 tonnes	100 %
09.0093	Regulation (EC) No 1831/96	6 436 tonnes	91,4 %

TRQ Order Number	Legal basis/Opening Regulation	New quantity EU-27	EU-27 share in quota (%)
09.0067	Regulation (EC) No 1472/2003		0 %
09.0074	Commission Regulation (EC) No 2133/2001 ⁽⁸⁾	50 000 tonnes	100 %
09.0075	Regulation (EC) No 2133/2001	300 000 tonnes	100 %
09.0076	Commission Regulation (EC) No 1064/2009 ⁽⁹⁾	20 789 tonnes	40,9 %
09.2905	Commission Regulation (EC) No 440/96 ⁽¹⁰⁾	20 000 tonnes	100 %
09.2903	Regulation (EC) No 440/96	100 000 tonnes	100 %
09.0090	Commission Regulation (EC) No 937/2006 ⁽¹¹⁾	10 000 tonnes	100 %
09.0071	Regulation (EC) No 2133/2001	888 tonnes	68,3 %
09.0043	Commission Regulation (EC) No 2094/2004 ⁽¹²⁾	231 tonnes	2,3 %
09.0132	Commission Regulation (EU) No 1085/2010 ⁽¹³⁾	6 632 tonnes	82,9 %
09.0132	Regulation (EU) No 1085/2010	1 658 tonnes	82,9 %
09.0072	Regulation (EC) No 2133/2001	458 068 tonnes	96,4 %
09.0083	Implementing Regulation (EU) No 1273/2011	5 tonnes	66,7 %
09.0073	Regulation (EC) No 2133/2001	2 746 tonnes	98,1 %
09.0070	Regulation (EC) No 2133/2001	2 670 tonnes	98,9 %
09.0089	Regulation (EC) No 2133/2001	1 393 tonnes	67,7 %
09.0097	Commission Regulation (EC) No 218/2007 ⁽¹⁴⁾	4 689 hectolitres	11,7 %
09.0095	Regulation (EC) No 218/2007	15 647 hectolitres	78,2 %
09.0098	Commission Regulation (EC) No 1518/2007 ⁽¹⁵⁾	13 808 hectolitres	99,99 %

⁽¹⁾ For presentational purposes, the percentage has been rounded to one decimal place. The EU-27 TRQ size is, however, calculated based on the exact percentage.

⁽²⁾ Commission Regulation (EC) No 438/2009 of 26 May 2009 opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds (OJ L 128, 27.5.2009, p. 57).

⁽³⁾ Commission Regulation (EC) No 437/2009 of 26 May 2009 opening and providing for the administration of a Community import tariff quota for young male bovine animals for fattening (OJ L 128, 27.5.2009, p. 54).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1354/2011 of 20 December 2011 opening annual Union tariff quotas for sheep, goats, sheepmeat and goatmeat (OJ L 338, 21.12.2011, p. 36). For sheep tariff quotas opened and managed by this regulation, there are multiple TRQ order numbers associated to a single quantity.

⁽⁵⁾ Tariff quota for Chile increases by 200 t per annum.

⁽⁶⁾ Commission Regulation (EC) No 1831/96 of 23 September 1996 opening and providing for the administration of Community tariff quotas bound under GATT for certain fruit and vegetables and processed fruit and vegetable products from 1996 (OJ L 243, 24.9.1996, p. 5).

⁽⁷⁾ Commission Regulation (EC) No 1475/2007 of 13 December 2007 opening a Community tariff quota from 2008 for manioc originating from Thailand (OJ L 329, 14.12.2007, p. 15).

⁽⁸⁾ Commission Regulation (EC) No 2133/2001 of 30 October 2001 opening and providing for the administration of certain Community tariff quotas and tariff ceilings in the cereals sector and repealing Regulations (EC) No 1897/94, (EC) No 306/96, (EC) No 1827/96, (EC) No 1970/96, (EC) No 1405/97, (EC) No 1406/97, (EC) No 2492/98, (EC) No 2809/98 and (EC) No 778/1999 (OJ L 287, 31.10.2001, p. 12).

⁽⁹⁾ Commission Regulation (EC) No 1064/2009 of 4 November 2009 opening and providing for the administration of a Community import tariff quota for malting barley from third countries (OJ L 291, 7.11.2009, p. 14).

⁽¹⁰⁾ Commission Regulation (EC) No 440/96 of 11 March 1996 opening and providing for the administration of Community tariff quotas for certain mixtures of malt sprouts and barley screenings (OJ L 61, 12.3.1996, p. 2).

