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Contents

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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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/837

of 31 May 2018

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 3 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 3 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, 31 May 2018.

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)
A product composed of the following ingredients (% by weight): — water 41,6, — sugar 18,1, — glycerin 15,1, — citric acid 13,9, — maltodextrine 4,1, — ascorbic acid 3,0, — steviol glycosides 1,8, — natural flavors 1,1, — minor quantities of vitamins B_6, B_{12} and folic acid (B_9). The product is a non-alcoholic, aromatised, and coloured liquid that is used as a food supplement after dilution. It is not directly drinkable. The product is presented to be used for supporting the immune system and providing energy to the human body. The daily dose of the product is two millilitres, which has to be diluted before consumption. Such a daily dose includes 40 mg of vitamin C, 1 mg of vitamin B_6, 200 µg of folic acid and 2 µg of vitamin B_{12}. The product is presented in a 60 ml plastic bottle with a dripping device for retail sale.	2106 90 98	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2106, 2106 90 and 2106 90 98. Classification in Chapter 30 as a medicament is excluded as specific diseases, ailments or their symptoms for which the product is to be used are not indicated. Therefore, the product does not fulfil the requirements of Additional note 1 to Chapter 30, first paragraph, point (a). Classification as a beverage under Chapter 22 is excluded as the product is not directly drinkable (see also the Explanatory Notes to the Combined Nomenclature to Chapter 22, General, second paragraph, second sentence). The product contains a sweetener, different vitamins and a high quantity of glycerin. Therefore, it has a more complex composition than a simple sugar syrup covered by subheadings 2106 90 30 to 2106 90 59 (see also the Harmonised System Explanatory Notes to heading 2106, point (12)). Its intended particular use is also indicated by its packaging and labelling as food supplement for retail sale. It is clear from the objective characteristics and properties of the product, in particular its composition, as well as the form of its presentation, that the product is intended for a specific use to support the immune system rather than for a more general use, which is the case for sugar syrups. The product is therefore to be classified under CN code 2106 90 98 as other food preparation.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/838

of 31 May 2018

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 3 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 3 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*.

([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).

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

Done at Brussels, 31 May 2018.

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

ANNEX

Description of goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A product consisting of a disposable liner, to be used in conjunction with a child's potty, composed of a plastic bag to which a multilayer absorbent pad made from paper and a superabsorbent polymer of polyacrylate in the form of granules is attached at the bottom of the bag. These superabsorbent polyacrylate granules are transformed into a gel when they come in contact with urine.	3924 90 00	Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3924 and 3924 90 00. Classification under heading 4818 is excluded because the essential character of the product is not given by its paper components but by the superabsorbent polymer of polyacrylate. Classification under heading 9619 is excluded because the product is not shaped so that it fits to the human body (see also the Harmonised System Explanatory Notes (HSEN) to heading 9619). The product is a combination of plastics and other materials. A product which combines plastics and other materials is classified in chapter 39 provided that it retains the essential character of articles of plastics (see also the HSEN, General Notes to Chapter 39). The essential character of the product is provided by superabsorbent polymer; the paper is solely considered to have a carrier or packaging function. The product is therefore to be classified in CN code 3924 90 00 as other household articles and hygienic or toilet articles, of plastics.

DECISIONS

COUNCIL DECISION (EU) 2018/839

of 4 June 2018

appointing two members and six alternate members, proposed by the Kingdom of Denmark, 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 Danish 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 30 November 2015, by Council Decision (EU) 2015/2237 ([4]), Mr Peter KOFOD POULSEN was replaced by Mr Niels Erik SØNDERGAARD as an alternate member.

(2) Two members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Henrik Ringbæk MADSEN and of Mr Marc Perera CHRISTENSEN as members of the Committee of the Regions.

(3) Five alternate members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Henrik BRADE JOHANSEN, Mr Martin HULGAARD, Mr Niels Erik SØNDERGAARD, Ms Jane Strange NIELSEN and Mr Henrik QVIST.

(4) An alternate member's seat has become vacant following the appointment of Mr Per NØRHAVE 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 members:

— Mr Arne LÆGAARD, *Regional councillor, Central Denmark Region,*

— Mr Per NØRHAVE, *1. Deputy Mayor, Municipality of Ringsted;*

(b) as alternate members:

— Ms Karen MELCHIOR, *Member of The City Council of Copenhagen,*

— Mr Anders Rosenstand LAUGESEN, *Councillor, Municipality of Skanderborg,*

— Mr Erik HØGH-SØRENSEN, *Regional councillor, North Denmark Region,*

— Mr Evan LYNNERUP, *Regional councillor, Zealand Region,*

— Ms Ursula Beate DIETRICH-PETERSEN, *Regional councillor, Zealand Region,*

— Mr Marc Perera CHRISTENSEN, *Magistrate member, Aarhus Municipality.*

([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) 2015/2237 of 30 November 2015 appointing a Danish alternate member of the Committee of the Regions (OJ L 317, 3.12.2015, p. 35).

