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EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2019/428**of 12 July 2018****amending Implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 75(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 543/2011 ⁽²⁾ provides for detailed rules on marketing standards for fruit and vegetables.
- (2) Implementing Regulation (EU) No 543/2011 allows the marketing of packages of a net weight of 5 kg or less containing mixes of different species of fruit and vegetables. To ensure fair trading and to respond to the demand from certain consumers for such mixes, identical rules should apply to packages containing different species of fruit and packages containing different species of vegetables.
- (3) From 2013 to 2017 the Working Party on Agricultural Quality Standards of the United Nations Economic Commission for Europe (UN/ECE) revised the UN/ECE standards for apples, citrus fruit, kiwifruit, lettuces, curled-leaved and broad-leaved endives, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes. In order to avoid unnecessary barriers to trade, the general and specific marketing standards for those fruits and vegetables provided for in Implementing Regulation (EU) No 543/2011 should be aligned with the new UN/ECE standards.
- (4) In particular, the UN/ECE standards require the indication of the ISO 3166 (alpha) country/area code in combination with the code mark representing the packer or dispatcher when the packer or dispatcher has a physical address in a country different from the country of origin of the products. That requirement should be included in Annex I to Implementing Regulation (EU) No 543/2011.
- (5) Regulation (EU) No 543/2011 should therefore be amended accordingly.
- (6) In order to give operators sufficient time to adapt to the new requirement relating to the country code, they should be allowed to use existing officially issued or accepted code marks representing the packer or dispatcher until 31 December 2019,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ L 157, 15.6.2011, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Implementing Regulation (EU) No 543/2011

Implementing Regulation (EU) No 543/2011 is amended as follows:

(1) Article 7 is replaced by the following:

‘Article 7

Mixes

1. The marketing of packages of a net weight of 5 kg or less containing mixes of different species of fruits, of vegetables or of fruits and vegetables shall be allowed, provided that:

- (a) the products are of uniform quality and each product concerned complies with the relevant specific marketing standard or, where no specific marketing standard exists for a particular product, the general marketing standard;
- (b) the package is appropriately labelled, in accordance with this Chapter; and
- (c) the mix is not such as to mislead the consumer.

2. The requirements of paragraph 1(a) shall not apply to products included in a mix which are not products of the fruit and vegetables sector referred to in Article 1(2)(i) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (*).

3. If the products in a mix originate in more than one Member State or third country, the full names of the countries of origin may be replaced with one of the following, as appropriate:

- (a) “mix of EU fruit”, “mix of EU vegetables” or “mix of EU fruit and vegetables”;
- (b) “mix of non-EU fruit”, “mix of non-EU vegetables” or “mix of non-EU fruit and vegetables”;
- (c) “mix of EU and non-EU fruit”, “mix of EU and non-EU vegetables” or “mix of EU and non-EU fruit and vegetables”.

(*) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671.);

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

Article 2

Transitional provision

Officially issued or accepted code marks representing the packer or dispatcher that do not include the ISO 3166 (alpha) country/area code may continue to be used on packages until 31 December 2019.

Article 3

Entry into force

This Regulation shall enter into force on the seventh 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, 12 July 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'ANNEX I

MARKETING STANDARDS REFERRED TO IN ARTICLE 3

PART A

General marketing standard

The purpose of this general marketing standard is to define the quality requirements for fruit and vegetables, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- a slight deterioration due to their development and their tendency to perish.

1. Minimum requirements

Subject to the tolerances allowed, the products shall be:

- intact,
- sound; products affected by rotting or deterioration such as to make them unfit for consumption are excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The condition of the products must be such as to enable them:

- to withstand transportation and handling,
- to arrive in satisfactory condition at the place of destination.

2. Minimum maturity requirements

The products must be sufficiently developed, but not over-developed, and fruit must display satisfactory ripeness and must not be overripe.

The development and state of maturity of the products must be such as to enable them to continue their ripening process and to reach a satisfactory degree of ripeness.

3. Tolerance

A tolerance of 10 % by number or weight of product not satisfying the minimum quality requirements shall be permitted in each lot. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

4. Marking

Each package ⁽¹⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

⁽¹⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

A. Identification

Name and physical address of the packer and/or the dispatcher (for example: street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Origin

Full name of the country of origin ^(?). For products originating in a Member State this shall be in the language of the country of origin or any other language understandable by the consumers of the country of destination. For other products, this shall be in any language understandable by the consumers of the country of destination.

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART B

Specific marketing standards

PART 1: MARKETING STANDARD FOR APPLES

I. DEFINITION OF PRODUCE

This standard applies to apples of varieties (cultivars) grown from *Malus domestica* Borkh., to be supplied fresh to the consumer, apples for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for apples, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, apples must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from damage caused by pests affecting the flesh,

^(?) The full or commonly used name shall be indicated.

- free from serious watercore, except for varieties marked with “V” listed in the appendix to this standard,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of the apples must be such as to enable them:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Maturity requirements

The apples must be sufficiently developed, and display satisfactory ripeness.

The development and state of maturity of the apples must be such as to enable them to continue their ripening process and to reach the degree of ripeness required in relation to the varietal characteristics.

In order to verify the minimum maturity requirements, several parameters may be considered (for example morphological aspect, taste, firmness and refractometric index).

C. Classification

Apples are classified in three classes defined below.

(i) “Extra” Class

Apples in this class must be of superior quality. They must be characteristic of the variety ⁽³⁾ and with the stalk which must be intact.

Apples must express the following minimum surface colour characteristic of the variety:

- 3/4 of total surface red coloured in case of colour group A,
- 1/2 of total surface mixed red coloured in case of colour group B,
- 1/3 of total surface slightly red coloured, blushed or striped in case of colour group C,
- no minimum colour requirement in case of colour group D.

The flesh must be perfectly sound.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- very slight skin defects,
- very slight russetting ⁽⁴⁾ such as:
 - brown patches that may not go outside the stem cavity and may not be rough and/or
 - slight isolated traces of russetting.

(ii) Class I

Apples in this class must be of good quality. They must be characteristic of the variety ⁽⁵⁾.

Apples must express the following minimum surface colour characteristic of the variety:

- 1/2 of total surface red coloured in case of colour group A,
- 1/3 of total surface mixed red coloured in case of colour group B,

⁽³⁾ A non-exhaustive list of varieties providing a classification on colouring and russetting is set out in the appendix to this standard.

⁽⁴⁾ Varieties marked with “R” in the appendix to this standard are exempt from the provisions on russetting.

⁽⁵⁾ A non-exhaustive list of varieties providing a classification on colouring and russetting is set out in the appendix to this standard.

- 1/10 of total surface slightly red coloured, blushed or striped in case of colour group C,
- no minimum colour requirement in case of colour group D.

The flesh must be perfectly sound.

The following slight defects, however, may be allowed, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in development,
- a slight defect in colouring,
- slight bruising not exceeding 1 cm² of total surface area and not discoloured,
- slight skin defects which must not extend over more than:
 - 2 cm in length for defects of elongated shape,
 - 1 cm² of total surface area for other defects, with the exception of scab (*Venturia inaequalis*), which must not extend over more than 0,25 cm², cumulative, in area,
- slight russetting ⁽⁶⁾ such as:
 - brown patches that may go slightly beyond the stem or pistil cavities but may not be rough and/or
 - thin net-like russetting not exceeding 1/5 of the total fruit surface and not contrasting strongly with the general colouring of the fruit and/or
 - dense russetting not exceeding 1/20 of the total fruit surface, while
 - thin net-like russetting and dense russetting taken together may not exceed a maximum of 1/5 of the total surface of the fruit.

The stalk may be missing, provided the break is clean and the adjacent skin is not damaged.

(iii) *Class II*

This class includes apples which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

The flesh must be free from major defects.

The following defects may be allowed, provided the apples retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in development,
- defects in colouring,
- slight bruising not exceeding 1,5 cm² in area which may be slightly discoloured,
- skin defects which must not extend over more than:
 - 4 cm in length for defects of elongated shape,
 - 2,5 cm² of total surface area for other defects, with the exception of scab (*Venturia inaequalis*), which must not extend over more than 1 cm², cumulative, in area;

⁽⁶⁾ Varieties marked with "R" in the appendix to this standard are exempt from the provisions on russetting.

- slight russetting ⁽⁷⁾ such as
 - brown patches that may go beyond the stem or pistil cavities and may be slightly rough and/or
 - thin net-like russetting not exceeding 1/2 of the total fruit surface and not contrasting strongly with the general colouring of the fruit and/or
 - dense russetting not exceeding 1/3 of the total fruit surface, while
 - thin net-like russetting and dense russetting taken together may not exceed a maximum of 1/2 of the total surface of the fruit.

III. PROVISIONS CONCERNING SIZING

Size is determined either by the maximum diameter of the equatorial section or by weight.

The minimum size shall be 60 mm, if measured by diameter or 90 g, if measured by weight. Fruit of smaller sizes may be accepted, if the Brix level ⁽⁸⁾ of the produce is equal to or greater than to 10,5° Brix and the size is not smaller than 50 mm or 70 g.

To ensure the uniformity in size, the range in size between produce in the same package shall not exceed:

(a) for fruit sized by diameter:

- 5 mm for “Extra” Class fruit and for Classes I and II fruit packed in rows and layers. However, for apples of the varieties Bramley’s Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 10 mm, and
- 10 mm for Class I fruit packed in sales packages or loose in the package. However, for apples of the varieties Bramley’s Seedling (Bramley, Triomphe de Kiel) and Horneburger, the difference in diameter may amount to 20 mm.

(b) for fruit sized by weight:

- For “Extra” Class and Classes I and II apples packed in rows and layers:

Range (g)	Weight difference (g)
70-90	15 g
91-135	20 g
136-200	30 g
201-300	40 g
> 300	50 g

- For Class I fruit packed in sales packages or loose in the package:

Range (g)	Uniformity (g)
70-135	35
136-300	70
> 300	100

There is no sizing uniformity requirement for Class II fruit packed in sales packages or loose in the package.

Varieties of miniature apples, marked with an “M” in the appendix to this standard, are exempted from the sizing provisions. Those miniature varieties must have a minimum Brix level ⁽⁹⁾ of 12°.

⁽⁷⁾ Varieties marked with “R” in the appendix to this standard are exempt from the provisions on russetting.

⁽⁸⁾ Calculated as described in the OECD guidance on objective tests, available at: <http://www.oecd.org/agriculture/fruit-vegetables/publications>.

⁽⁹⁾ Calculated as described in the OECD guidance on objective tests, available at: <http://www.oecd.org/agriculture/fruit-vegetables/publications>.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) "Extra" Class

A total tolerance of 5 per cent, by number or weight, of apples not satisfying the requirements of the class, but meeting those of Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 per cent, by number or weight, of apples not satisfying the requirements of the class, but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(iii) Class II

A total tolerance of 10 per cent, by number or weight, of apples satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by number or weight, of apples not satisfying the requirements as regards sizing is allowed. This tolerance may not be extended to include produce with a size:

- 5 mm or more below the minimum diameter,
- 10 g or more below the minimum weight.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only apples of the same origin, variety, quality and size (if sized) and the same degree of ripeness.

In the case of the "Extra" Class, uniformity also applies to colouring.

However, a mixture of apples of distinctly different varieties may be packed together in a sales package provided they are uniform in quality and, for each variety concerned, in origin. Uniformity in size is not required.

The visible part of the contents of the package must be representative of the entire contents. Information lasered on single fruit should not lead to flesh or skin defects.