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- (¹¹) Commission Regulation (EC) No 937/2006 of 23 June 2006 opening and providing for the administration of a Community tariff quota of corn gluten originating in the United States of America (OJ L 172, 24.6.2006, p. 9).
- (¹²) Commission Regulation (EC) No 2094/2004 of 8 December 2004 opening and providing for the administration of a tariff quota of 10 000 tonnes of oat grains otherwise worked falling within CN code 1104 22 98 (OJ L 362, 9.12.2004, p. 12).
- (¹³) Commission Regulation (EU) No 1085/2010 of 25 November 2010 opening and providing for the administration of certain annual tariff quotas for importing sweet potatoes, manioc, manioc starch and other products falling within CN codes 0714 90 11 and 0714 90 19 and amending Regulation (EU) No 1000/2010 (OJ L 310, 26.11.2010, p. 3).
- (¹⁴) Commission Regulation (EC) No 218/2007 of 28 February 2007 opening and providing for the administration of Community tariff quotas for wines (OJ L 62, 1.3.2007, p. 22).
- (¹⁵) Commission Regulation (EC) No 1518/2007 of 19 December 2007 opening and providing for the administration of a tariff quota for vermouth (OJ L 335, 20.12.2007, p. 14).
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COMMISSION IMPLEMENTING REGULATION (EU) 2019/387**of 11 March 2019****authorising an extension of use of *Schizochytrium* sp. (ATCC PTA-9695) oil as a novel food and the change of the designation and of the specific labelling requirement of *Schizochytrium* sp. (ATCC PTA-9695) oil under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 and Commission Regulation (EC) No 1852/2001 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283 Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ establishing a Union list of authorised novel foods was adopted.
- (3) Pursuant to Article 12 of Regulation (EU) 2015/2283, the Commission is to decide on the authorisation and on the placing on the Union market of a novel food and on the updating of the Union list.
- (4) Commission Implementing Decision (EU) 2015/545 ⁽³⁾ authorised, in accordance with Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽⁴⁾, the placing on the market in the Union of oil from the micro-algae *Schizochytrium* sp. (ATCC PTA-9695) as a novel food to be used in a number of foods.
- (5) Commission Implementing Regulation (EU) 2018/1032 ⁽⁵⁾ extended the authorisation of oil from the microalgae *Schizochytrium* sp. (T18) as a novel food under Regulation (EU) 2015/2283 to fruit/vegetable purees.
- (6) On 10 September 2018, the company DSM Nutritional Products Europe made a request to the Commission to change the conditions of use of the novel food *Schizochytrium* sp. (ATCC PTA-9695) oil within the meaning of Article 10(1) of Regulation (EU) 2015/2283. The application requested to extend the use of *Schizochytrium* sp. (ATCC PTA-9695) oil to fruit and vegetable purees.
- (7) The proposed extension of use of the novel food does not change the safety considerations that supported the authorisation for extension of use of *Schizochytrium* sp. (T18) oil by Implementing Regulation (EU) 2018/1032 to fruit and vegetable purees and it does not either pose any safety concern. Taking into account those considerations, the proposed extension of use complies with Article 12(1) of Regulation (EU) 2015/2283.
- (8) On 10 September 2018, the company DSM Nutritional Products Europe also made a request to the Commission to authorise the change of the designation and of the specific labelling requirement for *Schizochytrium* sp. (ATCC PTA-9695) oil within the meaning of Article 10(1) of Regulation (EU) 2015/2283. The application requests the deletion of the mention of the strain 'ATCC PTA 9695' from the designation of the novel food as listed in the Union list and from the labelling of foods containing it.

⁽¹⁾ OJ L 327, 11.12.2015, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ L 351, 30.12.2017, p. 72).

⁽³⁾ Commission Implementing Decision (EU) 2015/545 of 31 March 2015 authorising the placing on the market of oil from the micro-algae *Schizochytrium* sp. (ATCC PTA-9695) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 90, 2.4.2015, p. 7).

⁽⁴⁾ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2018/1032 of 20 July 2018 authorising the extension of use of oil from the micro algae *Schizochytrium* sp. as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 185, 23.7.2018, p. 9).

