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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1017

of 18 July 2018

amending Implementing Regulations (EU) 2017/366 and (EU) 2017/367 imposing definitive countervailing and anti-dumping duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China and Implementing Regulations (EU) 2016/184 and (EU) 2016/185 extending the definitive countervailing and anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic anti-dumping Regulation'), and in particular Articles 11(4) and 13(4) thereof,

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽²⁾ ('the basic anti-subsidy Regulation') and in particular to Articles 23(6) and 24(5) thereof,

Whereas:

A. MEASURES IN FORCE

- (1) On 2 December 2013, the Council imposed anti-dumping ⁽³⁾ and countervailing measures ⁽⁴⁾ on crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China ('the original measures').
- (2) On 11 February 2016, the Commission extended those measures to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not, with the exception of imports produced by certain companies specifically exempted from those measures ('the extended measures') ⁽⁵⁾.
- (3) Following expiry review investigations of the original measures the Commission, on 1 March 2017, imposed anti-dumping and countervailing duties for a period of 18 months ('the continued measures') ⁽⁶⁾. On the same day it also terminated two partial interim review investigations that had been limited to the Union interest ⁽⁷⁾.
- (4) On 3 March 2017, the Commission initiated a partial interim review limited to the form and level of the continued measures ⁽⁸⁾. Following this review, the Commission amended the continued measures following the publication of Commission Implementing Regulation (EU) 2017/1570 ⁽⁹⁾, which entered into force on 1 October 2017.

- (5) On 8 November 2017, the Commission amended the extended measures by adding a new exporting producer to the list of exempted companies set out Article 1(1) of Commission Implementing Regulation (EU) 2016/184 and Commission Implementing Regulation (EU) 2016/185, respectively ⁽¹⁰⁾.
- (6) Accordingly, the countervailing and anti-dumping measures currently in force with regard to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not, are those imposed by Commission Implementing Regulation (EU) 2017/366 and Commission Implementing Regulation (EU) 2017/367, with the exception of imports produced by the companies specifically exempted from those measures as set out in Implementing Regulation (EU) 2016/184 and Implementing Regulation (EU) 2016/185, as amended by Implementing Regulation (EU) 2017/1997.

B. PROCEDURE

1. Initiation

- (7) By Commission Implementing Regulation (EU) 2017/1994 ⁽¹¹⁾ ('the Initiation Regulation'), the Commission initiated a review of the extended measures for the purpose of determining the possibility of granting an exemption from those measures to Longi (Kuching) SDN.BHD ('the applicant' or 'Longi Kuching'), a Malaysian exporting producer of crystalline silicon photovoltaic modules and key components (i.e. cells). The Regulation initiating the review also repealed the anti-dumping duties with regard to the applicant and made imports from it subject to registration.
- (8) The request lodged by the applicant contained sufficient *prima facie* evidence to support the applicant's claim that it was a new exporting producer and fulfilled the criteria for an exemption under Articles 11(4) and 13(4) of the basic anti-dumping Regulation and Article 23(6) of the basic anti-subsidy Regulation, namely:
- that it did not export the product under review to the Union during the investigation period used in the investigation that led to the extended measures, i.e. from 1 April 2014 to 31 March 2015,
 - that it has not been engaging in circumvention practices, and
 - that it has entered into an irrevocable contractual obligation to export a significant quantity to the Union.

2. Product under review

- (9) The product under review is crystalline silicon photovoltaic modules or panels and cells of the type used in crystalline silicon photovoltaic modules or panels (the cells have a thickness not exceeding 400 micrometres), consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not, currently falling within CN codes ex 8501 31 00, ex 8501 32 00, ex 8501 33 00, ex 8501 34 00, ex 8501 61 20, ex 8501 61 80, ex 8501 62 00, ex 8501 63 00, ex 8501 64 00 and ex 8541 40 90.
- (10) The following product types are excluded from the definition of the product under review:
- solar chargers that consist of less than six cells, are portable and supply electricity to devices or charge batteries,
 - thin film photovoltaic products,
 - crystalline silicon photovoltaic products that are permanently integrated into electrical goods, where the function of the electrical goods is other than power generation, and where these electrical goods consume the electricity generated by the integrated crystalline silicon photovoltaic cell(s),
 - modules or panels with a output voltage not exceeding 50 V DC and a power output not exceeding 50 W solely for direct use as battery chargers in systems with the same voltage and power characteristics.

3. Reporting Period

- (11) The reporting period covered the period from 1 January 2017 to 31 December 2017.

4. Investigation

- (12) The Commission advised Longi Kuching, the Union industry represented by the complainant in the original investigation (EU ProSun) and the authorities of Malaysia and the People's Republic of China of the initiation of the review.
- (13) The Commission sought and verified all the information deemed necessary for the purposes of the review. In particular, it received a questionnaire reply from the applicant. A verification visit was carried out at the premises of the applicant in Malaysia in March 2018.

C. FINDINGS

- (14) Longi Kuching is a genuine Malaysian producer of crystalline silicon photovoltaic modules and cells that was incorporated in January 2016. It started commercial production of modules and cells in May 2016.
- (15) Longi Kuching had not exported the product under review to the Union during the investigation period used in the investigation that led to the extended measures, i.e. from 1 April 2014 to 31 March 2015. Longi Kuching had neither purchased the product under review from the PRC for further re-sales or transshipment to the Union up until the end of the reporting period, i.e. 31 December 2017. It had, however, entered into a contractual obligation to export the product under review to a customer in the Union.
- (16) During verification at the applicant's premises it was demonstrated that the contract had been fulfilled and the applicant had delivered the product under review to a customer in Poland in November 2017. No other Union sales had been made up to date.
- (17) The applicant is a wholly owned subsidiary of a Hong Kong based company, Longi H.K. Trading Limited, which in turn is wholly owned by the Chinese company Longi Green Energy Technology Co., Ltd. The latter company is the ultimate parent company of the Longi Group, which is active throughout the Solar PV value chain and produces, amongst others, wafers, ingots, solar cells and solar modules. The Longi Group is subject to the countervailing and anti-dumping measures currently in force on imports of crystalline silicon photovoltaic modules and cells originating in the People's Republic of China. As indicated in the Initiation Regulation, the Commission carefully examined this relationship and verified whether Longi Kuching was established or used to circumvent the existing measures.
- (18) The Commission found that Longi Kuching is a genuine producer of the product under review with complete and state of the art production facilities for both cells and modules, including R&D. It had not been engaged in circumvention activities, such as transshipment, assembly operations or re-sales of solar modules and cells originating in the People's Republic of China to the Union.
- (19) The Commission thus concluded that Longi Kuching was neither established nor used for circumventing the original measures and that the Chinese ownership, in itself, did not constitute a reason to reject the application.
- (20) Against this background, the Commission did not find it necessary to impose any particular monitoring conditions should the exemption be granted. In order to ensure the proper application of the exemption, the Commission considered it appropriate to apply the special measures applicable to all companies which had been granted exemptions. These special measures are the requirement of the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Article 1(2) of Implementing Regulation (EU) 2016/184 and Article 1(2) of Implementing Regulation (EU) 2016/185. Imports not accompanied by such an invoice shall be made subject to the extended dumping and countervailing duty respectively.
- (21) In the light of the findings described in recitals (13) to (19), the Commission concluded that Longi (Kuching) SDN.BHD fulfils the criteria laid down in Articles 11(4) and 13(4) of the basic anti-dumping Regulation and Article 23(6) of the basic anti-subsidy Regulation and should be exempted from the extended measures.
- (22) The findings above were disclosed to the applicant and other interested parties, which were given the opportunity to provide comments. No comments were received.