B. Packaging

The apples must be packed in such a way as to protect the produce properly. In particular, sales packages of a net weight exceeding 3 kg shall be sufficiently rigid to ensure proper protection of the produce.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽¹⁰⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Apples” if the contents are not visible from the outside.
- Name of the variety. In the case of a mixture of apples of distinctly different varieties, names of the different varieties.

The name of the variety may be replaced by a synonym. A trade name ⁽¹¹⁾ may only be given in addition to the variety or the synonym.

In the case of mutants with varietal protection, this variety name may replace the basic variety name. In case of mutants without varietal protection, this mutant name may only be indicated in addition to the basic variety name.

- “Miniature variety”, where appropriate.

C. Origin of produce

Country of origin ⁽¹²⁾ and, optionally, district where grown, or national, regional or local place name.

In the case of a mixture of distinctly different varieties of apples of different origins, the indication of each country of origin shall appear next to the name of the variety concerned.

D. Commercial specifications

- Class
- Size, or for fruit packed in rows and layers, number of units.

If identification is by the size, this should be expressed:

- (a) for produce subject to the uniformity rules, as minimum and maximum diameters or minimum and maximum weights;
- (b) optionally, for produce not subject to the uniformity rules, as the diameter or the weight of the smallest fruit in the package followed by “and over” or equivalent denomination or, where appropriate, followed by the diameter or weight of the largest fruit in the package.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

⁽¹⁰⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

⁽¹¹⁾ A trade name can be a trade mark for which protection has been sought or obtained or any other commercial denomination.

⁽¹²⁾ The full or commonly used name shall be indicated.

Appendix

Non-exhaustive list of apple varieties

Fruits of varieties that are not part of the list must be graded according to their varietal characteristics.

Some of the varieties listed in the following table may be marketed under names for which trademark protection has been sought or obtained in one or more countries. The three first columns of the table hereunder do not intend to include such trademarks. References to known trademarks have been included in the fourth column for information only.

Legend:

M = miniature variety

R = russet variety

V = watercore

* = mutant without varietal protection but linked to a registered/protected trademark; mutants not marked with the asterisk are protected varieties

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
African Red			African Carmine TM	B	
Akane		Tohoku 3, Primerouge		B	
Alkmene		Early Windsor		C	
Alwa				B	
Amasya				B	
Ambrosia			Ambrosia ®	B	
Annurca				B	
Ariane			Les Naturianes ®	B	
Arlet		Swiss Gourmet		B	R
AW 106			Sapora ®	C	
Belgica				B	
Belle de Boskoop		Schone van Boskoop, Goudreinette		D	R
	Boskoop rouge	Red Boskoop, Roter Boskoop, Rode Boskoop		B	R
	Boskoop Valastrid			B	R
Berlepsch		Freiherr von Berlepsch		C	
	Berlepsch rouge	Red Berlepsch, Roter Berlepsch		B	

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
Braeburn				B	
	Hidala		Hillwell ®	A	
	Joburn		Aurora TM , Red Braeburn TM , Southern Rose TM	A	
	Lochbuie Red Braeburn			A	
	Mahana Red Braeburn		Redfield ®	A	
	Mariri Red		Eve TM , Aporo ®	A	
	Royal Braeburn			A	
Bramley's Seedling		Bramley, Triomphe de Kiel		D	
Cardinal				B	
Caudle			Cameo ®, Camela®	B	
	Cauflight		Cameo ®, Camela®	A	
CIV323			Isaaq ®	B	
CIVG198			Modi ®	A	
Civni			Rubens ®	B	
Collina				C	
Coop 38			Goldrush ®, Delisdor ®	D	R
Coop 39			Crimson Crisp ®	A	
Coop 43			Juliet ®	B	
Coromandel Red		Corodel		A	
Cortland				B	
Cox's Orange Pippin		Cox orange, Cox's O.P.		C	R
Cripps Pink			Pink Lady ®, Flavor Rose ®	C	
	Lady in Red		Pink Lady ®	B	
	Rosy Glow		Pink Lady ®	B	
	Ruby Pink			B	
Cripps Red			Sundowner TM , Joya ®	B	
Dalinbel			Antares ®	B	R
Delblush			Tentation ®	D	

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
Delcorf			Delbarestivale ®	C	
	Celeste			B	
	Bruggers Festivale		Sissired ®	A	
	Dalili		Ambassy ®	A	
	Wonik*		Appache ®	A	
Delcoros			Autento ®	A	
Delgollune			Delbard Jubilé ®	B	
Delicious ordinaire		Ordinary Delicious		B	
Discovery				C	
Dykman's Zoet				C	
Egremont Russet				D	R
Elise		De Roblos, Red Delight		A	
Elstar				C	
	Bel-El		Red Elswout ®	C	
	Daliest		Elista ®	C	
	Daliter		Elton ™	C	
	Elshof			C	
	Elstar Boerekamp		Excellent Star ®	C	
	Elstar Palm		Elstar PCP ®	C	
	Goedhof		Elnica ®	C	
	Red Elstar			C	
	RNA9842		Red Flame ®	C	
	Valstar			C	
	Vermuel		Elrosa ®	C	
Empire				A	
Fiesta		Red Pippin		C	
Fresco			Wellant ®	B	R

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
Fuji				B	V
	Aztec		Fuji Zhen ®	A	V
	Brak		Fuji Kiku ® 8	B	V
	Fuji Fubrax		Fuji Kiku ® Fubrax	B	V
	Fuji Supreme			A	V
	Heisei Fuji		Beni Shogun ®	A	V
	Raku-Raku			B	V
Gala				C	
	Baigent		Brookfield ®	A	
	Bigigalaprim		Early Red Gala ®	B	
	Fengal		Gala Venus	A	
	Gala Schnico		Schniga ®	A	
	Gala Schnico Red		Schniga ®	A	
	Galaval			A	
	Galaxy		Selekta ®	B	
	Gilmac		Neon ®	A	
	Imperial Gala			B	
	Jugula			B	
	Mitchgla		Mondial Gala ®	B	
	Natali Gala			B	
	Regal Prince		Gala Must ®	B	
	Royal Beaut			A	
	Simmons		Buckeye ® Gala	A	
Gloster				B	
Golden 972				D	
Golden Delicious		Golden		D	
	CG10 Yellow Delicious		Smothee ®	D	
	Golden Delicious Reinders		Reinders ®	D	

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
	Golden Parsi		Da Rosa ®	D	
	Leratess		Pink Gold ®	D	
	Quemoni		Rosagold ®	D	
Goldstar			Rezista Gold Granny ®	D	
Gradigold			Golden Supreme ™, Golden Extreme ™	D	
Gradiyel			Goldkiss ®	D	
Granny Smith				D	
	Dalivair		Challenger ®	D	
Gravensteiner		Gravenstein		D	
Hokuto				C	
Holsteiner Cox		Holstein		C	R
Honeycrisp			Honeycrunch ®	C	
Horneburger				D	
Idared				B	
	Idaredest			B	
	Najdared			B	
Ingrid Marie				B	R
James Grieve				D	
Jonagold				C	
	Early Jonagold		Milenga ®	C	
	Dalyrian			C	
	Decosta			C	
	Jonagold Boerekamp		Early Queen ®	C	
	Jonagold Novajo	Veulemanns		C	
	Jonagored		Morren's Jonagored ®	C	
	Jonagored Supra		Morren's Jonagored ® Supra ®	C	
	Red Jonaprince		Wilton's ®, Red Prince ®	C	
	Rubinstar			C	
	Schneica	Jonica		C	
	Vivista			C	

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
Jonathan				B	
Karmijn de Sonnaville				C	R
La Flamboyante			Mairac ®	B	
Laxton's Superb				C	R
Ligol				B	
Lobo				B	
Lurefresh			Redlove ® Era ®	A	
Lureprec			Redlove ® Circe ®	A	
Luregust			Redlove ® Calypso ®	A	
Luresweet			Redlove ® Odysso ®	A	
Maigold				B	
Maribelle			Lola ®	B	
McIntosh				B	
Melrose				C	
Milwa			Diwa ®, Junami ®	B	
Moonglo				C	
Morgenduft		Imperatore		B	
Mountain Cove			Ginger Gold ™	D	
Mutsu		Crispin		D	
Newton				C	
Nicogreen			Greenstar ®	D	
Nicoter			Kanzi ®	B	
Northern Spy				C	
Ohrin		Orin		D	
Paula Red				B	
Pinova			Corail ®	C	
	RoHo 3615		Evelina ®	B	
Piros				C	
Plumac			Koru ®	B	

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
Prem A153			Lemonade ®, Honeymoon ®	C	
Prem A17			Smitten ®	C	
Prem A280			Sweetie™	B	
Prem A96			Rockit ™	B	M
Rafzubin			RubINETTE ®	C	
	Rafzubex		RubINETTE ® Rosso	A	
Rajka			Rezista Romelike ®	B	
Red Delicious		Rouge américaine		A	
	Campsur		Red Chief ®	A	
	Erovan		Early Red One ®	A	
	Evasni		Scarlet Spur ®	A	
	Stark Delicious			A	
	Starking			C	
	Starkrimson			A	
	Starkspur			A	
	Topred			A	
	Trumdor		Oregon Spur Delicious ®	A	
Reine des Reinettes		Gold Parmoné, Goldparmäne		C	V
Reinette grise du Canada		Graue Kanadarenette, Renetta Canada		D	R
Rome Beauty		Belle de Rome, Rome, Rome Sport		B	
Rubin				C	
Rubinola				B	
Šampion		Shampion, Champion, Szampion		B	
	Reno 2			A	
	Šampion Arno	Szampion Arno		A	
Santana				B	

Varieties	Mutant	Synonyms	Trademarks	Colour group	Additional specifications
Sciearly			Pacific Beauty TM	A	
Scifresh			Jazz TM	B	
Sciglo			Southern Snap TM	A	
Scilate			Envy [®]	B	
Sciray		GS48		A	
Scired			Pacific Queen TM	A	R
Sciros			Pacific Rose TM	A	
Senshu				C	
Spartan				A	
Stayman				B	
Summerred				B	
Sunrise				A	
Sunset				D	R
Suntan				D	R
Sweet Caroline				C	
Topaz				B	
Tydemán's Early Worcester		Tydemán's Early		B	
Tsugaru				C	
UEB32642			Opal [®]	D	
Worcester Pearmain				B	
York				B	
Zari				B	

PART 2: MARKETING STANDARD FOR CITRUS FRUIT

I. DEFINITION OF PRODUCE

This standard applies to citrus fruit of varieties (cultivars) grown from the following species, to be supplied fresh to the consumer, citrus fruit for industrial processing being excluded:

- lemons grown from the species *Citrus limon* (L.) Burm. f. and hybrids thereof,
- mandarins grown from the species *Citrus reticulata* Blanco, including satsumas (*Citrus unshiu* Marow), clementines (*Citrus clementina* hort. ex Tanaka), common mandarins (*Citrus deliciosa* Ten.) and tangerines (*Citrus tangerina* Tanaka) grown from these species and hybrids thereof,
- oranges grown from the species *Citrus sinensis* (L.) Osbeck and hybrids thereof.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for citrus fruit after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the citrus fruit must be:

- intact,
- free of bruising and/or extensive healed overcuts,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- free of signs of shrivelling and dehydration,
- free of damage caused by low temperature or frost,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of the citrus fruit must be such as to enable it:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Maturity requirements

The citrus fruit must have reached an appropriate degree of development and ripeness, account being taken of criteria proper to the variety, the time of picking and the growing area.