- (9) The Applicant considers that the change of the designation and the labelling requirements for *Schizochytrium* sp. (ATCC PTA-9695) oil is necessary because the indication of the strain '(ATCC PTA-9695)' on the labelling of foods containing *Schizochytrium* sp. (ATCC PTA-9695) oil is not understandable nor relevant for consumers.
- (10) There are four oils from *Schizochytrium* sp. currently authorised and listed in the Union list of novel foods. However, *Schizochytrium* sp. (ATCC PTA-9695) oil is the only one for which the strain must be specified on the label. Therefore, the change of the designation and labelling of *Schizochytrium* sp. (ATCC PTA-9695) oil will ensure consistency in the designation and labelling of all oils from *Schizochytrium* sp. authorised as novel foods without having a negative impact on human health and consumer interests.
- (11) Considering the removal of the mention of the strain '(ATCC PTA 9695)' from the designation of the novel food and of the specific labelling requirement for *Schizochytrium* sp. (ATCC PTA-9695) oil, the wording '(ATCC PTA 9695)' should be included in the specifications as it is necessary for a proper identification of the novel food. Therefore, the specifications of the entry '*Schizochytrium* sp. (ATCC PTA-9695) oil' in Table 2 of the Annex to Implementing Regulation (EU) 2017/2470 should be amended accordingly.
- (12) The Commission did not request an opinion from the European Food Safety Authority in accordance with Article 10(3) of Regulation (EU) 2015/2283, as an extension of use of *Schizochytrium* sp. (ATCC PTA-9695) oil, the change of the designation and of the specific labelling requirement for *Schizochytrium* sp. (ATCC PTA-9695) oil and the subsequent updating of the Union list are not liable to have an effect on human health.
- (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

1. The entry in the Union list of authorised novel foods, established under Implementing Regulation (EU) 2017/2470, referring to the substance *Schizochytrium* sp. (ATCC PTA-9695) oil shall be amended as specified in the Annex to this Regulation.
2. The entry in the Union list referred to in paragraph 1 shall include the conditions of use and labelling requirements laid down in the Annex to this Regulation.

Article 2

The Annex to Implementing Regulation (EU) 2017/2470 is amended in accordance with the Annex to this Regulation.

Article 3

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

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

Done at Brussels, 11 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

The Annex to Implementing Regulation (EU) 2017/2470 is amended as follows:

(1) The entry for 'Schizochytrium sp. (ATCC PTA-9695) oil' in Table 1 (Authorised novel foods) is replaced by the following:

Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements
'Schizochytrium sp. (ATCC PTA-9695) oil'	<i>Specified food category</i>	<i>Maximum levels of DHA</i>	The designation of the novel food on the labelling of the foodstuffs containing it shall be 'Oil from the microalgae <i>Schizochytrium sp.</i> '	
	Dairy products except milk-based drinks	200 mg/100 g or for cheese products 600 mg/100 g		
	Dairy analogues except drinks	200 mg/100 g or for analogues to cheese products 600 mg/100 g		
	Spreadable fats and dressings	600 mg/100 g		
	Breakfast cereals	500 mg/100 g		
	Food Supplements as defined in Directive 2002/46/EC	250 mg DHA/day for general population		
		450 mg DHA/day for pregnant and lactating women		
	Total diet replacement for weight control as defined in Regulation (EU) No 609/2013 and meal replacements for weight control	250 mg/meal		
	Milk-based drinks and similar products intended for young children	200 mg/100 g		
	Foods intended to meet the expenditure of intense muscular effort, especially for sportsmen			
Foods bearing statements on the absence or reduced presence of gluten in accordance with the requirements of Commission Implementing Regulation (EU) No 828/2014				
Foods for special medical purposes as defined in Regulation (EU) No 609/2013	In accordance with the particular nutritional requirements of the persons for whom the products are intended			

Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements
	Bakery products (breads, rolls, and sweet biscuits)	200 mg/100 g		
	Cereal bars	500 mg/100 g		
	Cooking fats	360 mg/100 g		
	Non-alcoholic beverages (including dairy analogue and milk-based drinks)	80 mg/100 ml		
	Infant formula and follow-on formula as defined in Regulation (EU) No 609/2013	In accordance with Regulation (EU) No 609/2013		
	Processed cereal-based foods and baby foods for infants and young children as defined in Regulation (EU) No 609/2013	200 mg/100 g		
	Fruit/vegetable puree	100 mg/100 g		

(2) The entry for '*Schizochytrium* sp. (ATCC PTA-9695) oil' in Table 2 (Specifications) is replaced by the following:

Authorised novel food	Specification
'<i>Schizochytrium</i> sp. (ATCC PTA-9695) oil'	The novel food is obtained from the strain ATCC PTA-9695 of the microalgae <i>Schizochytrium</i> sp. Peroxide value (PV): $\leq 5,0$ meq/kg oil Unsaponifiables: $\leq 3,5$ % Trans-fatty acids: $\leq 2,0$ % Free fatty acids: $\leq 0,4$ % Docosapentaenoic acid (DPA) n-6: $\leq 7,5$ % DHA content: ≥ 35 %'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/388**of 11 March 2019****authorising the change of the specifications of the novel food 2'-fucosyllactose produced with *Escherichia coli* K-12 under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ which establishes a Union list of authorised novel foods was adopted.
- (3) Pursuant to Article 12 of Regulation (EU) 2015/2283, the Commission is to submit a draft implementing act authorising the placing on the Union market of a novel food and updating the Union list.
- (4) Commission Implementing Decision (EU) 2016/376 ⁽³⁾ authorised, in accordance with Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽⁴⁾, the placing on the market of synthetic 2'-fucosyllactose as a novel food ingredient.
- (5) Commission Implementing Decision (EU) 2017/2201 ⁽⁵⁾ authorised, in accordance with Regulation (EC) No 258/97, the placing on the market of 2'-fucosyllactose produced with *Escherichia coli* strain BL21 as a novel food ingredient.
- (6) On 23 June 2016, the company Glycom A/S (the Applicant), informed the Commission, pursuant to Article 5 of Regulation (EC) No 258/97, of its intention to place on the market 2'-fucosyllactose produced by bacterial fermentation with *Escherichia coli* strain K-12.
- (7) In the notification to the Commission, the Applicant also submitted a report issued on 10 June 2016 by the competent authority of Ireland pursuant to Article 3(4) of Regulation (EC) No 258/97, which, on the basis of the scientific evidence submitted by the Applicant, had concluded that 2'-fucosyllactose produced with *Escherichia coli* strain K-12 is substantially equivalent to the synthetic 2'-fucosyllactose authorised by Commission Implementing Decision (EU) 2016/376.
- (8) On 16 August 2018, the Applicant made a request to the Commission to change in the specifications of the 2'-fucosyllactose produced with *Escherichia coli* strain K-12 within the meaning of Article 10(1) of Regulation (EU) 2015/2283. The requested changes concern a decrease in the levels of the 2'-fucosyllactose from 90 % to 83 %, and increases in the levels of the minor saccharides present in the novel food, namely an increase in the levels of D-lactose from up to 3,0 % to up to 10,0 %, an increase in the levels of difucosyl-D-lactose from up to 2,0 % to up to 5,0 %.

⁽¹⁾ OJ L 327, 11.12.2015, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ L 351, 30.12.2017, p. 72).

⁽³⁾ Commission Implementing Decision (EU) 2016/376 of 11 March 2016 authorising the placing on the market of 2'-O-fucosyllactose as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 70, 16.3.2016, p. 27).

⁽⁴⁾ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel food and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/2201 of 27 November 2017 authorising the placing on the market of 2'-fucosyllactose produced with *Escherichia coli* strain BL21 as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 313, 29.11.2017, p. 5).

- (9) To ensure that the overall purity of the novel food following the introduction of the above changes in its specifications, remains as high as the currently authorised 2'-fucosyllactose produced by either *Escherichia coli* strain K12 or *Escherichia coli* strain BL 21, the Applicant also proposes that the overall levels of 2'-fucosyllactose together with the minor saccharides (D-lactose, L-fucose, difucosyl-D-lactose, and 2'-fucosyl-D-lactulose) in the novel food is equal or higher than 90,0 %.
- (10) The proposed changes in the specifications of the novel food are due to the modifications in its manufacturing process that entail the replacement of the crystallisation purification step with a spray drying step which is currently used in the production of 2'-fucosyllactose by *Escherichia coli* strain BL21. This change in the purification step of the novel food production requires the increase in the use of D-lactose as the fermentation substrate in the production of 2'-fucosyllactose that explains the slight decrease in the level of 2'-fucosyllactose and the concomitant slight increases in the levels of D-lactose and of difucosyl-D-lactose in the final novel food. These proposed changes in the manufacturing are deemed necessary by the Applicant in order to reduce the energy and environmental impact of the 2'-fucosyllactose manufacturing process and to reduce the cost per unit produced.
- (11) The proposed changes do not alter the safety considerations that supported the authorisation of the 2'-fucosyllactose produced with *Escherichia coli* strain K-12. Therefore, it is appropriate to amend the specifications of the novel food '2'-fucosyllactose' at the proposed levels of 2'-fucosyllactose, of D-lactose, of difucosyl-D-lactose, and of the overall levels of 2'-fucosyllactose together with the minor saccharides (D-lactose, L-fucose, difucosyl-D-lactose, and 2'-fucosyl-D-lactulose).
- (12) The information provided in the application gives sufficient grounds to establish that the proposed changes to the specifications of the novel food '2'-fucosyllactose' comply with Article 12 of Regulation (EU) 2015/2283.
- (13) The Annex to Implementing Regulation (EU) 2017/2470 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The entry in the Union list of authorised novel foods as provided for in Article 6 of Regulation (EU) 2015/2283 and included in Implementing Regulation (EU) 2017/2470, referring to the novel food 2'-fucosyllactose produced with *Escherichia coli* strain K-12, shall be amended as specified in 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, 11 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

The Annex to Implementing Regulation (EU) 2017/2470 is amended as follows:

The entry for '2'-Fucosyllactose' (microbial source) in Table 2 (Specifications) is replaced by the following:

Definition:

Chemical name: α -L-Fucopyranosyl-(1 \rightarrow 2)- β -D-galactopyranosyl-(1 \rightarrow 4)-D-glucopyranose

Chemical formula: C₁₈H₃₂O₁₅

CAS No: 41263-94-9

Molecular weight: 488,44 g/mol

Source:

Genetically modified strain of *Escherichia coli* K-12

Source:

Genetically modified strain of *Escherichia coli* BL21

Description:

2'-Fucosyllactose is a white to off-white powder that is produced by a microbial process.