D. MODIFICATION TO THE LIST OF COMPANIES BENEFITTING FROM AN EXEMPTION TO THE EXTENDED MEASURES

- (23) Given the findings referred to above, the Commission concluded that the company Longi (Kuching) SDN.BHD should be added to the list of companies that are exempted from the countervailing duty and anti-dumping duty imposed by Implementing Regulation (EU) 2016/184 and Implementing Regulation (EU) 2016/185, respectively.
- (24) Given that the list of the exempted exporting producers from Malaysia and Taiwan was also included in Implementing Regulation (EU) 2017/366 and Implementing Regulation (EU) 2017/367, Longi (Kuching) SDN.BHD should also be added to the list of exporting producers contained in those two regulations.
- (25) Accordingly, Longi (Kuching) SDN.BHD should be added to the list of individually identified companies in Article 1(1) of Implementing Regulation (EU) 2016/184, Article 1(1) of Implementing Regulation (EU) 2016/185, Article 4(1) of Implementing Regulation (EU) 2017/366 and Article 4(1) of Implementing Regulation (EU) 2017/367.
- (26) Furthermore, the application of the exemption is conditional upon compliance with the requirement set out in Article 1(2) of Implementing Regulation (EU) 2016/184 and in Article 1(2) of Implementing Regulation (EU) 2016/185. This requirement is also reflected in Article 4(2) of Implementing Regulation (EU) 2017/366 and in Article 4(2) of Implementing Regulation (EU) 2017/367.
- (27) The list of individually identified companies should be identical in all implementing regulations in force. Since, by means of Implementing Regulation (EU) 2017/1997, Jinko Solar Technology SDN.BHD had been included in the list of individually identified companies in Article 1(1) of Implementing Regulation (EU) 2016/184 and Article 1(1) of Implementing Regulation (EU) 2016/185, its name has to be also inserted in the list of individually identified companies in Article 4(1) of Implementing Regulation (EU) 2017/366 and Article 4(1) of Implementing Regulation (EU) 2017/367.
- (28) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

The table set out in Article 1(1) of Implementing Regulation (EU) 2016/184, as amended, is replaced by the following table:

'Country	Company	TARIC additional code
Malaysia	AUO — SunPower Sdn. Bhd.	C073
	Flextronics Shah Alam Sdn. Bhd.	C074
	Hanwha Q CELLS Malaysia Sdn. Bhd.	C075
	Panasonic Energy Malaysia Sdn. Bhd.	C076
	TS Solartech Sdn. Bhd.	C077
	Jinko Solar Technology SDN.BHD	C203
	Longi (Kuching) SDN.BHD	C309
Taiwan	ANJI Technology Co., Ltd	C058
	AU Optronics Corporation	C059
	Big Sun Energy Technology Inc.	C078
	EEPV Corp.	C079
	E-TON Solar Tech. Co., Ltd	C080
	Gintech Energy Corporation	C081
	Gintung Energy Corporation	C082
	Inventec Energy Corporation	C083
	Inventec Solar Energy Corporation	C084

Country	Company	TARIC additional code
	LOF Solar Corp.	C085
	Ming Hwei Energy Co., Ltd	C086
	Motech Industries, Inc.	C087
	Neo Solar Power Corporation	C088
	Perfect Source Technology Corp.	C089
	Ritek Corporation	C090
	Sino-American Silicon Products Inc.	C091
	Solartech Energy Corp.	C092
	Sunengine Corporation Ltd	C093
	Topcell Solar International Co., Ltd	C094
	TSEC Corporation	C095
	Win Win Precision Technology Co., Ltd	C096'

Article 2

The table set out in Article 1(1) of Implementing Regulation (EU) 2016/185, as amended, is replaced by the following table:

'Country	Company	TARIC additional code
Malaysia	AUO — SunPower Sdn. Bhd.	C073
	Flextronics Shah Alam Sdn. Bhd.	C074
	Hanwha Q CELLS Malaysia Sdn. Bhd.	C075
	Panasonic Energy Malaysia Sdn. Bhd.	C076
	TS Solartech Sdn. Bhd.	C077
	Jinko Solar Technology SDN.BHD	C203
	Longi (Kuching) SDN.BHD	C309
Taiwan	ANJI Technology Co., Ltd	C058
	AU Optronics Corporation	C059
	Big Sun Energy Technology Inc.	C078
	EEPV Corp.	C079
	E-TON Solar Tech. Co., Ltd	C080
	Gintech Energy Corporation	C081
	Gintung Energy Corporation	C082
	Inventec Energy Corporation	C083
	Inventec Solar Energy Corporation	C084
	LOF Solar Corp.	C085
	Ming Hwei Energy Co., Ltd	C086
	Motech Industries, Inc.	C087
	Neo Solar Power Corporation	C088
	Perfect Source Technology Corp.	C089
	Ritek Corporation	C090
	Sino-American Silicon Products Inc.	C091
	Solartech Energy Corp.	C092
	Sunengine Corporation Ltd	C093
	Topcell Solar International Co., Ltd	C094
	TSEC Corporation	C095
	Win Win Precision Technology Co., Ltd	C096'

Article 3

The table set out in Article 4(1) of Implementing Regulation (EU) 2017/366 is replaced by the following table:

'Country	Company	TARIC additional code
Malaysia	AUO — SunPower Sdn. Bhd.	C073
	Flextronics Shah Alam Sdn. Bhd.	C074
	Hanwha Q CELLS Malaysia Sdn. Bhd.	C075
	Panasonic Energy Malaysia Sdn. Bhd.	C076
	TS Solartech Sdn. Bhd.	C077
	Jinko Solar Technology SDN.BHD	C203
	Longi (Kuching) SDN.BHD	C309
Taiwan	ANJI Technology Co., Ltd	C058
	AU Optronics Corporation	C059
	Big Sun Energy Technology Inc.	C078
	EEPV Corp.	C079
	E-TON Solar Tech. Co., Ltd	C080
	Gintech Energy Corporation	C081
	Gintung Energy Corporation	C082
	Inventec Energy Corporation	C083
	Inventec Solar Energy Corporation	C084
	LOF Solar Corp.	C085
	Ming Hwei Energy Co., Ltd	C086
	Motech Industries, Inc.	C087
	Neo Solar Power Corporation	C088
	Perfect Source Technology Corp.	C089
	Ritek Corporation	C090
	Sino-American Silicon Products Inc.	C091
	Solartech Energy Corp.	C092
	Sunengine Corporation Ltd	C093
	Topcell Solar International Co., Ltd	C094
	TSEC Corporation	C095
	Win Win Precision Technology Co., Ltd	C096'

Article 4

The table set out in Article 4(1) of Implementing Regulation (EU) 2017/367 is replaced by the following table:

'Country	Company	TARIC additional code
Malaysia	AUO — SunPower Sdn. Bhd.	C073
	Flextronics Shah Alam Sdn. Bhd.	C074
	Hanwha Q CELLS Malaysia Sdn. Bhd.	C075
	Panasonic Energy Malaysia Sdn. Bhd.	C076
	TS Solartech Sdn. Bhd.	C077
	Jinko Solar Technology SDN.BHD	C203
	Longi (Kuching) SDN.BHD	C309

Country	Company	TARIC additional code
Taiwan	ANJI Technology Co., Ltd	C058
	AU Optronics Corporation	C059
	Big Sun Energy Technology Inc.	C078
	EEPV Corp.	C079
	E-TON Solar Tech. Co., Ltd	C080
	Gintech Energy Corporation	C081
	Gintung Energy Corporation	C082
	Inventec Energy Corporation	C083
	Inventec Solar Energy Corporation	C084
	LOF Solar Corp.	C085
	Ming Hwei Energy Co., Ltd	C086
	Motech Industries, Inc.	C087
	Neo Solar Power Corporation	C088
	Perfect Source Technology Corp.	C089
	Ritek Corporation	C090
	Sino-American Silicon Products Inc.	C091
	Solartech Energy Corp.	C092
	Sunengine Corporation Ltd	C093
	Topcell Solar International Co., Ltd	C094
	TSEC Corporation	C095
	Win Win Precision Technology Co., Ltd	C096'

Article 5

Customs authorities are directed to cease the registration of imports carried out pursuant to Article 3 of Implementing Regulation (EU) 2017/1994. No anti-dumping duty shall be collected on the imports thus registered.

Article 6

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

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

Done at Brussels, 18 July 2018.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 176, 30.6.2016, p. 55.

⁽³⁾ Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ L 325, 5.12.2013, p. 1).

- (⁴) Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ L 325, 5.12.2013, p. 66).
- (⁵) Commission Implementing Regulation (EU) 2016/184 of 11 February 2016 extending the definitive countervailing duty imposed by Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ L 37, 12.2.2016, p. 56) and Commission Implementing Regulation (EU) 2016/185 of 11 February 2016 extending the definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ L 37, 12.2.2016, p. 76).
- (⁶) Commission Implementing Regulation (EU) 2017/366 of 1 March 2017 imposing definitive countervailing duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China following an expiry review pursuant to Article 18(2) of Regulation (EU) 2016/1037 of the European Parliament and of the Council and terminating the partial interim review investigation pursuant to Article 19(3) of Regulation (EU) 2016/1037 (OJ L 56, 3.3.2017, p. 1), and Commission Implementing Regulation (EU) 2017/367 of 1 March 2017 imposing a definitive anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council and terminating the partial interim review investigation pursuant to Article 11(3) of Regulation (EU) 2016/1036 (OJ L 56, 3.3.2017, p. 131).
- (⁷) *Ibid.*
- (⁸) Notice of initiation of a partial interim review of the anti-dumping and countervailing measures applicable to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ C 67, 3.3.2017, p. 16).
- (⁹) Commission Implementing Regulation (EU) 2017/1570 of 15 September 2017 amending Implementing Regulation (EU) 2017/366 and Implementing Regulation (EU) 2017/367 imposing definitive countervailing and anti-dumping duties on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China and repealing Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures (OJ L 238, 16.9.2017, p. 22).
- (¹⁰) Commission Implementing Regulation (EU) 2017/1997 of 7 November 2017 amending Implementing Regulations (EU) 2016/184 and (EU) 2016/185 extending the definitive countervailing and anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not (OJ L 289, 8.11.2017, p. 1).
- (¹¹) Commission Implementing Regulation (EU) 2017/1994 of 6 November 2017 initiating a review of Implementing Regulations (EU) 2016/184 and (EU) 2016/185 (extending the definitive countervailing and anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China to imports of crystalline silicon photovoltaic modules and key components (i.e. cells) consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not) for the purposes of determining the possibility of granting an exemption from those measures to one Malaysian exporting producer, repealing the anti-dumping duty with regard to imports from that exporting producer and making imports from that exporting producer subject to registration (OJ L 288, 7.11.2017, p. 30).
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COMMISSION IMPLEMENTING REGULATION (EU) 2018/1018**of 18 July 2018****authorising an extension of use of UV-treated baker's yeast (*Saccharomyces cerevisiae*) 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****(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⁾ was adopted, which establishes a Union list of authorised novel foods.
- (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 2014/396/EU ⁽³⁾ authorised, in accordance with Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽⁴⁾ and following the European Food Safety Authority's Opinion ⁽⁵⁾, the placing on the market of UV-treated baker's yeast (*Saccharomyces cerevisiae*) as a novel food ingredient to be used in certain foods, including yeast-leavened breads and rolls and yeast-leavened fine bakery wares, as well as in food supplements.
- (5) On 6 December 2016, the company Lallemand Bio-Ingredients made a request to the competent authority of Denmark for an extension of use and use levels of UV-treated baker's yeast (*Saccharomyces cerevisiae*). The application requested to extend the use of UV-treated baker's yeast (*Saccharomyces cerevisiae*) to additional food categories, namely, pre-packed fresh and dry yeast for home baking and in food supplements without indication of maximum permitted levels. In addition, the applicant requested to amend the lower specification of the vitamin D₂ content in the yeast concentrate from 1 800 000 IU (450 µg/g) to 800 000 IU (200 µg/g).
- (6) Pursuant to Article 35(1) of Regulation (EU) 2015/2283, any request for placing a novel food on the market within the Union submitted to a Member State in accordance with Article 4 of Regulation (EC) No 258/97 and for which the final decision has not been taken before 1 January 2018 shall be treated as an application submitted under Regulation (EU) 2015/2283.
- (7) While the request for an extension of uses and use levels of UV-treated baker's yeast (*Saccharomyces cerevisiae*) was submitted to a Member State in accordance with Article 4 of Regulation (EC) No 258/97, the application also meets the requirements laid down in Regulation (EU) 2015/2283.