Article 2

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

Done at Luxembourg, 4 June 2018.

For the Council
The President
T. TSACHEVA

COMMISSION IMPLEMENTING DECISION (EU) 2018/840

of 5 June 2018

establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council and repealing Commission Implementing Decision (EU) 2015/495

(notified under document C(2018) 3362)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council ([1]), and in particular Article8b(5) thereof,

Whereas:

(1) Article 8b(1) of Directive 2008/105/EC provides for the establishment of a watch list of substances for which Union-wide monitoring data are to be gathered for the purpose of supporting future prioritisation exercises in accordance with Article 16(2) of Directive 2000/60/EC of the European Parliament and of the Council ([2]). The first such watch list was to include an indication of the monitoring matrices and possible methods of analysis not entailing excessive costs for each substance.

(2) Article 8b of Directive 2008/105/EC specifies, inter alia, the conditions and modalities for the monitoring of the substances included in the watch list and for the reporting of the monitoring results by the Member States.

(3) The substances in the watch list are to be selected from amongst those for which the information available indicates that they may pose a significant risk, at Union level, to or via the aquatic environment, but for which monitoring data are insufficient to come to a conclusion on the actual risk posed. Highly toxic substances, used in many Member States and discharged to the aquatic environment but not or rarely monitored, should be considered for inclusion in the watch list. That selection process should take into account information as itemised in points (a) to (e) of Article 8b(1) of Directive 2008/105/EC, giving particular consideration to emerging pollutants.

(4) The monitoring of the substances in the watch list should generate high-quality data on their concentrations in the aquatic environment, fit for the purpose of supporting, in a separate review exercise according to Article 16(4) of Directive 2000/60/EC, the risk assessments that underpin the identification of priority substances. In that review, substances found to pose a significant risk should be considered for inclusion in the priority substances list. An environmental quality standard would then also be set, which Member States would have to meet. The proposal of a substance for inclusion in the priority substances list would be subject to an impact assessment.

(5) The first watch list of substances was set out in Commission Implementing Decision (EU) 2015/495 ([3]) and contained ten substances or groups of substances, together with an indication of the monitoring matrix, possible analytical methods not entailing excessive costs, and maximum acceptable method detection limits.

(6) According to Article 8b(2) of Directive 2008/105/EC, the Commission is to update the watch list every two years. When updating the list, the Commission is to remove any substance for which a risk-based assessment as referred to in Article 16(2) of Directive 2000/60/EC can be concluded without additional monitoring data.

([1]) OJ L 348, 24.12.2008, p. 84

([2]) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

([3]) Commission Implementing Decision (EU) 2015/495 of 20 March 2015 establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council (OJ L 78, 24.3.2015, p. 40).

(7) During 2017, the Commission analysed the data from the first year of monitoring of the substances in the first watch list. On the basis of that analysis, the Commission concluded that sufficient high-quality monitoring data are available for the substances tri-allate, oxadiazon, 2,6-ditert-butyl-4-methylphenol and diclofenac, and that, therefore, those substances should be removed from the watch list.

(8) As referred to in Implementing Decision (EU) 2015/495, it would be appropriate to monitor the substance 2-ethylhexyl-4-methoxycinnamate in sediment. However, most monitoring data gathered are for water and the limited amount of sediment data reported are not enough to carry out a conclusive analysis for that monitoring matrix. To ensure that the monitoring data gathered for that substance fully reflect the risk that it poses, the Commission will further investigate whether Member States could monitor it in sediment in a reliable and comparable manner. In the meantime, that substance should be removed from the watch list.

(9) For the macrolide antibiotic azithromycin and for two of the neonicotinoids, namely imidacloprid and thiamethoxam, additional high-quality monitoring data are still needed to support the targeted risk-based assessment as referred to in Article 16(2) of Directive 2000/60/EC. Therefore those substances should be retained in the watch list. Macrolide antibiotics and neonicotinoids were included as groups in the first watch list to account for the fact that substances with the same mode of action could have additive effects. This argument also justifies keeping the two groups in the watch list, despite the fact that sufficient high-quality monitoring data are available for some of the individual substances in those groups (the macrolide antibiotics clarithromycin and erythromycin, and the neonicotinoids acetamiprid, clothianidin and thiacloprid).