Purity:

2'-Fucosyllactose: \geq 83 %

D-Lactose: \leq 10,0 %

L-Fucose: \leq 2,0 %

Difucosyl-D-lactose: \leq 5,0 %

2'-Fucosyl-D-lactulose: \leq 1,5 %

Sum of saccharides (2'-Fucosyllactose, D-Lactose, L-Fucose, Difucosyl-D-lactose, 2'-Fucosyl-D-lactulose): \geq 90 %

pH (20 C, 5 % solution): 3,0-7,5

Water: \leq 9,0 %

Sulphated ash: \leq 2,0 %

Acetic acid: \leq 1,0 %

Residual proteins: \leq 0,01 %

Microbiological criteria:

Aerobic mesophilic bacteria total count: \leq 3 000 CFU/g

Yeasts: \leq 100 CFU/g

Moulds: \leq 100 CFU/g

Endotoxins: \leq 10 EU/mg

Description:

2'-Fucosyllactose is a white to off white powder and the liquid concentrate (45 % \pm 5 % w/v) aqueous solution is a colourless to slight yellow clear aqueous solution. 2'-Fucosyllactose is produced by a microbiological process.

Purity:

2'-Fucosyllactose: \geq 90 %

Lactose: \leq 5,0 %

Fucose: \leq 3,0 %

3-Fucosyllactose: \leq 5,0 %

Fucosylgalactose: \leq 3,0 %

Difucosyllactose: \leq 5,0 %

Glucose: \leq 3,0 %

Galactose: \leq 3,0 %

Water: \leq 9,0 % (powder)

Ash, sulphated: \leq 0,5 % (powder and liquid)

Residual proteins: \leq 0,01 % (powder and liquid)

Heavy Metals:

Lead: \leq 0,02 mg/kg (powder and liquid)

Arsenic: \leq 0,2 mg/kg (powder and liquid)

Cadmium: \leq 0,1 mg/kg (powder and liquid)

Mercury: \leq 0,5 mg/kg (powder and liquid)

Microbiological criteria:

Total plate count: $\leq 10^4$ CFU/g (powder), $\leq 5\ 000$ CFU/g (liquid)

Yeasts and Moulds: ≤ 100 CFU/g (powder); ≤ 50 CFU/g (liquid)

Enterobacteriaceae/Coliforms: absence in 11 g (powder and liquid)

Salmonella: negative/100 g (powder), negative/200 ml (liquid)

Cronobacter: negative/100 g (powder), negative/200 ml (liquid)

Endotoxins: ≤ 100 EU/g (powder), ≤ 100 EU/ml (liquid)

Aflatoxin M1: $\leq 0,025$ $\mu\text{g}/\text{kg}$ (powder and liquid)

DECISIONS

COUNCIL DECISION (EU) 2019/389

of 4 March 2019

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment of Annex IX (Financial Services) to the EEA Agreement (Markets in Financial Instruments Regulation (MiFIR) and Directive MiFID II)

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, *inter alia*, Annex IX to that Agreement, which contains provisions on financial services.
- (3) Regulation (EU) No 600/2014 of the European Parliament and of the Council ⁽³⁾ and Directive 2014/65/EU of the European Parliament and of the Council ⁽⁴⁾ are to be incorporated into the EEA Agreement.
- (4) Annex IX to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment of Annex IX (Financial services) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, 4 March 2019.