⁽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 2014/396/EU of 24 June 2014 authorising the placing on the market of UV-treated baker's yeast (*Saccharomyces cerevisiae*) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 186, 26.6.2014, p. 108).

⁽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⁾ Scientific Opinion on the safety of vitamin D-enriched UV-treated baker's yeast, *EFSA Journal* 2014; 12(1):3520.

- (8) On 30 June 2017, the competent authority of Denmark issued its initial assessment report. In that report it came to the conclusion that the extension of uses and proposed maximum use levels of UV-treated baker's yeast (*Saccharomyces cerevisiae*) meets the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.
- (9) On 7 July 2017, the Commission forwarded the initial assessment report to the other Member States. Comments were made by the other Member States within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97 with regard to methods employed to adequately identify potential mutants, lack of justification on safety grounds to support the removal of the maximum level for food supplements, lack of information on storage stability for the new form of the novel food, lack of information on the accreditation of laboratories, and as to whether the intake of the novel food might exceed the tolerable upper intake levels for vitamin D set up by EFSA ⁽¹⁾.
- (10) In view of the comments made by the other Member States, the applicant provided additional explanations which alleviated their concerns to the satisfaction of the Member States and the Commission. Those explanations give sufficient grounds to establish that the extension of use and use levels of UV-treated baker's yeast (*Saccharomyces cerevisiae*) complies with Article 12(1) of Regulation (EU) 2015/2283.
- (11) Directive 2002/46/EC of the European Parliament and of the Council ⁽²⁾ and Regulation (EC) No 1925/2006 of the European Parliament and of the Council ⁽³⁾ lay down specific provisions for the use of vitamins and minerals when added to food supplements and food. The extension of use of UV-treated baker's yeast should be authorised without prejudice to those specific provisions.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The entry in the Union list of authorised novel foods as provided for in Article 8 of Regulation (EU) 2015/2283 referring to the substance UV-treated baker's yeast (*Saccharomyces cerevisiae*) shall be amended as specified in the Annex to this Regulation.
2. The entry in the Union list referred to in the first paragraph shall include the conditions of use and labelling requirements laid down in the Annex to this Regulation.
3. The authorisation provided for in this Article shall be without prejudice to the provisions of Directive 2002/46/EC and Regulation (EC) No 1925/2006.

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*.

⁽¹⁾ EFSA Journal 2012;10(7):2813

⁽²⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

⁽³⁾ Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods (OJ L 404, 30.12.2006, p. 26).

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

Done at Brussels, 18 July 2018.

For the Commission

The President

Jean-Claude JUNKER

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

(1) the entry for 'UV-treated baker's yeast (*Saccharomyces cerevisiae*)' 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
'UV-treated baker's yeast (<i>Saccharomyces cerevisiae</i>)'	Specified food category	Maximum levels of vitamin D ₂	The designation of the novel food on the labelling of the foodstuffs containing it shall be "Vitamin D yeast" or "Vitamin D ₂ yeast"	
	Yeast-leavened breads and rolls	5 µg of vitamin D ₂ /100 g		
	Yeast-leavened fine bakery wares	5 µg of vitamin D ₂ /100 g		
	Food supplements as defined in Directive 2002/46/EC			
	Pre-packed fresh or dry yeast for home baking	45 µg/100 g for fresh yeast 200 µg/100 g for dried yeast	<ol style="list-style-type: none"> The designation of the novel food on the labelling of the foodstuffs shall be "Vitamin D yeast" or "Vitamin D₂ yeast". The labelling of the novel food shall bear a statement that the foodstuff is only intended for baking and that it should not be eaten raw. The labelling of the novel food shall bear instructions for use for the final consumers so that a maximum concentration of 5 µg/100 g of vitamin D₂ in final home-baked products is not exceeded. 	

(2) the entry for 'UV-treated baker's yeast (*Saccharomyces cerevisiae*)' in Table 2 (Specifications) is replaced by the following:

Authorised Novel Food	Specification
'UV-treated baker's yeast (<i>Saccharomyces cerevisiae</i>)'	<p>Description/Definition:</p> <p>Baker's yeast (<i>Saccharomyces cerevisiae</i>) is treated with ultraviolet light to induce the conversion of ergosterol to vitamin D₂ (ergocalciferol). Vitamin D₂ content in the yeast concentrate varies between 800 000-3 500 000 IU vitamin D/100 g (200-875 µg/g). The yeast may be inactivated.</p> <p>The yeast concentrate is blended with regular baker's yeast in order not to exceed the maximum level in the pre-packed fresh or dry yeast for home baking.</p> <p>Tan-coloured, free-flowing granules.</p>

Authorised Novel Food	Specification
	<p>Vitamin D₂:</p> <p>Chemical name: (5Z,7E,22E)-(3S)-9,10-secoergosta-5,7,10(19),22-tetraen-3-ol</p> <p>Synonym: Ergocalciferol</p> <p>CAS No.: 50-14-6</p> <p>Molecular weight: 396,65 g/mol</p> <p>Microbiological criteria for the yeast concentrate:</p> <p>Coliforms: ≤ 10³/g</p> <p><i>Escherichia coli</i>: ≤ 10/g</p> <p><i>Salmonella</i>: Absence in 25 g'</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1019**of 18 July 2018****concerning the non-renewal of approval of the active substance oxasulfuron, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1)(b) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2003/23/EC ⁽²⁾ included oxasulfuron as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance oxasulfuron, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 July 2019.
- (4) An application for the renewal of the approval of oxasulfuron was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 29 January 2016.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 2 February 2017 the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether oxasulfuron can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009.
- (9) The Authority identified a large number of data gaps resulting in the inability to finalise the risk assessment in several areas. In particular, the available information on oxasulfuron and its metabolites did not allow finalising the assessment of the overall consumer exposure, the groundwater exposure, the risk to aquatic organisms, earthworms, soil macro- and microorganisms and non-target terrestrial plants.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/23/EC of 25 March 2003 amending Council Directive 91/414/EEC to include imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid as active substances (OJ L 81, 28.3.2003, p. 39).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA Journal 2017;15(2):4722, 33 pp. doi:10.2903/j.efsa.2017.4722. Available online: www.efsa.europa.eu