Maturity of citrus fruit is defined by the following parameters specified for each species below:

- minimum juice content,
- minimum sugar/acid ratio ⁽¹³⁾,
- colouring.

The degree of colouring shall be such that following normal development the citrus fruit reach the colour typical of the variety at their destination point.

	Minimum juice content (per cent)	Minimum sugar/acid ratio	Colouring
Lemons	20		Must be typical of the variety. Fruit with a green (but not dark green) colour is allowed, provided it satisfies the minimum requirements as to juice content

⁽¹³⁾ Calculated as described in the OECD guidance on objective tests, available at: <http://www.oecd.org/agriculture/fruit-vegetables/publications>.

	Minimum juice content (per cent)	Minimum sugar/acid ratio	Colouring
Satsumas, clementines, other mandarin varieties and their hybrids			
Satsumas	33	6,5:1	Must be typical of the variety on at least one third of the surface of the fruit
Clementines	40	7,0:1	
Other mandarin varieties and their hybrids	33	7,5:1 ⁽¹⁾	
Oranges			
Blood oranges	30	6,5:1	Must be typical of the variety. However, fruit with light green colour not exceeding one fifth of the total surface area of the fruit is allowed, provided it satisfies the minimum requirements as to juice content. Oranges produced in areas with high temperatures and high relative humidity conditions during the developing period having a green colour exceeding one fifth of the surface area of the fruit are allowed, provided they satisfy the minimum requirements as to juice content.
Navels group	33	6,5:1	
Other varieties	35	6,5:1	
Mosambi, Sathgudi and Pacitan with more than one fifth green colour	33		
Other varieties with more than one fifth green colour	45		

⁽¹⁾ For the varieties Mandora and Minneola the minimum sugar/acid ratio is 6,0:1 until the end of the marketing year commencing 1 January 2023.

Citrus fruit meeting these maturity requirements may be “degreened”. This treatment is only permitted if the other natural organoleptic characteristics are not modified.

C. Classification

Citrus fruit is classified in three classes, as defined below:

(i) “Extra” Class

Citrus fruit in this class must be of superior quality. It must be characteristic of the variety and/or commercial type.

It must be free from defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Citrus fruit in this class must be of good quality. It must be characteristic of the variety and/or commercial type.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- slight defects in colouring, including slight sunburn,

- slight progressive skin defects, provided they do not affect the flesh,
- slight skin defects occurring during the formation of the fruit, such as silver scurfs, russets or pest damage,
- slight healed defects due to a mechanical cause such as hail damage, rubbing or damage from handling,
- slight and partial detachment of the peel (or rind) for all fruit of the mandarin group.

(iii) *Class II*

This class includes citrus fruit which does not qualify for inclusion in the higher classes but satisfies the minimum requirements specified above.

The following defects may be allowed, provided the citrus fruit retains its essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in colouring, including sunburn,
- progressive skin defects, provided they do not affect the flesh,
- skin defects occurring during the formation of the fruit, such as silver scurfs, russets or pest damage,
- healed defects due to a mechanical cause such as hail damage, rubbing or damage from handling,
- superficial healed skin alterations,
- rough skin,
- a slight and partial detachment of the peel (or rind) for oranges and a partial detachment of the peel (or rind) for all fruit of the mandarin group.

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section of the fruit or by count.

A. Minimum size

The following minimum sizes apply:

Fruit	Diameter (mm)
Lemons	45
Satsumas, other mandarin varieties and hybrids	45
Clementines	35
Oranges	53

B. Uniformity

Citrus fruit may be sized by one of the following options:

- (a) To ensure uniformity in size, the range in size between produce in the same package shall not exceed:
- 10 mm, if the diameter of the smallest fruit (as indicated on the package) is < 60 mm
 - 15 mm, if the diameter of the smallest fruit (as indicated on the package) is ≥ 60 mm but < 80 mm
 - 20 mm, if the diameter of the smallest fruit (as indicated on the package) is ≥ 80 mm but < 110 mm
 - there is no limitation of difference in diameter for fruit ≥ 110 mm.

(b) When size codes are applied, the codes and ranges in the following tables must be respected:

	Size code	Diameter (mm)
Lemons		
	0	79 - 90
	1	72 - 83
	2	68 - 78
	3	63 - 72
	4	58 - 67
	5	53 - 62
	6	48 - 57
	7	45 - 52
Satsumas, clementines, and other mandarin varieties and hybrids		
	1 - XXX	78 and above
	1 - XX	67 - 78
	1 or 1 - X	63 - 74
	2	58 - 69
	3	54 - 64
	4	50 - 60
	5	46 - 56
	6 ⁽¹⁾	43 - 52
	7	41 - 48
	8	39 - 46
	9	37 - 44
	10	35 - 42
Oranges		
	0	92 - 110
	1	87 - 100
	2	84 - 96
	3	81 - 92
	4	77 - 88
	5	73 - 84
	6	70 - 80
	7	67 - 76
	8	64 - 73
	9	62 - 70
	10	60 - 68
	11	58 - 66
	12	56 - 63
	13	53 - 60

⁽¹⁾ Sizes below 45 mm refer to clementines only.

Uniformity in size is achieved by the above-mentioned size scales, unless otherwise stated as follows:

For fruit in bulk bins and fruit in sales packages of a maximum net weight of 5 kg, the maximum difference must not exceed the range obtained by grouping three consecutive sizes in the size scale.

(c) For fruit sized by count, the difference in size should be consistent with (a).

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) "Extra" Class

A total tolerance of 5 per cent, by number or weight, of citrus fruit not satisfying the requirements of the class, but meeting those of Class I is allowed. Within this tolerance, not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 per cent, by number or weight, of citrus fruit not satisfying the requirements of the class, but meeting those of Class II is allowed. Within this tolerance, not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(iii) Class II

A total tolerance of 10 per cent, by number or weight, of citrus fruit satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance, not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by number or weight, of citrus fruit corresponding to the size immediately below and/or above that (or those, in the case of the combination of three sizes) mentioned on the packages is allowed.

In any case, the tolerance of 10 % applies only to fruit not smaller than the following minima:

Fruit	Diameter (mm)
Lemons	43
Satsumas, other mandarin varieties and hybrids	43
Clementines	34
Oranges	50

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only citrus fruit of the same origin, variety or commercial type, quality and size, and appreciably of the same degree of ripeness and development.

In addition, for the "Extra" Class, uniformity in colouring is required.

However, a mixture of citrus fruit of distinctly different species may be packed together in a sales package, provided they are uniform in quality and, for each species concerned, in variety or commercial type and origin. Uniformity in size is not required.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The citrus fruit must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects. Information lasered on single fruit should not lead to flesh or skin defects.

If the fruit is wrapped, thin, dry, new and odourless ⁽¹⁴⁾ paper must be used.

The use of any substance tending to modify the natural characteristics of the citrus fruit, especially its taste or smell ⁽¹⁵⁾, is prohibited.

Packages must be free of all foreign matter. However, a presentation where a short (not wooden) twig with some green leaves adheres to the fruit is allowed.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽¹⁶⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Lemons”, “Mandarins” or “Oranges” if the produce is not visible from the outside.
- “Mixture of citrus fruit” or equivalent denomination and common names of the different species, in case of a mixture of citrus fruit of distinctly different species.
- For oranges, name of the variety, and/or the respective variety group in the case of “Navels”, and “Valencias”.
- For “Satsumas” and “Clementines”, the common name of the species is required and the name of the variety is optional.
- For other mandarins and hybrids thereof, the name of the variety is required.
- For lemons: the name of the variety is optional.
- “Seeded” in case of clementines with more than 10 seeds.
- “Seedless” (optional, seedless citrus fruit may occasionally contain seeds).

⁽¹⁴⁾ The use of preserving agents or any other chemical substance liable to leave a foreign smell on the skin of the fruit is permitted where it is compatible with the applicable European Union provisions.

⁽¹⁵⁾ The use of preserving agents or any other chemical substance liable to leave a foreign smell on the skin of the fruit is permitted where it is compatible with the applicable European Union provisions.

⁽¹⁶⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

C. Origin of produce

- Country of origin ⁽¹⁷⁾ and, optionally, district where grown, or national, regional or local place name.
- In the case of a mixture of citrus fruit of distinctly different species of different origins, the indication of each country of origin shall appear next to the name of the species concerned.

D. Commercial specifications

- Class.
- Size expressed as:
 - Minimum and maximum sizes (in mm) or
 - Size code(s) followed, optionally, by a minimum and maximum size or
 - Count.
- When used, mention of the preserving agent or other chemical substances used at post-harvest stage.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 3: MARKETING STANDARD FOR KIWIFRUIT**I. DEFINITION OF PRODUCE**

This standard applies to kiwifruit (also known as *Actinidia* or kiwi) of varieties (cultivars) grown from *Actinidia chinensis* Planch. and *Actinidia deliciosa* (A. Chev.), C.F. Liang and A.R. Ferguson to be supplied fresh to the consumer, kiwifruit for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for kiwifruit, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the kiwifruit must be:

- intact (but free of peduncle),
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- adequately firm; not soft, shrivelled or water-soaked,
- well formed, double/multiple fruit being excluded,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

⁽¹⁷⁾ The full or commonly used name shall be indicated.

The development and condition of the kiwifruit must be such as to enable it:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Minimum maturity requirements

The kiwifruit must be sufficiently developed and display satisfactory ripeness.

In order to satisfy this requirement, the fruit at packing must have attained a degree of ripeness of at least 6,2° Brix ⁽¹⁸⁾ or an average dry matter content of 15 %, which should lead to 9,5° Brix ⁽¹⁸⁾ when entering the distribution chain.

C. Classification

Kiwifruit is classified in three classes as defined below.

(i) “Extra” Class

Kiwifruit in this class must be of superior quality. It must be characteristics of the variety.

The fruit must be firm and the flesh must be perfectly sound.

It must be free from defects with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

The ratio of the minimum/maximum diameter of the fruit measured at the equatorial section must be 0,8 or greater.

(ii) Class I

Kiwifruit in this class must be of good quality. It must be characteristic of the variety.

The fruit must be firm and the flesh must be perfectly sound.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape (but free of swelling or malformations),
- slight defects in colouring,
- slight skin defects, provided the total area affected does not exceed 1 cm²,
- small “Hayward mark” like longitudinal lines and without protuberance.

The ratio of the minimum/maximum diameter of the fruit measured at the equatorial section must be 0,7 or greater.

(iii) Class II

This class includes kiwifruit that does not qualify for inclusion in the higher classes, but satisfies the minimum requirements specified above.

The fruit must be reasonably firm and the flesh should not show any serious defects.

The following defects may be allowed provided the kiwifruit retains its essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in colouring,
- skin defects such as small healed cuts or scarred/grazed tissue, provided that the total area affected does not exceed 2 cm²,
- several more pronounced “Hayward marks” with a slight protuberance,
- slight bruising.

⁽¹⁸⁾ Calculated as described in the OECD guidance on objective tests, available at: <http://www.oecd.org/agriculture/fruit-vegetables/publications>.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight of the fruit.

The minimum weight for “Extra” Class is 90 g, for Class I is 70 g and for Class II is 65 g.

To ensure uniformity in size, the range in size between produce in the same package shall not exceed:

- 10 g for fruit of weight up to 85 g,
- 15 g for fruit weighing between 85 g and 120 g,
- 20 g for fruit weighing between 120 g and 150 g,
- 40 g for fruit weighing 150 g or more.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) “Extra” Class

A total tolerance of 5 per cent, by number or weight, of kiwifruit not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 per cent, by number or weight, of kiwifruit not satisfying the requirements of the class but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(iii) Class II

A total tolerance of 10 per cent, by number or weight, of kiwifruit satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes: a total tolerance of 10 %, by number or weight, of kiwifruit not satisfying the requirements as regards sizing is allowed.