For the Council

The President

A. ANTON

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

⁽⁴⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2019
of ...
amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 ⁽¹⁾, as corrected by OJ L 270, 15.10.2015, p. 4, OJ L 187, 12.7.2016, p. 30 and OJ L 278, 27.10.2017, p. 54, is to be incorporated into the EEA Agreement.
- (2) Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ⁽³⁾, as corrected by OJ L 188, 13.7.2016, p. 28, OJ L 273, 8.10.2016, p. 35 and OJ L 64, 10.3.2017, p. 116, is to be incorporated into the EEA Agreement.
- (4) Directive (EU) 2016/1034 of the European Parliament and of the Council of 23 June 2016 amending Directive 2014/65/EU on markets in financial instruments ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Directive 2014/65/EU repeals Directive 2004/39/EC of the European Parliament and of the Council ⁽⁵⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (6) Regulation (EU) No 600/2014 specifies cases in which the European Banking Authority (EBA) and European Securities and Markets Authority (ESMA) may temporarily prohibit or restrict certain financial activities, and lays down conditions thereto, in accordance with Article 9(5) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽⁶⁾ and of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁷⁾, respectively. For the purposes of the EEA Agreement, these powers are to be exercised by the EFTA Surveillance Authority as regards the EFTA States, in accordance with points 31g and 31i of Annex IX to the EEA Agreement. To ensure integration of the expertise of EBA and ESMA in the process and consistency between the two pillars of the EEA, such decisions of the EFTA Surveillance Authority will be adopted on the basis of drafts prepared by EBA or ESMA, as the case may be. This will preserve key advantages of supervision by a single authority.
- (7) The Contracting Parties share the understanding that this Decision implements the agreement that was reflected in the conclusions ⁽⁸⁾ of the EU and EEA EFTA Ministers of Finance and Economy of 14 October 2014 regarding the incorporation of the EU ESAs Regulations into the EEA Agreement.
- (8) Annex IX to the EEA Agreement should therefore be amended accordingly,

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

⁽²⁾ OJ L 175, 30.6.2016, p. 1.

⁽³⁾ OJ L 173, 12.6.2014, p. 349.

⁽⁴⁾ OJ L 175, 30.6.2016, p. 8.

⁽⁵⁾ OJ L 145, 30.4.2004, p. 1.

⁽⁶⁾ OJ L 331, 15.12.2010, p. 12.

⁽⁷⁾ OJ L 331, 15.12.2010, p. 84.

⁽⁸⁾ Council Conclusions on the EU and EEA EFTA Ministers of Finance and Economy, 14178/1/14 REV 1.

HAS ADOPTED THIS DECISION:

Article 1

Annex IX to the EEA Agreement shall be amended as follows:

1. The following is added in point 13b (Directive 2002/92/EC of the European Parliament and of the Council):

‘, as amended by:

— **32014 L 0065**: Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 (OJ L 173, 12.6.2014, p. 349), as corrected by OJ L 188, 13.7.2016, p. 28, OJ L 273, 8.10.2016, p. 35 and OJ L 64, 10.3.2017, p. 116.’

2. The text of point 31ba (Directive 2004/39/EC of the European Parliament and of the Council) is replaced by the following:

‘**32014 L 0065**: Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349), as corrected by OJ L 188, 13.7.2016, p. 28, OJ L 273, 8.10.2016, p. 35 and OJ L 64, 10.3.2017, p. 116, as amended by:

— **32016 L 1034**: Directive (EU) 2016/1034 of the European Parliament and of the Council of 23 June 2016 (OJ L 175, 30.6.2016, p. 8).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Notwithstanding the provisions of Protocol 1 to this Agreement, and unless otherwise provided for in this Agreement, the terms “Member State(s)” and “competent authorities” shall be understood to include, in addition to their meaning in the Directive, the EFTA States and their competent authorities, respectively.
- (b) References to members of the ESCB shall be understood to include, in addition to their meaning in the Directive, the national central banks of the EFTA States.
- (c) References to other acts in the Directive shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (d) In Article 3(2), as regards the EFTA States, the words “2 July 2014” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this Decision]” and the words “3 July 2019” shall read “five years thereafter”.
- (e) In Article 16(11), as regards the EFTA States, the words “2 July 2014” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this Decision]”.
- (f) In Article 41(2), the word “Union” shall be replaced by the word “EEA”.
- (g) In Article 57:
 - (i) in the second subparagraph of paragraph 5, the words “it shall take action” shall be replaced by the words “ESMA or, as the case may be, the EFTA Surveillance Authority shall take action”;
 - (ii) in paragraph 6, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.
- (h) In points (f) and (g) of Article 70(6), as regards the EFTA States, the words “2 July 2014” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this Decision]”.
- (i) In Article 79:
 - (i) in the second subparagraph of paragraph 1, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (ii) in the fifth subparagraph of paragraph 1, the words, “the EFTA Surveillance Authority” shall be inserted after the words “the Commission, ESMA”.
- (j) In Articles 81(5), 82(2) and 87(1), the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”.

- (k) In Article 86, the words “ESMA, which” shall be replaced by the words “ESMA. ESMA or, as the case may be, the EFTA Surveillance Authority”.
- (l) In Article 95(1), as regards the EFTA States, the words “3 January 2018” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this Decision].”