- (10) The Commission presented the draft renewal report and a draft Regulation for oxasulfuron to the Standing Committee on Plants, Animals, Food and Feed on 19 July 2017.
- (11) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with the third subparagraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, the Commission invited the applicant to submit comments on the draft renewal report. The applicant submitted its comments, which have been carefully examined.
- (12) However, despite the arguments put forward by the applicant, the concerns referred to in recital 9 could not be eliminated.
- (13) Consequently, it has not been established with respect to one or more representative uses of at least one plant protection product that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. The approval of the active substance oxasulfuron should therefore not be renewed.
- (14) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (15) Member States should be allowed sufficient time to withdraw authorisations for plant protection products containing oxasulfuron.
- (16) For plant protection products containing oxasulfuron, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should, at the latest, expire on 8 November 2019.
- (17) Commission Implementing Regulation (EU) 2018/917 ⁽¹⁾ extended the expiry date of oxasulfuron to 31 July 2019 in order to allow the renewal process to be completed before the expiry of the approval of that substance. Given that a decision is taken ahead of that extended expiry date, this Regulation should apply as soon as possible.
- (18) This Regulation does not prejudice the submission of a further application for the approval of oxasulfuron in accordance with Article 7 of Regulation (EC) No 1107/2009.
- (19) 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

Non-renewal of approval of active substance

The approval of the active substance oxasulfuron is not renewed.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 42 on oxasulfuron, is deleted.

⁽¹⁾ Commission Implementing Regulation (EU) 2018/917 of 27 June 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances alpha-cypermethrin, beflubutamid, benalaxyl, benthialdicarb, bifentazate, boscalid, bromoxynil, captan, carvone, chlorpropham, cyazofamid, desmedipham, dimethoate, dimethomorph, diquat, ethephon, ethoprophos, etoxazole, famoxadone, fenamidone, fenamiphos, flumioxazine, fluoxastrobin, folpet, foramsulfuron, formetanate, Gliocladium catenulatum strain: J1446, isoxaflutole, metalaxyl-m, methiocarb, methoxyfenozide, metribuzin, milbemectin, oxasulfuron, Paecilomyces lilacinus strain 251, phenmedipham, phosmet, pirimiphos-methyl, propamocarb, prothioco-nazole, pymetrozine and s-metolachlor (OJ L 163, 28.6.2018, p. 13).

*Article 3***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing oxasulfuron as active substance by 8 November 2018 at the latest.

*Article 4***Grace period**

Any grace period granted by Member States in accordance with Article 20 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire by 8 November 2019 at the latest.

*Article 5***Entry into force**

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

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

Done at Brussels, 18 July 2018.

For the Commission

The President

Jean-Claude JUNKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/1020

of 18 July 2018

on the adoption and updating of the list of skills, competences and occupations of the European classification for the purpose of automated matching through the EURES common IT platform

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 ⁽¹⁾, and in particular Article 19(2) thereof,

Whereas:

- (1) Regulation (EU) 2016/589 establishes a common IT platform to bring together job vacancies, and job applications and CVs (job seeker profiles) in the European Union and make them available to the EURES portal.
- (2) To enable the matching of job vacancies with job seeker profiles the information must be exchanged according to a uniform system, within the meaning of Article 17 of Regulation (EU) 2016/589, based on common technical standards and formats.
- (3) To facilitate the exchange of job vacancies and job seeker profiles and to ensure a high quality matching across languages and national contexts, it is necessary to use a detailed multilingual terminology to describe occupations, skills and competences. Such a terminology will serve as a common reference point when exchanging information on candidates or on vacant jobs in transnational job matching and ensures that the meaning of the information is preserved.
- (4) Article 19 of Regulation (EU) 2016/589 therefore provides for the use of a European classification in order to achieve the level of interoperability that is needed for a high quality matching through the common IT platform.
- (5) The Commission worked closely with Member States and stakeholders to develop the European Skills, Competences, Qualifications and Occupations classification (ESCO) for that purpose. It established the Member States Working Group on ESCO in order to ensure close cooperation with Member States. It also established the ESCO Maintenance Committee, which provides technical advice on the management, updating, implementation and quality assurance of ESCO. Stakeholders also contributed to the development of ESCO through reference groups and online consultations.
- (6) The Commission consulted the ESCO Member States Working Group on the ESCO classification and on its translations before deciding to publish the first version of ESCO in all official languages of the European Union on 28 July 2017.
- (7) The multilingual lists of skills, competences and occupations of the first version of ESCO is therefore appropriate to be adopted as the European classification within the meaning of Article 19 of Regulation (EU) 2016/589.
- (8) As a minimum requirement, these lists should contain for each occupation, skill or competence, at least one term in each official language of the European Union, a unique identifier (URI), a description and, with regard to the occupations, a mapping to a recent version of the International Standard Classification of Occupations (ISCO).

⁽¹⁾ OJ L 107, 22.4.2016, p. 1.

- (9) While the European classification needs to provide a stable reference point for the purpose of online multilingual matching for EURES and possibly other job platforms, evolutions in the labour market, in terminology and in matching technology will make it necessary to regularly update it. The procedure for adopting an updated version of the European classification will be based on good cooperation between the Commission and the Member States.
- (10) The measures provided for in this Decision are in accordance with the opinion of the EURES Committee,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter, scope and definitions

1. This Decision establishes the list of skills, competences and occupations of the European classification to be used for the operation of the EURES common IT platform as provided for in Article 19 of Regulation (EU) 2016/589 and lays down the procedures to update and review this list.
2. For the purpose of this Decision the following definitions shall apply:
 - (a) 'Skills and competences' consist of:
 - (1) 'knowledge' as the outcome of the assimilation of information through learning, resulting in a body of facts, principles, theories and practices that is related to a field of work or study;
 - (2) 'skills' as the ability to apply knowledge and use know-how to complete tasks and solve problems;
 - (3) 'competences' as the proven ability to use knowledge, skills and personal, social and/or methodological abilities, in work or study situations and in professional and personal development.
 - (b) 'Occupation' means a grouping of jobs involving similar tasks and requiring a similar skills set, whereas a 'job' means a set of tasks and responsibilities executed by one person in a specific work context;
 - (c) 'List' means an enumeration of unique identifiers that are representing occupations or skills and competences, accompanied by metadata;
 - (d) 'Minor corrections' means modifications to the adopted lists of skills, competences and occupations of the European classification to correct errors in translation or spelling and other obvious mistakes that do not modify neither the structure of the classification nor the meaning of the terms or other content.
 - (e) 'ESCO service platform' means the website on which the Commission makes the classification of European Skills, Competences, Qualifications and Occupations available and which is publicly accessible ⁽¹⁾.