However, the kiwifruit must not weigh less than 85 g in “Extra” Class, 67 g in Class I and 62 g in Class II.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only kiwifruit of the same origin, variety, quality and size.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The kiwifruit must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps, bearing trade specifications is allowed, provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed to the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects. Information lasered on single fruit should not lead to flesh or skin defects.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽¹⁹⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Kiwifruit” and/or “Actinidia”, if the contents are not visible from the outside.
- Name of the variety (optional).
- Flesh colour or equivalent indication, if not green.

C. Origin of produce

Country of origin ⁽²⁰⁾ and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class.
- Size expressed by the minimum and maximum weight of the fruit.
- Number of fruits (optional).

E. Official control mark (optional)

Packages need not bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 4: MARKETING STANDARD FOR LETTUCES, CURLED-LEAVED ENDIVES AND BROAD-LEAVED (BATAVIAN) ENDIVES

I. DEFINITION OF PRODUCE

This standard applies to

- lettuces of varieties (cultivars) grown from:
 - *Lactuca sativa* var. *capitata* L. (head lettuces including crisphead and “Iceberg” type lettuces),
 - *Lactuca sativa* var. *longifolia* Lam. (cos or romaine lettuces),

⁽¹⁹⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

⁽²⁰⁾ The full or the commonly used name shall be indicated.

- *Lactuca sativa* var. *crispa* L. (leaf lettuces),
 - crosses of these varieties and
 - curled-leaved endives of varieties (cultivars) grown from *Cichorium endivia* var. *crispum* Lam. and
 - broad-leaved (Batavian) endives (escaroles) of varieties (cultivars) grown from *Cichorium endivia* var. *latifolium* Lam.
- to be supplied fresh to the consumer.

This standard does not apply to produce for industrial processing, produce presented as individual leaves, lettuces with root ball or lettuces in pots.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for produce, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the produce must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean and trimmed, i.e. practically free from all earth or other growing medium and practically free of any visible foreign matter,
- fresh in appearance,
- practically free from pests,
- practically free from damage caused by pests,
- turgid,
- not running to seed,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In the case of lettuce, a reddish discolouration, caused by low temperature during growth, is allowed, unless it seriously affects the appearance of the lettuce.

The roots must be cut close to the base of the outer leaves and the cut must be neat.

The produce must be of normal development. The development and condition of the produce must be such as to enable it:

- to withstand transportation and handling, and
- to arrive in a satisfactory condition at the place of destination.

B. Classification

The produce is classified in two classes, as defined below:

(i) Class I

Produce in this class must be of good quality. It must be characteristic of the variety and/or commercial type.

The produce must also be:

- well formed,
- firm, taking into account the cultivation methods and the type of produce,

- free from damage or deterioration impairing edibility,
- free from frost damage.

Head lettuces must have a single well-formed heart. However, in the case of head lettuces grown under protection, the heart may be small.

Cos lettuces must have a heart, which may be small.

The centre of curled-leaved endives and broad-leaved (Batavian) endives must be yellow in colour.

(ii) *Class II*

This class includes produce which do not qualify for inclusion in Class I, but satisfy the minimum requirements specified above.

The produce must be:

- reasonably well-formed,
- free from damage and deterioration which may seriously impair edibility.

The following defects may be allowed provided the produce retains its essential characteristics as regards the quality, the keeping quality and presentation:

- slight discolouration,
- slight damage caused by pests.

Head lettuces must have a heart, which may be small. However, in the case of head lettuces grown under protection, absence of heart is permissible.

Cos lettuces may show no heart.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight of one unit.

To ensure uniformity in size, the range in size between produce in the same package shall not exceed:

(a) Lettuces

- 40 g when the lightest unit weighs less than 150 g per unit,
- 100 g when the lightest unit weighs between 150 g and 300 g per unit,
- 150 g when the lightest unit weighs between 300 g and 450 g per unit,
- 300 g when the lightest unit weighs more than 450 g per unit.

(b) Curled-leaved and broad-leaved (Batavian) endives

- 300 g.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *Class I*

A total tolerance of 10 per cent, by number, of produce not satisfying the requirements of the class, but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(ii) *Class II*

A total tolerance of 10 per cent, by number, of produce satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by number, of produce not satisfying the requirements as regards sizing is allowed.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only produce of the same origin, variety or commercial type, quality and size.

However, a mixture of lettuces and/or endives of distinctly different, varieties, commercial types and/or colours may be packed together in a package, provided they are uniform in quality and, for each variety, commercial type and/or colour, in origin. Uniformity in size is not required.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The produce must be packed in such a way as to protect it properly. It must be reasonably packed having regard to the size and type of packaging, without empty spaces or crushing.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps bearing trade specifications is allowed, provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽²¹⁾ must bear the following particulars in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Lettuces”, “butterhead lettuces”, “batavia”, “crisphead lettuces (Iceberg)”, “cos lettuces”, “leaf lettuce” (or, for example and where appropriate, “Oak leaf”, “Lollo bionda”, “Lollo rossa”), “curled-leaved endives”, “broad-leaved (Batavian) endives”, or equivalent denomination if the contents are not visible from the outside.

⁽²¹⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

- “Grown under protection”, or equivalent denomination where appropriate.
- Name of the variety (optional).
- “Mixture of lettuces/endives”, or equivalent denomination in the case of a mixture of lettuces and/or endives of distinctly different varieties, commercial types and/or colours. If the produce is not visible from the outside, the varieties, commercial types and/or colours, and the quantity of each in the package must be indicated.

C. Origin of produce

- Country of origin ⁽²²⁾ and, optionally, district where grown, or national, regional or local place name.
- In the case of a mixture of lettuces and/or endives of distinctly different varieties, commercial types and/or colours of different origins, the indication of each country of origin shall appear next to the name of the variety, commercial type and/or colour concerned.

D. Commercial specifications

- Class
- Size, expressed by the minimum weight per unit, or number of units

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 5: MARKETING STANDARD FOR PEACHES AND NECTARINES

I. DEFINITION OF PRODUCE

This standard applies to peaches and nectarines of varieties (cultivars) grown from *Prunus persica* Sieb. and Zucc., to be supplied fresh to the consumer, peaches and nectarines for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for peaches and nectarines, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, peaches and nectarines must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- free of fruit split at the stalk cavity,

⁽²²⁾ The full or the commonly used name shall be indicated.

- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of peaches and nectarines must be such as to enable them:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Maturity requirements

The fruit must be sufficiently developed and display satisfactory ripeness. The minimum refractometric index of the flesh should be greater than or equal to 8° Brix ⁽²³⁾.

C. Classification

Peaches and nectarines are classified into three classes, as defined below:

(i) "Extra" Class

Peaches and nectarines in this class must be of a superior quality. They must be characteristic of the variety.

The flesh must be perfectly sound.

They must be free from defects with the exception of very slight superficial defects, provided that these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Peaches and nectarines in this class must be of good quality. They must be characteristic of the variety. The flesh must be perfectly sound.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in development,
- slight defects in colouring,
- slight pressure marks not exceeding 1 cm² in total surface area,
- slight skin defects which must not extend over more than:
 - 1,5 cm in length for defects of elongated shape,
 - 1 cm² in total surface area for other defects.

(iii) Class II

This class includes peaches and nectarines which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The flesh must be free from major defects.

The following defects may be allowed provided the peaches and nectarines retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in development, including split stones, provided the fruit is closed and the flesh is sound,
- defects in colouring,

⁽²³⁾ Calculated as described in the OECD guidance on objective tests, available at: <http://www.oecd.org/agriculture/fruit-vegetables/publications>.

- bruises which may be slightly discoloured and not exceeding 2 cm² in total surface area,
- skin defects which must not extend over more than
 - 2,5 cm in length for defects of elongated shape,
 - 2 cm² in total surface area for other defects.

III. PROVISIONS CONCERNING SIZING

Size is determined either by the maximum diameter of the equatorial section, by weight, or by count.

The minimum size shall be:

- 56 mm or 85 g in Class “Extra”,
- 51 mm or 65 g in Classes I and II.

However, fruit below 56 mm or 85 g, is not marketed in the period from 1 July to 31 October (northern hemisphere) and from 1 January to 30 April (southern hemisphere).

The following provisions are optional for Class II.

To ensure uniformity in size, the range in size between produce in the same package shall not exceed:

(a) For fruit sized by diameter:

- 5 mm for fruit below 70 mm,
- 10 mm for fruit of 70 mm and more.

(b) For fruit sized by weight:

- 30 g for fruit below 180 g,
- 80 g for fruit of 180 g and more.

(c) For fruit sized by count, the difference in size should be consistent with (a) or (b).

If size codes are applied, those in the table below have to be respected.

	code	Diameter			weight	
		from (mm)	To (mm)		from (g)	to (g)
1	D	51	56	or	65	85
2	C	56	61		85	105
3	B	61	67		105	135
4	A	67	73		135	180
5	AA	73	80		180	220
6	AAA	80	90		220	300
7	AAAA	> 90			> 300	

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements for the class indicated.

A. Quality tolerances

(i) “Extra” Class

A total tolerance of 5 per cent, by number or weight, of peaches or nectarines not satisfying the requirements of the class, but meeting those of class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) *Class I*

A total tolerance of 10 per cent, by number or weight, of peaches or nectarines not satisfying the requirements of the class, but meeting those of class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(iii) *Class II*

A total tolerance of 10 per cent, by number or weight, of peaches or nectarines satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes (if sized): a total tolerance of 10 per cent, by number or weight, of peaches or nectarines not satisfying the requirements as regards sizing is allowed.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only peaches or nectarines of the same origin, variety, quality, degree of ripeness and size (if sized), and for the “Extra” Class, the contents must also be uniform in colouring.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The peaches or nectarines must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed to the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects. Information lasered on single fruit should not lead to flesh or skin defect.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽²⁴⁾ must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

⁽²⁴⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

B. Nature of produce

- “Peaches” or “Nectarines”, if the contents are not visible from the outside.
- Colour of the flesh.
- Name of the variety (optional).

C. Origin of produce

Country of origin ⁽²⁵⁾ and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class.
- Size (if sized) expressed as minimum and maximum diameters (in mm) or minimum and maximum weights (in g) or as size code.
- Number of units (optional).

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 6: MARKETING STANDARD FOR PEARS**I. DEFINITION OF PRODUCE**

This standard applies to pears of varieties (cultivars) grown from *Pyrus communis* L. to be supplied fresh to the consumer, pears for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for pears, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, pears must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

⁽²⁵⁾ The full or the commonly used name shall be indicated.

The development and condition of the pears must be such as to enable them:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Maturity requirements

The development and state of maturity of the pears must be such as to enable them to continue their ripening process and to reach the degree of ripeness required in relation to the varietal characteristics.

C. Classification

Pears are classified in three classes, as defined below:

(i) "Extra" Class

Pears in this class must be of superior quality. They must be characteristic of the variety ⁽²⁶⁾.

The flesh must be perfectly sound, and the skin free from rough russetting.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the fruit, the quality, the keeping quality and presentation in the package.

The stalk must be intact.

Pears must not be gritty.

(ii) Class I

Pears in this class must be of good quality. They must be characteristic of the variety. ⁽²⁷⁾

The flesh must be perfectly sound.

