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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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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1811

of 23 October 2019

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

Article 2

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

Article 3

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

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

Done at Brussels, 23 October 2019.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A mobile, self-balanced, electrically powered machine, a so called 'telepresence robot'. It consists of the following main components in a single housing with two wheels mounted on an axle:</p> <ul style="list-style-type: none"> — an accelerometer and a gyroscope, — an electric motor, — a Bluetooth module, — a rechargeable battery. <p>The article has a power connection for recharging the battery, a status light and a vertical telescopic pole with motorised height control. The pole has a detachable holder for a tablet computer ('tablet') on the top. The holder is equipped with a USB port for charging the tablet.</p> <p>The article can be remotely controlled only by means of a compatible device (tablet, etc.) with wireless communication functions using Bluetooth.</p> <p>The article is used to transport and lift or lower the tablet and to supply the tablet with electricity.</p> <p>See image (*) .</p>	8428 90 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to Section XVI and by the wording of CN codes 8428, 8428 90 and 8428 90 90.</p> <p>The article merely moves the tablet and supplies it with electricity; it does not enable the tablet to perform operations other than that for which it is designed. Therefore it is neither adapting the tablet for a particular operation, nor increasing its range of operations, nor performing a particular service relative to the main function of the tablet (see judgment of 16 June 2011, Unomedical, C-152/10, EU: C:2011:402, paragraph 29, and see also the Harmonised System Explanatory Notes to heading 8473, second paragraph).</p> <p>Consequently, classification under heading 8473 as an accessory for use solely or principally with machines of headings 8470 to 8472 is excluded.</p> <p>Classification under heading 8479 or 8543 is excluded as the article performs several functions of machines referred to in the headings of Chapter 84 or 85 (Section XVI), such as a lifting and handling function (transporting and lifting or lowering a tablet), to provide current to a device and a communication function using the Bluetooth protocol.</p> <p>By virtue of note 3 to Section XVI, it is to be classified as being that apparatus which performs the principal function.</p> <p>The article is designed to transport and lift or lower a tablet and, consequently, this is its principal function within the meaning of note 3 to Section XVI. The other functions are ancillary.</p> <p>The article is therefore to be classified under CN code 8428 90 90 as other lifting, handling, loading or unloading machinery.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2019/1812
of 23 October 2019
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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

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, 23 October 2019.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A reusable water bottle made of clear borosilicate glass, fitted with a screw cap made of stainless steel. The cap has an inner o-ring made of silicone that provides impermeable sealing. The bottle has a carrying loop attached to the cap and a removable anti-slip silicone sleeve for convenient use.</p> <p>The bottle is of a height of approximately 220 mm and a diameter of 60 mm. The diameter of the neck is approximately 30 mm. The bottle has a capacity of up to 0,6 l.</p> <p>(*) See images.</p>	7013 99 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7013 and 7013 99 00.</p> <p>Classification under heading 7010 as bottles, flasks and other containers, of glass, of a kind used for the conveyance or packing of goods, is excluded, as the article is not commonly used commercially (see also the Harmonized System Explanatory Notes (HSEN) to heading 7010, first paragraph, HSEN to heading 7013, last paragraph, point (b), and also the Harmonized System classification opinion 3924.90/2).</p> <p>The article is therefore to be classified under CN code 7013 99 00 as other glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes.</p>

(*) The images are purely for information.



DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/1813

of 29 October 2019

amending Implementing Directive 2014/96/EU on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC as regards the colour of the label for certified categories of propagating material and fruit plants and the content of the supplier's document