Article 2

Establishment of the list

The list of skills, competences and occupations of the European classification referred to in Article 19(2) of Regulation (EU) 2016/589 shall consist of:

- (a) Occupations published on 28 July 2017 on the ESCO service platform as part of the classification of European Skills, Competences, Qualifications and Occupations.
- (b) Skills and competences published on 28 July 2017 on the ESCO service platform as part of the classification of European Skills, Competences, Qualifications and Occupations.

Article 3

Updating of the list

1. To reflect changes in the labour market, in education and training or in terminology, the Commission shall, together with the Member States, regularly review the need of updating the list of skills, competences and occupations of the European classification to be used for the operation of the EURES Portal.

⁽¹⁾ <http://ec.europa.eu/esco>

2. Before proposing to adopt an updated version of the list of occupations and of skills and competences of the European classification referred to in Article 2, by amending or replacing this Decision, the Commission shall consult the Coordination Group for EURES, referred to in Article 14 of Regulation (EU) 2016/589, and the Member States Working Group on ESCO.

3. Minor corrections of the lists shall not be considered as adoptions of new updated versions of the classification. The Commission shall nevertheless inform the Member States through the Coordination Group for EURES and the Member States Working Group on ESCO well in advance, and at least 30 days before it undertakes any such minor correction.

Article 4

Publication of the list

1. The European Coordination Office for EURES shall ensure that the list of occupations and of skills and competences of the European classification, and any updated version thereof, is made available online on the ESCO service platform.

2. The European Coordination Office for EURES shall also make available the list to the Member States in a format that facilitates the establishment and updating of the inventory by Member States pursuant to Article 19(3) of Regulation (EU) 2016/589.

Article 5

Entry into force

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

Done at Brussels, 18 July 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2018/1021**of 18 July 2018****on the adoption of technical standards and formats necessary for the operation of the automated matching through the common IT platform using the European classification and the interoperability between national systems and the European classification****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 ⁽¹⁾, and in particular Article 19(6) thereof,

Whereas:

- (1) Regulation (EU) 2016/589 establishes a common IT platform to bring together job vacancies, and job applications and CVs (job seeker profiles) in the European Union.
- (2) To enable the matching of job vacancies with job applications and job seeker profiles, the information must be exchanged according to a uniform system, within the meaning of Article 17 of Regulation (EU) 2016/589, based on common technical standards and formats.
- (3) For the purpose of a high quality multilingual matching on the common IT platform, Article 19 of Regulation (EU) 2016/589 provides for the use of a European classification of skills, competences and occupations.
- (4) Member States who choose not to use the European classification in their national systems for job vacancies and job seeker profiles connected to the single coordinated channel, within the meaning of Article 18 of Regulation (EU) 2016/589, must make a mapping between the classifications used by those systems and the European classification to allow interoperability.
- (5) The mapping between national, regional or sectoral classifications and the European classification requires the establishment and regular updating of inventories and tables for mapping.
- (6) To facilitate the establishment and updating of such mapping inventories and tables and the subsequent exchange of information based on the mapping the Commission should provide the necessary technical standards and formats and the appropriate technical applications to support it.
- (7) By publishing and sharing their national mapping tables with other Member States and the Commission the Member States will contribute to the development and improvement of the European classification and services and tools provided by EURES such as the algorithms for search and matching engines.
- (8) The measures provided for in this Decision are in accordance with the opinion of the EURES Committee,

HAS ADOPTED THIS DECISION:

*Article 1***Subject matter and scope**

This Decision lays down the technical standards and formats necessary for the operation of the automated matching through the common IT platform using the European classification and the interoperability between national systems and the European classification.

⁽¹⁾ OJ L 107, 22.4.2016, p. 1.

*Article 2***Definitions**

For the purpose of this Decision, the following definitions shall apply:

- (a) 'mapping tables' means machine-readable correspondence tables that express how concepts in one classification relate to one or more concepts in another classification. Mapping tables are used for automatic transcoding of information for the purpose of automated matching through the common IT platform;
- (b) 'machine-readable' means that information is presented in a format that can be easily processed by a computer;
- (c) 'transcoding' means the process of converting information from one form of coded representation to another;
- (d) 'syntax' means the rules and arrangements for the presentation of information in a structured way;
- (e) 'ESCO service platform' means the website on which the Commission makes the classification of European Skills, Competences, Qualifications and Occupations available and which is publicly accessible ⁽¹⁾.

*Article 3***Creation of mapping tables**

1. Member States that use national, regional or sectoral classifications when recording information related to occupations, skills or competences in national systems for job vacancies or job seeker profiles connected to the single coordinated channel, within the meaning of Article 18 of Regulation (EU) 2016/589, shall, in order to make them available to the EURES portal in accordance with Article 17(1) of Regulation (EU) 2016/589, create and use machine-readable mapping tables between each of these national, regional and sectoral classifications and the European classification adopted pursuant to Article 19(2) of Regulation (EU) 2016/589.
2. Member States shall create these tables in accordance with common technical standards and formats in order to enable an effective operation of the automated matching through the common IT platform as referred to in Article 19(6) of Regulation (EU) 2016/589.
3. The technical standards and formats referred to in paragraph 2 shall consist of:
 - (a) the set of information to be included in the mapping tables;
 - (b) a syntax to express this set of information.
4. The European Coordination Office for EURES shall communicate and make available the technical standards and formats referred to in paragraph 2 on the EURES portal Extranet ⁽²⁾.
5. As provided for in Article 19(5) of Regulation (EU) 2016/589, the European Commission and the European Coordination Office for EURES shall provide support to the Member States for their mapping. In particular, it shall make available an application to help establish and update inventories and mapping tables.
6. Member States using the European classification at national level, according to Article 19(4) of Regulation (EU) 2016/589, do not need to create mapping tables as referred to in this Decision.
7. Following the procedures laid down in Article 6, the European Coordination Office for EURES may update the technical standards and formats.

*Article 4***Ensuring interoperability with the common IT platform through mapping tables**

The mapping tables referred to in Article 3, shall be used for automatic transcoding of information on job vacancies or job seeker profiles for the purpose of automated matching through the common IT platform. Member States shall ensure that any codes of their national, regional and sectoral classifications in job vacancies and job seeker profiles under Regulation (EU) 2016/589 Article 17(1) are replaced or complemented by the corresponding codes of the European classification, by using the mapping tables for transcoding before making them available to the EURES portal.