3. The text of point 31baa (deleted) is replaced by the following:

‘32014 R 0600: Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84), as corrected by OJ L 270, 15.10.2015, p. 4, OJ L 187, 12.7.2016, p. 30 and OJ L 278, 27.10.2017, p. 54, as amended by:

— **32016 R 1033:** Regulation (EU) 2016/1033 of the European Parliament and of the Council of 23 June 2016 (OJ L 175, 30.6.2016, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Notwithstanding the provisions of Protocol 1 to this Agreement, and unless otherwise provided for in this Agreement, the terms “Member State(s)” and “competent authorities” shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their competent authorities, respectively.
- (b) References to members of the ESCB shall be understood to include, in addition to their meaning in the Regulation, the national central banks of the EFTA States.
- (c) Unless otherwise provided for in this Agreement, the European Banking Authority (EBA) or the European Securities and Markets Authority (ESMA), as the case may be, and the EFTA Surveillance Authority shall cooperate, exchange information and consult each other for the purposes of the Regulation, in particular prior to taking any action.
- (d) References to other acts in the Regulation shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (e) References to the powers of ESMA under Article 19 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council in the Regulation shall be understood as referring, in the cases provided for in and in accordance with point 31i of this Annex, to the powers of the EFTA Surveillance Authority as regards the EFTA States.
- (f) In point (e) of Article 1(1):
 - (i) as regards the EFTA States, the words “competent authorities, ESMA and EBA” shall read “competent authorities and the EFTA Surveillance Authority”;
 - (ii) the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the words “powers of ESMA”.
- (g) In Article 4:
 - (i) in paragraph 4, the words “and to the EFTA Surveillance Authority” shall be inserted after the words “the Commission”;
 - (ii) in paragraph 7, the words “or, as regards waivers granted by competent authorities of the EFTA States, before the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this Decision]” shall be inserted after the words “3 January 2018”.
- (h) In Articles 7(1), 9(2), 11(1) and 19(1), the words “and to the EFTA Surveillance Authority” shall be inserted after the words “the Commission”.
- (i) In Article 36(5):
 - (i) in the first and second sentences, as regards the EFTA States, the word “ESMA” shall read “the EFTA Surveillance Authority”;
 - (ii) the words “and shall include in the list all notifications received by the EFTA Surveillance Authority” shall be inserted after the words “ESMA shall publish a list of all notifications that it receives”.

- (j) In Article 37(2):
- (i) as regards the EFTA States, the words “3 January 2018” shall read “the date of entry into force of Decision of the EEA Joint Committee No .../... of ... [this Decision]”;
 - (ii) the words “Article 101 and 102 TFEU” shall be replaced by the words “Articles 53 and 54 of the EEA Agreement”.
- (k) In Article 40:
- (i) as regards the EFTA States, in paragraphs 1 to 4, 6 and 7, the word “ESMA” shall read “the EFTA Surveillance Authority”;
 - (ii) as regards the EFTA States, in paragraph 2, the words “Union law” shall read “the EEA Agreement”;
 - (iii) in paragraph 3, the words “after consulting the public bodies” shall be replaced by the words “after consultation by ESMA of the public bodies”;
 - (iv) in paragraph 3, the words “without issuing the opinion” shall be replaced by the words “without ESMA issuing the opinion”;
 - (v) in paragraph 5, the words “any decision to take any action” shall be replaced by the words “each of its decisions to take action”;
 - (vi) in paragraph 5, the words “The EFTA Surveillance Authority shall publish on its website notice of each of its own decisions to take any action under this Article. A reference to the publication of the notice by the EFTA Surveillance Authority shall be posted on ESMA’s website” shall be inserted after the words “this Article”.
- (l) In Article 41:
- (i) as regards the EFTA States, in paragraphs 1 to 4, 6 and 7, the word “EBA” shall read “the EFTA Surveillance Authority”;
 - (ii) as regards the EFTA States, in paragraph 2, the words “Union law” shall read “the EEA Agreement”;
 - (iii) in paragraph 3, the words “without issuing the opinion” shall be replaced by the words “without EBA issuing the opinion”;
 - (iv) in paragraph 5, the words “any decision to take any action” shall be replaced by the words “each of its decisions to take action”;
 - (v) in paragraph 5, the words “The EFTA Surveillance Authority shall publish on its website notice of each of its own decisions to take any action under this Article. A reference to the publication of the notice by the EFTA Surveillance Authority shall be posted on EBA’s website” shall be inserted after the words “this Article”.
- (m) In Article 45:
- (i) in the paragraph 1, the words “or, as regards the EFTA States, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (ii) in paragraphs 2, 4, 5, 8 and 9 and in the first subparagraph of paragraph 3, the words “or, as the case may be, the EFTA Surveillance Authority” shall be inserted after the word “ESMA”;
 - (iii) in the second and third subparagraphs of paragraph 3, the words “or, as the case may be, preparing drafts for the EFTA Surveillance Authority,” shall be inserted after the words “before taking any measure”;
 - (iv) in paragraph 6, the words “any decision” shall read “each of its decisions”;
 - (v) in paragraph 6, the words “The EFTA Surveillance Authority shall publish on its website notice of each of its own decisions to impose or renew any measure referred to in paragraph 1(c). A reference to the publication of the notice by the EFTA Surveillance Authority shall be posted on ESMA’s website” shall be inserted after the words “paragraph 1(c)”;
 - (vi) in paragraph 7, the words “on the ESMA website or, as regards measures taken by the EFTA Surveillance Authority, when the notice is published on the website of the EFTA Surveillance Authority,” shall be inserted after the words “when the notice is published.”