The following slight defects, however, may be allowed, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- a slight defect in development,
- slight defects in colouring,
- very slight rough russetting,
- slight skin defects which must not extend over more than:
 - 2 cm in length for defects of elongated shape,
 - 1 cm² of total surface area for other defects, with the exception of scab (*Venturia pirina* and *V. inaequalis*), which must not extend over more than 0,25 cm² cumulative in area.
- slight bruising not exceeding 1 cm² in area.

The stalk may be slightly damaged.

Pears must not be gritty.

(iii) Class II

This class includes pears that do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

The flesh must be free from major defects.

The following defects may be allowed provided the pears retain their essential characteristics as regards the quality, the keeping quality and presentation.

- defects in shape,
- defects in development,

⁽²⁶⁾ A non-exhaustive list of large fruited and summer pear varieties is included in the appendix to this standard.

⁽²⁷⁾ A non-exhaustive list of large fruited and summer pear varieties is included in the appendix to this standard.

- defects in colouring,
- slight rough russetting,
- skin defects which must not extend over more than:
 - 4 cm in length for defects of elongated shape,
 - 2,5 cm² of total surface area for other defects, with the exception of scab (*Venturia pirina* and *V. inaequalis*), which must not extend over more than 1 cm² cumulative in area,
 - slight bruising not exceeding 2 cm² in area.

III. PROVISIONS CONCERNING SIZING

Size is determined by maximum diameter of the equatorial section or by weight.

The minimum size shall be:

(a) For fruit sized by diameter:

	“Extra”	Class I	Class II
Large-fruited varieties	60 mm	55 mm	55 mm
Other varieties	55 mm	50 mm	45 mm

(b) For fruit sized by weight:

	“Extra”	Class I	Class II
Large-fruited varieties	130 g	110 g	110 g
Other varieties	110 g	100 g	75 g

Summer pears included in the appendix to this standard do not have to respect the minimum size.

To ensure the uniformity in size, the range in size between produce in the same package shall not exceed:

(a) For fruit sized by diameter:

- 5 mm for “Extra” Class fruit and for Class I and II fruit packed in rows and layers
- 10 mm for Class I fruit packed in sales packages or loose in the package.

(b) For fruit sized by weight:

- for “Extra” Class fruit and Class I and II fruit packed in rows and layers:

Range (g)	Weight difference (g)
75 – 100	15
100 – 200	35
200 – 250	50
> 250	80

- for Class I fruit packed in sales packages or loose in the package:

Range (g)	Weight difference (g)
100 – 200	50
> 200	100

There is no sizing uniformity limit for Class II fruit packed in sales packages or loose in the package.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) “Extra” Class

A total tolerance of 5 per cent, by number or weight, of pears not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 per cent, by number or weight, of pears not satisfying the requirements of the class but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(iii) Class II

A total tolerance of 10 per cent, by number or weight, of pears satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by number or weight, of pears not satisfying the requirements as regards sizing is allowed. This tolerance may not be extended to include produce with a size:

- 5 mm or more below the minimum diameter
- 10 g or more below the minimum weight.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only pears of the same origin, variety, quality, and size (if sized) and the same degree of ripeness.

In the case of the “Extra” Class, uniformity also applies to colouring.

However, a mixture of pears of distinctly different varieties may be packed together in a sales package, provided they are uniform in quality and, for each variety concerned, in origin. Uniformity in size is not required.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

Pears must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects. Information lasered on single fruit should not lead to flesh or skin defects.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽²⁸⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Pears”, if the contents of the package are not visible from the outside.
- Name of the variety. In the case of a mixture of pears of distinctly different varieties, names of the different varieties.
- The name of the variety may be replaced by a synonym. A trade name ⁽²⁹⁾ may only be given in addition to the variety or the synonym.

C. Origin of produce

Country of origin ⁽³⁰⁾ and, optionally, district where grown, or national, regional or local place name.

In the case of a mixture of distinctly different varieties of pears of different origins, the indication of each country of origin shall appear next to the name of the variety concerned.

D. Commercial specifications

- Class.
- Size, or for fruit packed in rows and layers, number of units.

⁽²⁸⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

⁽²⁹⁾ A trade name can be a trade mark for which protection has been sought or obtained or any other commercial denomination.

⁽³⁰⁾ The full or the commonly used name shall be indicated.

If identification is by the size, this should be expressed:

- (a) for produce subject to the uniformity rules, as minimum and maximum diameters or minimum and maximum weights,
- (b) optionally, for produce not subject to the uniformity rules, as the diameter or the weight of the smallest fruit in the package followed by “and over” or equivalent denomination or, where appropriate, the diameter or the weight of the largest fruit in the package.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

Appendix

Non-exhaustive list of large-fruited and summer pear varieties

Small-fruited and other varieties which do not appear in the table may be marketed as long as they meet the size requirements for other varieties as described in Section III of the standard.

Some of the varieties listed in the following table may be marketed under names for which trade mark protection has been sought or obtained in one or more countries. The first and second columns of the table do not intend to include such trade marks. References to known trade marks have been included in the third column for information only.

Legend:

L = Large-fruited variety

SP = Summer pear, for which no minimum size is required.

Variety	Synonyms	Trade marks	Size
Abbé Fétel	Abate Fetel		L
Abugo o Siete en Boca			SP
AkVa			SP
Alka			L
Alsa			L
Amfora			L
Alexandrine Douillard			L
Bambinella			SP
Bergamotten			SP
Beurré Alexandre Lucas	Lucas		L
Beurré Bosc	Bosc, Beurré d'Apremont, Empereur Alexandre, Kaiser Alexander		L
Beurré Clairgeau			L

Variety	Synonyms	Trade marks	Size
Beurré d'Arenberg	Hardenpont		L
Beurré Giffard			SP
Beurré précoce Morettini	Morettini		SP
Blanca de Aranjuez	Agua de Aranjuez, Espadona, Blanquilla		SP
Carusella			SP
Castell	Castell de Verano		SP
Colorée de Juillet	Bunte Juli		SP
Comice rouge			L
Concorde			L
Condoula			SP
Coscia	Ercolini		SP
Curé	Curato, Pastoren, Del cura de Ouro, Espadon de invierno, Bella de Berry, Lombardia de Rioja, Batall de Campana		L
D'Anjou			L
Dita			L
D. Joaquina	Doyenné de Juillet		SP
Doyenné d'hiver	Winterdechant		L
Doyenné du Comice	Comice, Vereinsdechant		L
Erika			L
Etrusca			SP
Flamingo			L
Forelle			L
Général Leclerc		Amber Grace TM	L
Gentile			SP
Golden Russet Bosc			L
Grand champion			L
Harrow Delight			L
Jeanne d'Arc			L
Joséphine			L
Kieffer			L

Variety	Synonyms	Trade marks	Size
Klapa Milule			L
Leonardeta	Mosqueruela, Margallon, Colorada de Alcanadre, Leonarda de Magallon		SP
Lombacad		Cascade ®	L
Moscatella			SP
Mramornaja			L
Mustafabey			SP
Packham's Triumph	Williams d'Automne		L
Passe Crassane	Passa Crassana		L
Perita de San Juan			SP
Pérola			SP
Pitmaston	Williams Duchesse		L
Précoce de Trévoux	Trévoux		SP
Président Drouard			L
Rosemarie			L
Santa Maria	Santa Maria Morettini		SP
Spadoncina	Agua de Verano, Agua de Agosto		SP
Suvenirs			L
Taylors Gold			L
Triomphe de Vienne			L
Vasarine Sviestine			L
Williams Bon Chrétien	Bon Chrétien, Bartlett, Williams, Summer Bartlett		L

PART 7: MARKETING STANDARD FOR STRAWBERRIES

I. DEFINITION OF PRODUCE

This standard applies to strawberries of varieties (cultivars) grown from the genus *Fragaria* L. to be supplied fresh to the consumer, strawberries for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for strawberries, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the strawberries must be:

- intact, undamaged,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- fresh in appearance, but not washed,
- practically free from pests,
- practically free from damage caused by pests,
- with the calyx (except in the case of wood strawberries); the calyx and the stalk (if present) must be fresh and green,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The strawberries must be sufficiently developed and display satisfactory ripeness. The development and the condition must be such as to enable them:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

The strawberries are classified in three classes, as defined below:

(i) “Extra” Class

The strawberries in this class must be of superior quality. They must be characteristic of the variety.

They must be:

- bright in appearance, allowing for the characteristics of the variety,
- free from soil.

They must be free from defects with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Strawberries in this class must be of good quality. They must be characteristic of the variety.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- presence of a small white patch, not exceeding one tenth of the total surface area of the fruit,
- slight superficial pressure marks.

They must be practically free from soil.

(iii) Class II

This class includes strawberries that do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The following defects may be allowed provided the strawberries retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- a white patch not exceeding one fifth of the total surface area of the fruit,
- slight dry bruising not likely to spread,
- slight traces of soil.

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section.

The minimum size shall be:

- 25 mm in “Extra” Class,
- 18 mm in Classes I and II.

There is no minimum size for wood strawberries.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) “Extra” Class

A total tolerance of 5 per cent, by number or weight, of strawberries not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 per cent, by number or weight, of strawberries not satisfying the requirements of the class but meeting those of Class II is allowed. Within this tolerance not more than 2 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

(iii) Class II

A total tolerance of 10 per cent, by number or weight, of strawberries satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by number or weight, of strawberries not satisfying the requirements as regards the minimum size is allowed.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only strawberries of the same origin, variety and quality.

In the “Extra” Class, strawberries, with the exception of wood strawberries, must be particularly uniform and regular with respect to degree of ripeness, colour and size. In Class I, strawberries may be less uniform in size.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The strawberries must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽³¹⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Strawberries” if the contents of the package are not visible from the outside.
- Name of the variety (optional).

C. Origin of produce

Country of origin ⁽³²⁾ and, optionally, district where grown or national, regional or local place name.

D. Commercial specifications

- Class.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 8: MARKETING STANDARD FOR SWEET PEPPERS**I. DEFINITION OF PRODUCE**

This standard applies to sweet peppers of varieties ⁽³³⁾ (cultivars) grown from *Capsicum annuum* L., to be supplied fresh to the consumer, sweet peppers for industrial processing being excluded.

⁽³¹⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

⁽³²⁾ The full or the commonly used name shall be indicated.

⁽³³⁾ Some sweet pepper varieties may have hot taste.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for sweet peppers, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the sweet peppers must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- fresh in appearance,
- firm,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- free of damage caused by low temperature or frost,
- with peduncles attached; the peduncle must be neatly cut and the calyx be intact,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The development and condition of the sweet peppers must be such as to enable them to:

- withstand transport and handling, and
- arrive in satisfactory condition at the place of destination.

B. Classification

Sweet peppers are classified in three classes, as defined below:

(i) “Extra” Class

Sweet peppers in this class must be of superior quality. They must be characteristic of the variety and/or commercial type.

They must be free from defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Sweet peppers in this class must be of good quality. They must be characteristic of the variety and/or commercial type.

The following slight defects, however, may be allowed, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape,
- slight silvering or damage caused by thrips covering not more than 1/3 of the total surface area,

- slight skin defects, such as:
 - pitting, scratching, sunburn, pressure marks covering in total not more than 2 cm for defects of elongated shape, and 1 cm² for other defects; or
 - dry superficial cracks covering in total not more than 1/8 of the total surface area,
- slightly damaged peduncle.