⁽¹⁾ <http://ec.europa.eu/esco>

⁽²⁾ <http://eures.europa.eu>

*Article 5***Publication of mapping tables**

Member States shall make their mapping tables available by publishing them on the ESCO service platform using the standards and formats defined in Article 3(2).

*Article 6***Governance and updating of the technical standards and formats**

1. All Member States shall appoint, and through their EURES National Coordination Offices, notify the European Coordination Office for EURES the details of, a single point of contact to which all requests, enquires and communications regarding the application of this Decision can be addressed.
2. The Coordination Group for EURES, referred to in Article 14 of Regulation (EU) 2016/589, shall once a year undertake a review of the application of this Decision.
3. The European Coordination Office for EURES may update the technical standards and formats referred to in Article 3(2) if this is needed for the efficient automated matching through the common IT platform.
4. Before adopting any new version of the technical standards and formats and making it available on the EURES portal Extranet, the European Coordination Office for EURES shall formally consult the Coordination Group for EURES.

*Article 7***Entry into force**

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

Done at Brussels, 18 July 2018.

For the Commission
The President
Jean-Claude JUNCKER

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 154/2018

of 6 July 2018

amending Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement [2018/1022]

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) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Recognising that data protection is a fundamental right protected in various international human rights agreements.
- (3) Recognising the importance of equal rights and obligations of data controllers and processors within the EEA.
- (4) This Decision provides that the supervisory authorities of the EFTA States shall participate fully in the one-stop-shop and the consistency mechanism and shall, but for the right to vote and to stand for election as chair or deputy chairs of the European Data Protection Board (the 'Board'), established by Regulation (EU) 2016/679, have the same rights and obligations as supervisory authorities of the EU Member States in that Board. To that effect, the supervisory authorities of the EFTA States shall be included in the activities of the Board, including those of any sub-group that the Board may establish to carry out its work, and receive all information necessary to enable their effective participation including, as necessary, by means of full access to any electronic system for information exchange that may be set up by the Board.
- (5) Regulation (EU) 2016/679 repeals Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (6) Annex XI and Protocol 37 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 5e (Directive 95/46/EC of the European Parliament and of the Council) of Annex XI to the EEA Agreement shall be replaced by the following:

'32016 R 0679: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽¹⁾ OJ L 119, 4.5.2016, p. 1.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

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

- (a) The supervisory authorities of the EFTA States shall participate in the activities of the European Data Protection Board, hereinafter referred to as “the Board”. To that effect, they shall, but for the right to vote and to stand for election as chair or deputy chairs of the Board, have the same rights and obligations as supervisory authorities of the EU Member States in the Board, unless otherwise provided in this Agreement. The positions of the supervisory authorities of the EFTA States shall be recorded separately by the Board.

The rules of procedures of the Board shall give full effect to the participation of the supervisory authorities of the EFTA States and the EFTA Surveillance Authority with the exception of voting rights and to stand for election as chair or deputy chairs of the Board.

- (b) Notwithstanding the provisions of Protocol 1 to this Agreement, and unless otherwise provided for in this Agreement, the terms “Member State(s)” and “supervisory authorities” shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their supervisory authorities, respectively.
- (c) References to Union law or Union data protection provisions shall be understood as referring to the EEA Agreement or data protection provisions contained therein, respectively.
- (d) In Articles 13(1)(f) and 14(1)(f), as regards the EFTA States, the words “applicable pursuant to the EEA Agreement” shall be inserted after the words “adequacy decision by the Commission”.
- (e) In Article 45, as regards the EFTA States, the following shall be inserted after paragraph 1:

“1a. Pending a decision by the EEA Joint Committee to incorporate into the EEA Agreement an implementing act adopted pursuant to paragraphs 3 or 5 of this Article an EFTA State may decide to apply the measures contained therein.

Each EFTA State shall decide and inform the Commission and the EFTA Surveillance Authority, before the entry into force of any implementing act adopted pursuant to paragraphs 3 or 5 of this Article, whether it, pending a decision by the EEA Joint Committee to incorporate the implementing act into the EEA Agreement, will apply the measures contained therein at the same time as the EU Member States or not. In the absence of a decision to the contrary, each EFTA State shall apply the measures contained in an implementing act adopted pursuant to paragraphs 3 or 5 of this Article at the same time as the EU Member States.

Notwithstanding Article 102 of the Agreement, if an agreement on the incorporation into the EEA Agreement of an implementing act adopted pursuant to paragraphs 3 or 5 of this Article cannot be reached in the EEA Joint Committee within 12 months of the entry into force of that implementing act, any EFTA State may discontinue the application of such measures and shall inform the Commission and the EFTA Surveillance Authority thereof without delay.

The other Contracting Parties to the EEA Agreement shall, by way of derogation from Article 1(3), restrict or prohibit the free flow of personal data to an EFTA State which does not apply the measures contained in an implementing act adopted pursuant to paragraph 5 of this Article in the same way as these measures prevent the transfer of personal data to a third country or an international organisation.”

- (f) Whenever the EU enters into consultations with third countries or international organisations with the aim of adopting an adequacy decision pursuant to Article 45, the EFTA States shall be kept duly informed. In cases where the third country or the international organisation undertakes specific obligations regarding the processing of personal data from the Member States, the EU will take into account the situation of EFTA States and discuss with third countries or international organisation possible mechanisms for subsequent possible application by the EFTA States.
- (g) In Article 46(2)(d) the following shall be added:

“The supervisory authorities of the EFTA States shall have the same right as EU supervisory authorities to submit standard data protection clauses to the Commission for approval pursuant to the examination procedure referred to in Article 93(2).”

- (h) In Article 46, as regards the EFTA States, the following paragraph shall be inserted after paragraph 2:

“2a. Pending a decision by the EEA Joint Committee to incorporate into the EEA Agreement an implementing act, the appropriate safeguards referred to in paragraph 1 may be provided for by standard data protection clauses referred to in points (c) and (d) of Article 46(2) where an EFTA State applies the measures contained therein.

Each EFTA State shall decide and inform the Commission and the EFTA Surveillance Authority, before the entry into force of implementing acts adopted pursuant to points (c) and (d) of Article 46(2), whether it, pending a decision by the EEA Joint Committee to incorporate the implementing act into the EEA Agreement, will apply the measures contained therein at the same time as the EU Member States or not. In the absence of a decision to the contrary, each EFTA State shall apply the measures contained in an implementing act adopted pursuant to points (c) and (d) of Article 46(2) at the same time as the EU Member States.