(10) During 2017, the Commission also gathered data on a range of other substances that could be included in the watch list. It took into account the different types of relevant information referred to in Article 8b(1) of Directive 2008/105/EC, and consulted experts from Member States and stakeholder groups. Substances for which doubt exists about their toxicity, or for which the sensitivity, reliability or comparability of the available monitoring methods are not adequate, should not be included in the watch list. The insecticide metaflumizone, and the antibiotics amoxicillin and ciprofloxacin, were identified as suitable candidates. The inclusion of amoxicillin and ciprofloxacin is consistent with the European One Health Action Plan against Antimicrobial Resistance (AMR) ([1]), which supports the use of the watch list to 'improve knowledge of the occurrence and spread of antimicrobials in the environment'.

(11) In accordance with Article 8b(1) of Directive 2008/105/EC, the Commission identified possible methods of analysis for the proposed substances. The method detection limit should be, for each substance, at least as low as the substance-specific predicted no-effect concentration in the relevant matrix.

(12) While reviewing the first watch list, the Commission identified new ecotoxicological information for the macrolide antibiotics clarithromycin and azithromycin, for methiocarb, and for the neonicotinoids imidacloprid, thiacloprid and thiamethoxam, which led it to revise the predicted no-effect concentrations for those substances. The maximum acceptable method detection limits set out in the watch list for those substances and groups of substances should be updated accordingly.

(13) The analytical methods indicated in the watch list are not considered to entail excessive costs. If new information leads in the future to a decrease in the predicted no-effect concentration for specific substances, the maximum acceptable method detection limit may have to be lowered as long as those substances remain on the list.

(14) For comparability, all substances should be monitored in whole water samples.

(15) Implementing Decision (EU) 2015/495 should be repealed.

(16) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 21(1) of Directive 2000/60/EC,

([1]) Communication from the Commission to the Council and the European Parliament 'A European One Health Action Plan against Antimicrobial Resistance (AMR)', COM(2017) 339 final.

HAS ADOPTED THIS DECISION:

Article 1

The watch list of substances for Union-wide monitoring referred to in Article 8b of Directive 2008/105/EC is set out in the Annex to this Decision.

Article 2

Implementing Decision (EU) 2015/495 is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 June 2018.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

Watch list of substances for Union-wide monitoring as set out in Article 8b of Directive 2008/105/EC

Name of substance/group of substances	CAS number (1)	EU number (2)	Indicative analytical method (3) (4)	Maximum acceptable method detection limit (ng/l)
17-Alpha-ethinylestradiol (EE2)	57-63-6	200-342-2	Large-volume SPE - LC-MS-MS	0,035
17-Beta-estradiol (E2), Estrone (E1)	50-28-2, 53-16-7	200-023-8	SPE - LC-MS-MS	0,4
Macrolide antibiotics (5)			SPE - LC-MS-MS	19
Methiocarb	2032-65-7	217-991-2	SPE - LC-MS-MS or GC-MS	2
Neonicotinoids (6)			SPE - LC-MS-MS	8,3
Metaflumizone	139968-49-3	604-167-6	LLE - LC-MS-MS or SPE – LC-MS-MS	65
Amoxicillin	26787-78-0	248-003-8	SPE - LC-MS-MS	78
Ciprofloxacin	85721-33-1	617-751-0	SPE - LC-MS-MS	89

(1) Chemical Abstracts Service
(2) European Union number – not available for all substances
(3) To ensure comparability of results from different Member States, all substances shall be monitored in whole water samples.
(4) Extraction methods:
LLE — liquid liquid extraction
SPE — solid-phase extraction
Analytical methods:
GC-MS — Gas chromatography-mass spectrometry
LC-MS-MS — Liquid chromatography (tandem) triple quadrupole mass spectrometry
(5) Erythromycin (CAS number 114-07-8, EU number 204-040-1), Clarithromycin (CAS number 81103-11-9), Azithromycin (CAS number 83905-01-5, EU number 617-500-5)
(6) Imidacloprid (CAS number 105827-78-9/ 138261-41-3, EU number 428-040-8), Thiacloprid (CAS number 111988-49-9), Thiamethoxam (CAS number 153719-23-4, EU number 428-650-4), Clothianidin (CAS number 210880-92-5, EU number 433-460-1), Acetamiprid (CAS number 135410-20-7/160430-64-8)

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