4. The following indent is added in point 31bc (Regulation (EU) No 648/2012 of the European Parliament and of the Council):

— **32014 R 0600**: Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 (OJ L 173, 12.6.2014, p. 84), as corrected by OJ L 270, 15.10.2015, p. 4, OJ L 187, 12.7.2016, p. 30 and OJ L 278, 27.10.2017, p. 54.’

Article 2

The texts of Regulations (EU) No 600/2014, as corrected by OJ L 270, 15.10.2015, p. 4, OJ L 187, 12.7.2016, p. 30 and OJ L 278, 27.10.2017, p. 54, and (EU) 2016/1033 and Directives 2014/65/EU, as corrected by OJ L 188, 13.7.2016, p. 28, OJ L 273, 8.10.2016, p. 35 and OJ L 64, 10.3.2017, p. 116, and (EU) 2016/1034 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

Joint Declaration by the Contracting Parties to Decision No .../2019 incorporating Directive 2014/65/EU into the EEA Agreement

The Contracting Parties share the understanding that the incorporation into the EEA Agreement of Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU is without prejudice to national rules of general application concerning the screening for security or public order of foreign direct investment.

**DECISION (EU, Euratom) 2019/390 OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES**

of 6 March 2019

appointing a Judge to the Court of Justice

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 253 and 255 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Whereas:

- (1) The terms of office of 14 Judges and five Advocates-General of the Court of Justice expired on 6 October 2018.
- (2) Mr Andreas KUMIN has been nominated for the post of Judge of the Court of Justice.
- (3) The panel set up by Article 255 of the Treaty on the Functioning of the European Union has given an opinion on the suitability of Mr Andreas KUMIN to perform the duties of Judge of the Court of Justice,

HAVE ADOPTED THIS DECISION:

Article 1

Mr Andreas KUMIN is hereby appointed Judge to the Court of Justice for the period from the date of entry into force of this Decision to 6 October 2024.

Article 2

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

Done at Brussels, 6 March 2019.

The President
L. ODOBESCU

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

**DECISION No 1/2019 OF THE TRADE AND DEVELOPMENT COMMITTEE ESTABLISHED
UNDER THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND
ITS MEMBER STATES, OF THE ONE PART, AND THE SADC EPA STATES, OF THE OTHER PART**

of 18 February 2019

on the establishment of a list of arbitrators [2019/391]

THE TRADE AND DEVELOPMENT COMMITTEE,

Having regard to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), and in particular Articles 94, 100, 103 and 104 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The list of arbitrators provided for in Article 94 of the Agreement, as set out in the Annex to this Decision, is hereby adopted.

Article 2

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

Done at Cape Town, South Africa.

For the Trade and Development Committee

Representative of the SADC EPA States

O. WARD

EU representative

E. SYNOWIEC

ANNEX

LIST OF ARBITRATORS PROVIDED FOR IN ARTICLE 94 OF THE AGREEMENT

Arbitrators selected by the SADC EPA States:

1. Boitumelo Sedy GOFHAMODIMO
2. Leonard Moses PHUTI
3. Tsotetsi MAKONG
4. Sakeus AKWEENDA
5. Faizel ISMAIL
6. Kholofelo Ngokoane KUGLER
7. Nkululeko J. HLOPHE
8. Samuel Jay LEVY

Arbitrators selected by the EU:

9. Jacques BOURGEOIS
10. Claus-Dieter EHLERMANN
11. Pieter Jan KUIJPER
12. Giorgio SACERDOTI
13. Laurence BOISSON DE CHAZOURNES
14. Ramon TORRENT
15. Michael Johannes HAHN
16. Hélène RUIZ FABRI

Arbitrators jointly selected by the Parties (non-nationals who may act as Chairperson):

17. Merit JANOW
 18. Ichiro ARAKI
 19. Christian HÄBERLI
 20. Claus VON WOBESER
 - 21.
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