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Implementing Directive 2014/96/EU ⁽²⁾ sets out the requirements for the labelling of fruit plant propagating material and fruit plants intended for fruit production to ensure the identity and traceability of that propagating material and those fruit plants during marketing.
- (2) Pursuant to that Directive, the use of coloured labels for fruit plant propagating material and fruit plants of the pre-basic, basic and certified categories was to be reviewed by the Commission by 1 January 2019.
- (3) A survey conducted by the Commission showed that a majority of Member States are in favour of the mandatory use of a coloured label for the pre-basic, basic and certified categories of propagating material and fruit plants. The survey also indicated that several Member States market *Conformitas Agraria Communitatis* ('CAC') material with a yellow supplier's document in the form of a label affixed to the CAC material.
- (4) In order to take into account the existing practice in the Member States, and to ensure a clear distinction between the supplier's document for CAC material and the official labels for pre-basic, basic and certified material, the colour of the CAC label should be yellow when the supplier's document is affixed to the CAC material. No special colour should be prescribed for the supplier's document when it is not affixed to the CAC material because in such a case there is no risk of confusion with any other label or document.
- (5) Implementing Directive 2014/96/EU does not prescribe a specific colour for the supplier's document when it is affixed to the CAC material in the form of a label. Certain Member States currently use a colour other than yellow for those labels. In order to avoid any disruption of trade, Member States should be allowed to authorise, for a transitional period, CAC material to which labels in a colour other than yellow are affixed, to be marketed in their own territory, where those coloured labels were already in use up to 1 April 2020.

⁽¹⁾ OJ L 267, 8.10.2008, p. 8.

⁽²⁾ Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC (OJ L 298, 16.10.2014, p. 12).

- (6) Moreover, experience has shown that the content of the supplier's document could be simplified to ensure more flexibility for the marketing of CAC material in each Member State. When the supplier's document contains less information it is easier for the supplier to reduce the size of that document so that it can be affixed to the CAC material to be marketed. For this reason, providing information about the quantity of CAC material marketed and the Member State where the CAC material was produced, where it is different from the Member State in which the supplier's document has been prepared, should be optional.
- (7) Having regard to the changes that need to be made to the labelling requirements for fruit plant propagating material and fruit plants of all marketing categories, as well as to the requirements for the supplier's document, it is appropriate to amend Implementing Directive 2014/96/EU.
- (8) In order to allow the competent authorities and the suppliers adequate time to adapt to the new requirements, this Directive should apply from 1 April 2020.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed, section Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Implementing Directive 2014/96/EU

Implementing Directive 2014/96/EU is amended as follows:

- (1) In Article 2, paragraph 4 is replaced by the following:
 - '4. The colour of the label shall be:
 - (a) white with a diagonal violet stripe for pre-basic-material;
 - (b) white for basic material;
 - (c) blue for certified material.';
- (2) Article 5 is replaced by the following:

'Article 5

Supplier's document for CAC material

1. Member States shall ensure that CAC material is marketed with a document prepared by the supplier in compliance with paragraphs 2, 3 and 4 ('the supplier's document').

Member States shall ensure that the supplier's document does not resemble the accompanying document referred to in Article 3, so as to avoid any possible confusion between those two documents.

2. The supplier's document shall contain at least the following information:
 - (a) the indication 'EU rules and standards';
 - (b) the name of the Member State where the document has been prepared, or the respective code;
 - (c) the responsible official body or the respective code;
 - (d) the name of the supplier or its registration number/code issued by the responsible official body;
 - (e) the individual serial number, week number or batch number;
 - (f) the botanical name;
 - (g) the indication "CAC material";
 - (h) the denomination of the variety and, where appropriate, the clone. In the case of rootstocks not belonging to a variety: the name of the species or the interspecific hybrid concerned. For grafted fruit plants, such information shall be given for the rootstock and the top-graft. For varieties for which an application for official registration or for a plant variety right is pending, such information shall indicate: "proposed denomination" and "application pending";
 - (i) the date of issue of the document.

3. Where it is affixed to the CAC material, the colour of the supplier's document shall be yellow.
4. The supplier's document shall be indelibly printed in one of the official languages of the Union, clearly visible and legible.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 March 2020, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those provisions to the Commission.

They shall apply those provisions from 1 April 2020.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Transitional measures

1. Member States may, until 30 June 2021, allow *Conformitas Agraria Communitatis* ('CAC') material to which labels in a colour other than yellow are affixed, to be marketed in their own territory, where those coloured labels were already in use up to 1 April 2020.