(iii) *Class II*

This class includes sweet peppers which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

The following defects may be allowed provided the sweet peppers retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- silvering or damage caused by thrips covering not more than 2/3 of the total surface area,
- skin defects, such as:
 - pitting, scratching, sunburn, bruising, and healed injuries covering in total not more than 4 cm in length for defects of elongated shape and 2,5 cm² of the total area for other defects; or
 - dry superficial cracks covering in total not more than 1/4 of the total surface area
- blossom end deterioration not more than 1 cm²,
- shrivelling not exceeding 1/3 of the surface,
- damaged peduncle and calyx, provided the surrounding flesh remains intact.

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section or by weight. To ensure uniformity in size, the range in size between produce in the same package shall not exceed:

(a) For sweet peppers sized by diameter:

- 20 mm.

(b) For sweet peppers sized by weight:

- 30 g where the heaviest piece weighs 180 g or less,
- 80 g where the lightest piece weighs more than 180 g but less than 260 g,
- No limit where the lightest piece weighs 260 g or more.

Elongated sweet peppers should be sufficiently uniform in length.

Uniformity in size is not compulsory for Class II.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *“Extra” Class*

A total tolerance of 5 per cent, by number or weight, of sweet peppers not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) *Class I*

A total tolerance of 10 per cent, by number or weight, of sweet peppers not satisfying the requirements of the class, but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements or of produce affected by decay.

(iii) *Class II*

A total tolerance of 10 per cent, by number or weight, of sweet peppers satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

B. Size tolerances

For all classes (if sized): a total tolerance of 10 per cent, by number or weight, of sweet peppers not satisfying the requirements as regards sizing is allowed.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only sweet peppers of the same origin, variety or commercial type, quality, size (if sized) and, in the case of Classes “Extra” and I, of appreciably the same degree of ripeness and colouring.

However, a mixture of sweet peppers of distinctly different commercial types and/or colours may be packed together in a package, provided they are uniform in quality, and for each commercial type and/or colour concerned, in origin. Uniformity in size is not required.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The sweet peppers must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps bearing trade specifications is allowed, provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects. Information lasered on single fruit should not lead to flesh or skin defect.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽³⁴⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;

⁽³⁴⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Sweet peppers” if the contents are not visible from the outside.
- “Mixture of sweet peppers”, or equivalent denomination, in the case of a mixture of distinctly different commercial types and/or colours of sweet peppers. If the produce is not visible from the outside, the commercial types and/or colours and the quantity of each in the package must be indicated.

C. Origin of produce

Country of origin ⁽³³⁾ and, optionally, district where grown or national, regional or local place name.

In the case of a mixture of distinctly different commercial types and/or colours of sweet peppers of different origins, the indication of each country of origin shall appear next to the name of the commercial type and/or colour concerned.

D. Commercial specifications

- Class.
- Size (if sized) expressed as minimum and maximum diameters or minimum and maximum weights.
- Number of units (optional).
- “Hot” or equivalent denomination, where appropriate.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 9: MARKETING STANDARD FOR TABLE GRAPES

I. DEFINITION OF PRODUCE

This standard applies to table grapes of varieties (cultivars) grown from *Vitis vinifera* L. to be supplied fresh to the consumer, table grapes for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for table grapes, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, bunches and berries must be:

- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- practically free from pests,

⁽³³⁾ The full or the commonly used name shall be indicated.

- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

In addition, berries must be:

- intact,
- well formed,
- normally developed.

Pigmentation due to sun is not a defect.

The development and condition of the table grapes must be such as to enable them:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Maturity requirements

The juice of the fruit shall have a refractometric index ⁽³⁶⁾ of at least:

- 12° Brix for the Alphonse Lavallée, Cardinal and Victoria varieties,
- 13° Brix for all other seeded varieties,
- 14° Brix for all seedless varieties.

In addition, all varieties must have satisfactory sugar/acidity ratio levels.

C. Classification

The table grapes are classified into three classes defined below:

(i) "Extra" Class

Table grapes in this class must be of superior quality. They must be characteristic of the variety, allowing for the district in which they are grown.

Berries must be firm, firmly attached, evenly spaced along the stalk and have their bloom virtually intact.

They must be free from defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Table grapes in this class must be of good quality. They must be characteristic of the variety, allowing for the district in which they are grown.

Berries must be firm, firmly attached and, as far as possible, have their bloom intact. They may, however, be less evenly spaced along the stalk than in the "Extra" Class.

The following slight defects, however, may be allowed, provided these do not affect the general appearance of the produce, the quality, the keeping quality, and presentation in the package:

- a slight defect in shape,
- slight defects in colouring,
- very slight sun scorch affecting the skin only.

⁽³⁶⁾ Calculated as described in the OECD guidance on objective tests, available at: <http://www.oecd.org/agriculture/fruit-vegetables/publications>.

(iii) *Class II*

This class includes table grapes that do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The bunches may show slight defects in shape, development and colouring, provided these do not impair the essential characteristics of the variety, allowing for the district in which they are grown.

The berries must be sufficiently firm and sufficiently firmly attached, and, where possible, still have their bloom. They may be less evenly spaced along the stalk than in Class I.

The following defects may be allowed provided the table grapes retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- defects in colouring,
- slight sun scorch affecting the skin only,
- slight bruising,
- slight skin defects.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight of the bunch.

The minimum bunch weight shall be 75 g. This provision does not apply to packages intended for single servings.

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *“Extra” Class*

A total tolerance of 5 per cent, by weight, of bunches not satisfying the requirements of the class, but meeting those for Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) *Class I*

A total tolerance of 10 per cent, by weight, of bunches not satisfying the requirements of the class, but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce satisfying neither the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

In addition to those tolerances, a maximum of 10 per cent, by weight, of loose berries, i.e. berries detached from the bunch/cluster, are allowed provided that the berries are sound and intact.

(iii) *Class II*

A total tolerance of 10 per cent, by weight, of bunches satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

In addition to those tolerances, a maximum of 10 per cent, by weight, of loose berries, i.e. berries detached from the bunch/cluster, are allowed provided that the berries are sound and intact.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by weight, of bunches not satisfying the requirements as regards sizing is allowed. In each sales package, one bunch weighing less than 75 g is allowed to adjust the weight, provided the bunch meets all other requirements of the specified class.

V. PROVISIONS CONCERNING PRESENTATION**A. Uniformity**

The contents of each package must be uniform and contain only bunches of the same origin, variety, quality and degree of ripeness.

In the case of the “Extra” Class, the bunches must be approximately uniform in size and colouring.

However, a mixture of table grapes of distinctly different varieties may be packed together in a package, provided they are uniform in quality and, for each variety concerned, in origin.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The table grapes must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps, bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects.

Packages must be free of all foreign matter, although a fragment of vine shoot no more than 5 cm in length may be left on the stem of the bunch as a form of special presentation.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽³⁷⁾ must bear the following particulars in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Table Grapes” if the contents are not visible from the outside.
- Name of the variety. In the case of a mixture of table grapes of distinctly different varieties, names of the different varieties.

⁽³⁷⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

C. Origin of produce

- Country of origin ⁽³⁸⁾ and, optionally, district where grown, or national, regional or local place name.
- In the case of a mixture of distinctly different varieties of table grapes of different origins, the indication of each country of origin shall appear next to the name of the variety concerned.

D. Commercial specifications

- Class.
- “Bunches below 75 g intended for single servings”, where appropriate.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

PART 10: MARKETING STANDARD FOR TOMATOES**I. DEFINITION OF PRODUCE**

This standard applies to tomatoes of varieties (cultivars) grown from *Solanum lycopersicum* L. to be supplied fresh to the consumer, tomatoes for industrial processing being excluded.

Tomatoes may be classified into four commercial types:

- “round”,
- “ribbed”,
- “oblong” or “elongated”,
- “cherry/cocktail” tomatoes (miniature varieties) of all shapes.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for tomatoes, after preparation and packaging.

However, at stages following dispatch products may show in relation to the requirements of the standard:

- a slight lack of freshness and turgidity,
- for products graded in classes other than the “Extra” Class, a slight deterioration due to their development and their tendency to perish.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the tomatoes must be:

- intact,
- sound, produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- fresh in appearance,
- practically free from pests,
- free from damage caused by pests affecting the flesh,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

⁽³⁸⁾ The full or the commonly used name shall be indicated.

In the case of trusses of tomatoes, the stalks must be fresh, healthy, clean and free from all leaves and any visible foreign matter.

The development and condition of the tomatoes must be such as to enable them:

- to withstand transportation and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Maturity requirements

The development and state of maturity of the tomatoes must be such as to enable them to continue their ripening process and to reach a satisfactory degree of ripeness.

C. Classification

Tomatoes are classified in three classes, as defined below:

(i) "Extra" Class

Tomatoes in this class must be of superior quality. They must be firm and characteristic of the variety.

They must be free from greenbacks and other defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) Class I

Tomatoes in this class must be of good quality. They must be reasonably firm and characteristic of the variety.

They must be free of cracks and visible greenbacks.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape and development,
- slight defects in colouring,
- slight skin defects,
- very slight bruises.

Furthermore, "ribbed" tomatoes may show:

- healed cracks not more than 1 cm long,
- no excessive protuberances,
- small umbilicus, but no suberisation,
- suberisation of the stigma up to 1 cm²,
- fine blossom scar in elongated form (like a seam), but not longer than two-thirds of the greatest diameter of the fruit.

(iii) Class II

This class includes tomatoes which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

They must be reasonably firm (but may be slightly less firm than in Class I) and must not show unhealed cracks.

The following defects may be allowed provided the tomatoes retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape and development,
- defects in colouring,
- skin defects or bruises, provided the fruit is not seriously affected,
- healed cracks not more than 3 cm in length for round, ribbed or oblong tomatoes.

Furthermore, “ribbed” tomatoes may show:

- more pronounced protuberances than allowed under Class I, but without being misshapen,
- an umbilicus,
- suberisation of the stigma up to 2 cm²,
- fine blossom scar in elongated form (like a seam).

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section, by weight or by count.

The following provisions shall not apply to trusses of tomatoes and are optional for:

- cherry and cocktail tomatoes below 40 mm in diameter;
- ribbed tomatoes of irregular shape; and
- Class II.

To ensure uniformity in size, the range in size between produce in the same package shall not exceed:

(a) For tomatoes sized by diameter:

- 10 mm, if the diameter of the smallest fruit (as indicated on the package) is under 50 mm,
- 15 mm, if the diameter of the smallest fruit (as indicated on the package) is 50 mm and over but under 70 mm,
- 20 mm, if the diameter of the smallest fruit (as indicated on the package) is 70 mm and over but under 100 mm,
- there is no limitation of difference in diameter for fruit equal or over 100 mm.

In case size codes are applied, the codes and ranges in the following table have to be respected:

Size code	Diameter (mm)
0	≤ 20
1	> 20 ≤ 25
2	> 25 ≤ 30
3	> 30 ≤ 35
4	> 35 ≤ 40
5	> 40 ≤ 47
6	> 47 ≤ 57
7	> 57 ≤ 67
8	> 67 ≤ 82
9	> 82 ≤ 102
10	> 102

- (b) For tomatoes sized by weight or by count, the difference in size should be consistent with the difference indicated in point (a).

IV. PROVISIONS CONCERNING TOLERANCES

At all marketing stages, tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) "Extra" Class

A total tolerance of 5 per cent, by number or weight, of tomatoes not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 per cent in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 per cent, by number or weight, of tomatoes not satisfying the requirements of the class but meeting those of Class II is allowed. Within this tolerance not more than 1 per cent in total may consist of produce neither satisfying the requirements of Class II quality nor the minimum requirements, or of produce affected by decay.