Notwithstanding Article 102 of the Agreement, if an agreement on the incorporation into the EEA Agreement of an implementing act adopted pursuant to points (c) and (d) of Article 46(2) cannot be reached in the EEA Joint Committee within 12 months of the entry into force of that implementing act, any EFTA State may discontinue the application of such measures and shall inform the Commission and the EFTA Surveillance Authority thereof without delay.”

- (i) In Article 58(4), as regards the EFTA States, the words “in accordance with the Charter” shall not apply.
- (j) In Article 59, the words “, to the EFTA Surveillance Authority” shall be inserted after the words “to the Commission”.
- (k) The EFTA Surveillance Authority shall have the right to participate in the meetings of the Board without voting right. The EFTA Surveillance Authority shall designate a representative.
- (l) Where it is relevant to the exercise of its functions under Article 109 of this Agreement, the EFTA Surveillance Authority shall have the right to request advice or opinions from, and to communicate matters to, the Board pursuant to Articles 63, 64(2), 65(1)(c) and 70(1)(e). In Articles 63, 64(2), 65(1)(c), and 70(1)(e), the words “and, where relevant, the EFTA Surveillance Authority” shall be added after the words “the Commission”.
- (m) The Chair of the Board, or the secretariat, shall communicate to the EFTA Surveillance Authority the activities of the Board, where relevant pursuant to Articles 64(5)(a) and (b), 65(5), and 75(6)(b). In Articles 64(5)(a) and (b), 65(5), and 75(6)(b), the words “and, where relevant, the EFTA Surveillance Authority” shall be added after the words “the Commission”.

Where it is relevant to the exercise of its functions under Article 109 of this Agreement, the EFTA Surveillance Authority shall have the right to receive information from a supervisory authority of one of EFTA States concerned pursuant to Article 66(1). In Article 66(1) the words “and, where relevant, the EFTA Surveillance Authority” shall be added after the words “the Commission”.

- (n) In Article 71(1), the words “, to the Standing Committee of the EFTA States, to the EFTA Surveillance Authority” shall be inserted after the words “to the Council”.
- (o) In Article 73(1), the following sentence shall be added:

“The EFTA States’ members of the Board shall not be eligible to be elected as chair or deputy chairs.”

Article 2

The text of point 13 (Working Party on the Protection of Individuals with regard to the Processing of Personal Data) of Protocol 37 to the EEA Agreement shall be deleted.

Article 3

The texts of Regulation (EU) 2016/679 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 4

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

(*) Constitutional requirements indicated.

Article 5

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, 6 July 2018.

For the EEA Joint Committee

The President

Oda Helen SLETNES

Joint Declaration by the Contracting Parties to Decision of the Joint Committee No 154/2018 of 6 July 2018 incorporating Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) into the EEA Agreement

Bearing in mind the two pillar system of the EEA Agreement and with regard to the direct binding effect of decisions of the European Data Protection Board towards national supervisory authorities in the EEA EFTA States the Contracting Parties:

- take note of the fact that decisions of the European Data Protection Board are directed at national supervisory authorities,
 - recognise that this solution does not create a precedence for future adaptations of EU acts to be incorporated into the EEA Agreement.
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CORRIGENDA

Corrigendum to Commission Regulation (EU) 2018/978 of 9 July 2018 amending Annexes II and III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products

(Official Journal of the European Union L 176 of 12 July 2018)

The text of the Annex is replaced with the following:

‘ANNEX

Annexes II and III are amended as follows:

(1) in Annex II, in the table, the following entry is added:

Ref No.	Substance identification		
	Chemical name/INN	CAS number	EC number
a	b	c	d
“1383	Tagetes erecta flower extract (*)	90131-43-4	290-353-9
	Tagetes erecta flower oil (**)	90131-43-4	290-353-9/-

(*) From 1 May 2019 cosmetic products containing that substance shall not be placed on the Union market. From 1 August 2019 cosmetic products containing that substance shall not be made available on the Union market.

(**) From 1 May 2019 cosmetic products containing that substance shall not be placed on the Union market. From 1 August 2019 cosmetic products containing that substance shall not be made available on the Union market.”;

(2) in Annex III, in the table, the following entries are added:

Reference number	Substance Identification				Restrictions			Wording of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, Body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
“308	Tagetes minuta flower extract (*) Tagetes minuta flower oil (**)	Tagetes minuta flower extract Tagetes minuta flower oil	91770-75-1; 91770-75-1/ 8016-84-0	294-862-7; 294-862-7	(a) Leave-on products	(a) 0,01 %	For (a) and (b): Alpha terthienyl (terthiophen) content in the extract/oil ≤ 0,35 %. For (a): Not to be used in sunscreen products and products marketed for exposure to natural/artificial UV light. For (a) and (b): In case of combined use with Tagetes patula (entry 309), the total combined content of Tagetes in ready for use preparation shall not exceed the maximum concentration limits set out in column (g).	
					(b) Rinse-off products	(b) 0,1 %		
309	Tagetes patula flower extract (***) Tagetes patula flower oil (****)	Tagetes patula flower extract Tagetes patula flower oil	91722-29-1; 91722-29-1/ 8016-84-0	294-431-3; 294-431-3/-	(a) Leave-on products	(a) 0,01 %	For (a) and (b): Alpha terthienyl (terthiophen) content in the extract/oil ≤ 0,35 %. For (a): Not to be used in sunscreen products and products marketed for exposure to natural/artificial UV light. For (a) and (b): In case of combined use with Tagetes minuta (entry 308), the total combined content of Tagetes in ready for use preparation shall not exceed the maximum concentration limits set out in column (g).	
					(b) Rinse-off products	(b) 0,1 %		

(*) From 1 May 2019 cosmetic products containing that substance and not complying with the restrictions shall not be placed on the Union market. From 1 August 2019 cosmetic products containing that substance and not complying with the restrictions shall not be made available on the Union market.

(**) From 1 May 2019 cosmetic products containing that substance and not complying with the restrictions shall not be placed on the Union market. From 1 August 2019 cosmetic products containing that substance and not complying with the restrictions shall not be made available on the Union market.

(***) From 1 May 2019 cosmetic products containing that substance and not complying with the restrictions shall not be placed on the Union market. From 1 August 2019 cosmetic products containing that substance and not complying with the restrictions shall not be made available on the Union market.

(****) From 1 May 2019 cosmetic products containing that substance and not complying with the restrictions shall not be placed on the Union market. From 1 August 2019 cosmetic products containing that substance and not complying with the restrictions shall not be made available on the Union market.”