2. Member States shall ensure that, when marketed, fruit plant propagating material and fruit plants which qualify as CAC material shall be identified by a reference to this Article in the supplier's document when used as a label.

Article 4

Entry into force

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

Article 5

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 29 October 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

DECISIONS

COUNCIL DECISION 2019/1814

of 24 October 2019

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

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 18 September 2015, by Council Decision (EU) 2015/1571 ⁽⁴⁾, Mr Pedro SANZ ALONSO was replaced by Mr José Ignacio CENICEROS GONZÁLEZ as a member. On 1 October 2015, by Council Decision (EU) 2015/1774 ⁽⁵⁾, Mr Emilio DEL RÍO SANZ was replaced by Ms Begoña MARTÍNEZ ARREGUI as an alternate member.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the terms of office of Mr José Ignacio CENICEROS GONZÁLEZ.
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the end of the terms of office of Ms Begoña MARTÍNEZ ARREGUI,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as a member:

— Ms Concepción ANDREU RODRÍGUEZ, *Presidenta de la Comunidad Autónoma de La Rioja*,

(b) as an alternate member:

— Mr Francisco Celso GONZÁLEZ GONZÁLEZ, *Consejero de Hacienda de la Comunidad Autónoma de La Rioja*.

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

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

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

⁽⁴⁾ Council Decision (EU) 2015/1571 of 18 September 2015 appointing two Spanish members of the Committee of the Regions (OJ L 245, 22.9.2015, p. 8).

⁽⁵⁾ Council Decision (EU) 2015/1774 of 1 October 2015 appointing a Spanish alternate member of the Committee of the Regions (OJ L 258, 3.10.2015, p. 10).

Article 2

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

Done at Luxembourg, 24 October 2019.

For the Council
The President
A.-K. PEKONEN

COUNCIL DECISION (EU) 2019/1815**of 24 October 2019****appointing two members and three alternate members, proposed by the Republic of Slovenia, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Slovenian Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) Two members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Peter BOSSMAN and Ms Andreja POTOČNIK.
- (3) Three alternate members' seats on the Committee of the Regions have become vacant following the end of the term of office of Ms Mojca ČEMAS STJEPANOVIČ, Ms Tanja VINDIŠ FURMAN and Mr Miran SENČAR,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

- (a) as members:
 - Mr Gregor MACEDONI, *župan Mestne občine Novo mesto*,
 - Ms Nuška GAJŠEK, *županja Mestne občine Ptuj*;
- (b) as alternate members:
 - Mr Aleksander Saša ARESNOVIČ, *župan Mestne občine Maribor*,
 - Ms Breda ARNŠEK, *podžupanja Mestne občine Celje*,
 - Ms Vlasta KRMELJ, *županja Občine Selnica ob Dravi*.

Article 2

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

Done at Luxembourg, 24 October 2019.

For the Council
The President
A.-K. PEKONEN

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).
⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).
⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

COUNCIL DECISION (EU) 2019/1816**of 24 October 2019****appointing a member and an alternate member, proposed by the Portuguese Republic, of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Portuguese Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 6 November 2018, by Council Decision (EU) 2018/1666 ⁽⁴⁾, Mr Francisco LOPES was replaced by Mr Hélder António GUERRA DE SOUSA SILVA as an alternate member.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Álvaro DOS SANTOS AMARO,
- (3) An alternate member's seat on the Committee of the Regions has become vacant following the appointment of Mr Hélder António GUERRA DE SOUSA SILVA as a member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as a member:

— Mr Hélder António GUERRA DE SOUSA SILVA, *Presidente da Câmara de Mafra*;

(b) as an alternate member:

— Mr Carlos André Teles Paulo DE CARVALHO, *Presidente da Câmara de Tabuaço*.

Article 2

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

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

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

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

⁽⁴⁾ Council Decision (EU) 2018/1666 of 6 November 2018 appointing two members and five alternate members, proposed by the Portuguese Republic, of the Committee of the Regions (OJ L 278, 8.11.2018, p. 24).

Done at Luxembourg, 24 October 2019.

For the Council
The President
A.-K. PEKONEN

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