In the case of trusses of tomatoes, 5 percent, by number or weight, of tomatoes detached from the stalk is allowed.

(iii) Class II

A total tolerance of 10 per cent, by number or weight, of tomatoes satisfying neither the requirements of the class nor the minimum requirements is allowed. Within this tolerance not more than 2 per cent in total may consist of produce affected by decay.

In the case of trusses of tomatoes, 10 percent, by number or weight, of tomatoes detached from the stalk is allowed.

B. Size tolerances

For all classes: a total tolerance of 10 per cent, by number or weight, of tomatoes not satisfying the requirements as regards sizing is allowed.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only tomatoes of the same origin, variety or commercial type, quality and size (if sized).

The ripeness and colouring of tomatoes in "Extra" Class and Class I must be practically uniform. In addition, the length of "oblong" tomatoes must be sufficiently uniform.

However, a mixture of tomatoes of distinctly different colours, varieties and/or commercial types may be packed together in a package, provided they are uniform in quality and, for each colour, variety and/or commercial type concerned, in origin. Uniformity in size is not required.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

Tomatoes must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed to the produce shall be such that, when removed, they neither leave visible traces of glue nor lead to skin defects. Information lasered on single fruit should not lead to flesh or skin defects.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽³⁹⁾ must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

Name and physical address of the packer and/or the dispatcher (for example street/city/region/postal code and, if different from the country of origin, the country).

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference “Packer and/or Dispatcher” (or equivalent abbreviations). The code mark shall be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin;
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention “Packed for:” or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Nature of produce

- “Tomatoes” or “trusses of tomatoes” and the commercial type, or “cherry/cocktail tomatoes” or “trusses of cherry/cocktail tomatoes”) or equivalent denomination for other miniature varieties if the contents are not visible from the outside.
- “Mixture of tomatoes”, or equivalent denomination, in the case of a mixture of distinctly different varieties, commercial types and/or colours of tomatoes. If the produce is not visible from the outside, the colours, varieties or commercial types and the quantity of each in the package must be indicated.
- Name of the variety (optional).

C. Origin of produce

Country of origin ⁽⁴⁰⁾ and, optionally, district where grown, or national, regional or local place name.

In the case of a mixture of distinctly different colours, varieties and/or commercial types of tomatoes of different origins, the indication of each country of origin shall appear next to the name of the colour, variety and/or commercial type concerned.

D. Commercial specifications

- Class.
- Size (if sized) expressed as
 - minimum and maximum diameters; or
 - minimum and maximum weights; or
 - size code as specified in Section III; or
 - count followed by the minimum and maximum sizes.

⁽³⁹⁾ These marking provisions do not apply to sales packages presented in packages. However, they do apply to sales packages presented separately.

⁽⁴⁰⁾ The full or the commonly used name shall be indicated.

E. Official control mark (optional)

Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.'

COMMISSION DELEGATED REGULATION (EU) 2019/429**of 11 January 2019****supplementing Regulation (EU) 2017/821 of the European Parliament and of the Council as regards the methodology and criteria for the assessment and recognition of supply chain due diligence schemes concerning tin, tantalum, tungsten and gold**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Natural mineral resources hold great potential for development but can, in conflict-affected or high-risk areas, fuel the outbreak or continuation of violent conflict, undermining endeavours towards development, good governance and the rule of law. In those areas, breaking the nexus between conflict and illegal exploitation of minerals is a critical element in guaranteeing peace, development and stability.
- (2) Regulation (EU) 2017/821 sets out due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold which will apply from 1 January 2021. The Regulation is designed to provide transparency and certainty as regards the supply practices of Union importers and of smelters and refiners sourcing from conflict-affected and high-risk areas.
- (3) A number of voluntary supply chain due diligence schemes with the same or similar objectives as Regulation (EU) 2017/821 already exist. Regulation (EU) 2017/821 provides for the possibility for the Commission to recognise schemes which, when effectively implemented by a Union importer of minerals or metals, enables that importer to comply with that Regulation.
- (4) It is therefore necessary to establish the methodology and the criteria to be used by the Commission to determine whether a scheme should be granted recognition by the Commission.
- (5) Recital (14) of Regulation (EU) 2017/821 sets out, inter alia, that the requirements for supply chain due diligence schemes should be aligned to the OECD Due Diligence Guidance and meet the procedural requirements such as stakeholders' engagement, grievance mechanisms and responsiveness. That recital also sets out that Union importers retains individual responsibility for compliance with the due diligence obligations, irrespective of whether they are covered by a supply chain due diligence scheme recognised by the Commission.
- (6) The requirements of Regulation (EU) 2017/821 are consistent with the OECD Guidance. To ensure consistency between also this Regulation and the OECD's work, the OECD's Methodology for the Alignment Assessment of Industry Programmes with the OECD Minerals Guidance (the 'OECD Methodology'), should serve as the basis for the Commission's methodology and criteria for assessment and recognition of supply chain due diligence schemes.
- (7) The OECD Secretariat should, as appropriate, be consulted prior to the finalisation of the Commission's assessments of applications for recognition and should be given the opportunity to issue an opinion on the draft report and the preliminary conclusions.
- (8) The competent authorities of the Member States are responsible for the application and effective and uniform implementation of Regulation (EU) 2017/821 throughout the Union. The Commission should therefore share information on applications for recognition and its assessment of them with Member State competent authorities so as to afford the competent authorities the opportunity to contribute effectively to the Commission's assessment.
- (9) Article 8(3) of Regulation (EU) 2017/821 sets out that the Commission is to take into account the diverse industry practices covered by a scheme and that it is also to have regard to the risk-based approach and method used by a scheme to identify conflict-affected and high-risk areas, and the listed results thereof.

⁽¹⁾ OJ L 130, 19.5.2017, p. 1.

- (10) This Regulation does not cover verification of schemes that have already been recognised, nor the requirements relating to changes to schemes over time, while those matters are dealt with by Article 8(4) and (5) of Regulation (EU) 2017/821.
- (11) The Union should endeavour to cooperate as appropriate with other jurisdictions to support the development and implementation of due diligence schemes consistent with the OECD Due Diligence Guidance,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation sets out rules on the methodology and criteria allowing the Commission to assess whether supply chain due diligence schemes concerning tin, tantalum, tungsten and gold facilitate the fulfilment of the requirements of Regulation (EU) 2017/821 by economic operators and to recognise such schemes, pursuant to Article 8 of that Regulation.
2. This Regulation only applies to schemes or part of schemes which relate to the metals and minerals falling within the scope of Regulation (EU) 2017/821, as set out in Annex 1 of that Regulation.

Article 2

Definitions

1. For the purposes of this Regulation, the definitions in Regulation (EU) 2017/821 apply.

The following definitions shall also apply:

- (a) 'scheme' means 'supply chain due diligence scheme' or 'due diligence scheme' as defined in point (m) of Article 2 of Regulation (EU) 2017/821;
- (b) 'applicant' means the entity that has submitted or intends to submit an application for recognition of a scheme;
- (c) 'scheme owners' means those entities referred to in Article 8(1) of Regulation (EU) 2017/821;
- (d) 'economic operators participating in the scheme' means natural or legal persons that are subject to an audit under the requirements of the scheme or that are otherwise associated with or participate in the scheme in such a way that they are expected by the scheme to meet its standards and policies;
- (e) 'OECD Methodology' means the OECD's Methodology for the Alignment Assessment of Industry Programmes with the OECD Minerals Guidance, including its Annex, published with the OECD note COM/DAF/INV/DCD/DAC (2018)1;
- (f) 'overarching due diligence principles' means the principles set out in section A of Annex 1 to the OECD Methodology;
- (g) 'repeat application' means:
 - (i) an application concerning a scheme which has already been subject to at least one earlier application that was either declared inadmissible or was unsuccessful or withdrawn;
 - (ii) an application concerning a scheme which has had its recognition withdrawn by the Commission;
- (h) 'general conditions for recognition' means the conditions set out in Article 4;
- (i) 'specific criteria for assessment' means the criteria set out in Article 5.

2. For the purposes of this Regulation, the term 'industry programme' used in the OECD Methodology shall be understood to have the same meaning as the term 'scheme'.

Article 3

Requirements for and admissibility of applications

1. Scheme owners may apply to have the schemes that are developed and overseen by them recognised by the Commission in accordance with this Article.

2. In order to be admissible, applications shall contain the following information:
 - (a) the identity of the applicant;
 - (b) the name and contact details of the person who will be responsible for the assessment and hence be the Commission's contact person;
 - (c) a description of the scheme's objectives, the metals and minerals covered by the scheme, the types of economic operators participating in the scheme, and in which part of the value chain those economic operators are active;
 - (d) information with regard to the scope of the application, clarifying whether the application relates to a specific part of a scheme or to a specific part of the value or supply chain;
 - (e) evidence that the design of the scheme's policies and standards is coherent with the supply chain due diligence principles as set out in point (d) of Article 2 of Regulation (EU) 2017/821, in a manner consistent with the five-step framework as set out in Annex 1 to the OECD Guidance;
 - (f) a list of economic operators participating in the scheme, and other entities that are members of or otherwise associated with the scheme;
 - (g) if available, any other assessment of the scheme, including self-assessments, assessments by competent authorities in another jurisdiction, and assessments by a third party;
 - (h) if applicable, the relationship between the application and any earlier application.
3. Applicants may include any other information that they consider relevant.
4. Within 45 calendar days after having received an application, the Commission shall determine whether the application is admissible and shall inform the applicant thereof.
5. If the Commission considers that the evidence referred to in point (e) of paragraph 2 has been provided but that other information referred to in paragraph 2 is missing, it shall inform the applicant in due time and in any event before the expiry of the time-limit laid down in paragraph 4, and invite the applicant to complete the application within 30 calendar days.
6. If the Commission considers that the evidence referred to in point (e) of paragraph 2 has not been provided, or if an applicant does not complete the application before the expiry of the time-limit laid-down pursuant to paragraph 5, it shall declare the application inadmissible and shall notify the applicant thereof and shall not proceed with further assessment of the application.
7. By submitting an application, scheme owners accept that the scheme will be subject to the assessment provided for in this Regulation. However, applicants may withdraw their application at any time.

Article 4

General conditions for recognition of equivalence

1. A scheme shall be granted recognition of equivalence if the scheme's overarching due diligence principles, its requirements for economic operators participating in the scheme, and the specific responsibilities of the scheme itself are aligned with the applicable requirements of Regulation (EU) 2017/821.
2. The requirements of paragraph 1 shall be considered met where the Commission considers that the conditions for the scheme to be rated as 'fully aligned' in accordance with Section 4 of the OECD Methodology are satisfied based on its assessment of all applicable specific criteria having regard both to the scheme's policies and standards and the scheme's implementation of them.

Article 5

Specific criteria for assessment

1. The Commission shall assess the scheme against the applicable specific criteria set out in Annex 1 to the OECD Methodology, in accordance with Articles 6, 7 and 8.

2. The Commission shall determine, for each individual assessment, the relevance of each of the specific criteria in Annex 1 to the OECD Methodology, taking into account the nature, scope and specificities of the scheme subject to the assessment. It shall for this purpose consider the applicability of the specific criteria indicated in Annex 1 of the OECD Methodology. It may also, consider deviation from the specific criteria indicated in Annex 1 to the OECD Methodology if needed to ensure that the assessment corresponds to the scope and requirements of Regulation (EU) 2017/821 with regard to, inter alia, the type of entities that are subject to the obligations of that Regulation.

Article 6

Completion of the information provided in the application so as to enable the assessment of specific criteria

1. The Commission shall as appropriate complete the information contained in admissible applications to enable it to carry out its assessment of the applicable specific criteria under Article 5(2). In particular, this may include:
 - (a) reviews of documents the Commission considers relevant, such as the scheme's bylaws or equivalent and other policy documents; terms of reference of relevant committees of the scheme; audit reports of economic operators participating in the scheme; reports from experts and relevant stakeholders; any other assessment of the scheme, including self-assessments, assessments by competent authorities in other jurisdictions, and assessments by a third party; and any other relevant information relating to the management of the scheme;
 - (b) interviews with representatives of the scheme, the management of economic operators participating in the scheme, auditors, and other relevant stakeholders;
 - (c) attendance at and observation of third party audits of economic operators participating in the scheme against the requirements of the scheme, and assess the corresponding audit reports.
2. When implementing paragraph 1, the Commission may request the applicant to submit any additional information or documentation and to facilitate interviews and attendance of third party audits.
3. The Commission shall determine what additional information is necessary in order to enable it to carry out the assessment of all applicable specific criteria. It may for this purpose consider the guidance set out in Section 2 of the OECD Methodology.

Article 7

Methodology for the evaluation of the specific criteria

1. The evaluation of each applicable specific criterion shall consider both the design of the scheme's policies and standards and the scheme's implementation of them in accordance with section 3.2 of the OECD Methodology.
2. The Commission shall determine whether a scheme is 'fully', 'partially' or 'not' aligned with regard to all applicable specific criteria in accordance with section 3.2 of the OECD Methodology.
3. The evaluation of the applicable specific criteria shall not take into account any potential policies, standards, activities and other aspects of a scheme which do not relate to due diligence of supply chains of the metals and minerals covered by Regulation (EU) 2017/821; nor shall it take into account policies and other information concerning companies that do not fall within the scope of that Regulation, unless explicitly requested to do so in the application and agreed to be the Commission.
4. The Commission may consider any potential relevant assessment of the scheme carried out by credible third parties when evaluating the application even if such assessments are not included in the application.
5. The evaluation of applicable specific criteria for which the scheme relies fully or in part on policies, standards and activities by another scheme or a similar entity external to the applicant shall consider whether:
 - (a) a credible assessment of such entities has been undertaken by the scheme and how such assessments are or will be kept relevant and updated over time; and
 - (b) such entities are schemes which have been granted recognition of equivalence under this Regulation.

*Article 8***Report on the assessment**

1. The Commission shall prepare a report setting out its assessment of whether the scheme meets the general conditions for recognition and the applicable specific criteria. The report shall be finalised pursuant to paragraphs 2, 3 and 4.
2. The draft report shall be communicated to the applicant, which shall be granted 15 calendar days to comment.
3. After considering any comments received from the applicant, the Commission shall, as appropriate, consult the OECD Secretariat on the draft report, and may provide it with any supporting documentation necessary for the OECD Secretariat to formulate its opinion. The Commission shall invite the OECD Secretariat to submit its opinion within 30 calendar days. The opinion shall in particular concern the assessment of the general conditions for recognition and specific criteria.
4. The Commission shall finalise the report no later than nine months after it has declared the application admissible pursuant to Article 3, unless notifies to the applicant in advance that it will finalise the report later.

*Article 9***Process following the conclusion on the general conditions for recognition**

1. If the Commission considers that the general conditions for recognition of equivalence are fulfilled based on the assessment methodology set out in this Regulation, it shall follow the procedure set out in Article 8(3) of Regulation (EU) 2017/821.
2. If the Commission considers that the general conditions for recognition of equivalence set out in Article 4 are not fulfilled, the Commission shall notify the applicant and the competent authorities of the Member States thereof and provide the applicant with a copy of the final assessment report referred to in Article 8(1).

*Article 10***Repeat applications**

1. A repeat application shall not be submitted within 12 months after the notification provided for in Article 9(2) or in Article 3(6), or the withdrawal of the application.
2. By way of derogation from paragraph 1, a repeat application with respect to the same scheme may be made three months after the notifications referred to in paragraph 1 if an improved grading of less than ten percent of applicable specific criteria would be sufficient for the general conditions for recognition of equivalence set out in Article 4 to be met.
3. All the information referred to in Article 3(2) shall be provided in repeat applications, even if part of that information was contained in a previous applications.
4. In addition to the information referred to Article 3(2), a repeat application concerning a scheme that was subject to a previous, unsuccessful application shall contain detailed information concerning all measures taken with regard to the specific criteria that the Commission did not consider 'fully aligned' in its assessment of the most recent unsuccessful application.

*Article 11***Measures taken pursuant to Articles 8(6) and 8(7) of Regulation (EU) 2017/821**

1. The Commission shall follow the steps set out in paragraphs 2, 3 and 4 of this Article when applying Article 8(6) and 8(7) of Regulation (EU) 2017/821.
2. Where the Commission identifies deficiencies in a recognised scheme, it shall notify the scheme owner thereof and shall grant the scheme owner three to six months to take remedial action. That period may be extended by the Commission taking into account the nature of the deficiencies.

3. The scheme owner shall notify to the Commission of the remedial action taken within the time-limit established pursuant to paragraph 2. The notification shall contain substantiated evidence of such remedial action.

4. The Commission shall not initiate the procedure for the withdrawal of recognition provided for in the second subparagraph of Article 8(7) of Regulation (EU) 2017/821 before the time-limit established pursuant to paragraph 2 of this Article has elapsed.

Article 12

Transparency and confidentiality

1. The Commission shall establish a register of schemes to which it has granted recognition of equivalence and shall make it publically available. The Commission shall ensure that the register is updated in a timely manner whenever it grants or withdraws recognition of equivalence.

2. The report referred to in Article 8(1), shall be made publicly available if the Commission grants a scheme recognition of equivalence. The opinion on the draft report provided by the OECD Secretariat shall also be made publically available unless the OECD secretariat requests that its opinion remains confidential.

3. The Commission shall ensure that any information identified as confidential by the Commission, applicants or any natural or legal person contributing to the assessment under this Regulation is treated in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽²⁾.

Article 13

Cooperation and support

1. Applicants shall ensure that the Commission is granted access to all information the Commission considers necessary to assess the specific criteria, including by facilitating interviews with participating economic operators and attendance of third party audits.

2. The Commission shall end or suspend its assessment if the applicant does not comply with paragraph 1 and shall notify the applicant accordingly. The notification shall set out the reasons why the Commission has ended or suspended its assessment. If the Commission ends or suspends the assessment, the scheme owner may submit a repeat application no earlier than 12 months after the date of the notification.

3. The Commission shall share information with Member States' competent authorities designated pursuant to Article 10(1) of Regulation (EU) 2017/821 so as to enable them to contribute effectively to its assessment under this Regulation and to exercise their responsibility for effective and uniform implementation of Regulation (EU) 2017/821.

The Commission shall in particular:

- (a) inform the Member States' competent authorities of the scheme owners that have applied for recognition pursuant to Article 3 and invite them to submit any information and assessment of relevance to the assessment;
- (b) upon request from a Member State's competent authority, make available the full application to that authority;
- (c) consider any information of relevance for the assessment of an application under this Regulation provided by the Member States' competent authorities;
- (d) consider any information provided by the Member States' competent authorities in relation to deficiencies in schemes identified by the Commission and inform them any notification made pursuant to Article 11(3).

4. The Commission shall keep the European Parliament updated on the implementation of this Regulation as appropriate and shall consider any information relevant for its implementation the European Parliament submits to the Commission.

5. In addition to the consultation provided for in Article 8(1), the Commission may consult the OECD Secretariat or ask for its support in carrying out its responsibilities under this Regulation.

⁽²⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

*Article 14***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, 11 January 2019.

For the Commission

The President

Jean-Claude JUNKER

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/430
of 18 March 2019**

**amending Regulation (EU) No 1178/2011 as regards the exercise of limited privileges without
supervision before the issuance of a light aircraft pilot licence**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulation (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 ⁽¹⁾, and in particular Article 23(1) thereof,

Whereas:

- (1) Subpart B of Annex I ('Part-FCL') to Commission Regulation (EU) No 1178/2011 ⁽²⁾ lays down the requirements for a light aircraft pilot licence ('LAPL').
- (2) Pursuant to Article 12(2a)(3) of Regulation (EU) No 1178/2011, Member States may apply national licencing rules that provide for earlier access to some pilot privileges compared to a LAPL until 8 April 2020. These national licencing rules are also used to offer LAPL training in a modular way whereby the completion of certain LAPL training modules enables earlier access to some privileges before the issuance of a LAPL.
- (3) Member States that apply such modular LAPL training have reported to the Commission and to the European Union Aviation Safety Agency ('the Agency') that it supports the promotion of aerial sports and leisure pilot activities. This is in line with the objectives of the General Aviation Road Map that aims to create a more proportional, flexible and proactive regulatory system. ⁽³⁾
- (4) Under Article 4(7) of Regulation (EU) No 1178/2011, Member States may authorise student pilots to fly single-engine piston aeroplanes with a maximum take-off mass not exceeding 2 000 kg without supervision before the issuance of a LAPL and subject to conditions.
- (5) In order to promote more flexible regulatory system for general aviation, Article 4(7) of Regulation (EU) No 1178/2011 should be amended to enable Member States to authorise student pilots who follow a LAPL training course to exercise limited privileges without supervision on completion of certain training modules, taking into account the extent of training necessary for the intended level of pilot competence to be achieved, before they meet all the requirements necessary for the issuance of a LAPL for aeroplanes, helicopters, sailplanes or balloons.
- (6) Member States should periodically inform the Commission and the Agency if they provide such authorisations to student pilots under Article 4(7) of Regulation (EU) No 1178/2011 and should monitor such authorisations in order to maintain an acceptable level of aviation safety.
- (7) Furthermore, Article 4(8) of Regulation (EU) No 1178/2011 should be amended to extend the period during which Member States can authorise the exercise of specified limited privileges to fly aeroplanes under instrument flight rules before the pilot complies with all of the requirements necessary for the issue of an instrument rating. This extension is necessary pending the introduction of a basic instrument rating.

⁽¹⁾ OJ L 212, 22.8.2018, p. 1.

⁽²⁾ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

⁽³⁾ <https://www.easa.europa.eu/easa-and-you/general-aviation/general-aviation-road-map>

- (8) The measures provided for in this Regulation have been suggested in Opinion No 08/2017 issued by the Agency pursuant to Article 19(1) of Regulation (EC) No 216/2008 of the European Parliament and of the Council ⁽⁴⁾.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 127 of Regulation (EU) 2018/1139,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4 of Regulation (EU) No 1178/2011 is amended as follows:

- (1) paragraph 7 is replaced by the following:

‘(7) A Member State may authorise student pilots who follow a LAPL training course to exercise limited privileges without supervision before they meet all the requirements necessary for the issuance of a LAPL, subject to the following conditions:

- (a) the scope of the privileges shall be based on a safety risk assessment carried out by the Member State, taking into account the extent of training necessary for the intended level of pilot competence to be achieved;
- (b) the privileges shall be limited to the following:
 - (i) the whole or part of the national territory of the authorising Member State;
 - (ii) aircraft registered in the authorising Member State;
 - (iii) aeroplanes and helicopters, both as single-engine piston aircraft with a maximum take-off mass not exceeding 2000 kg, sailplanes and balloons;
- (c) for training conducted under the authorisation, the holder of such an authorisation who applies for the issuance of a LAPL shall receive credits that are determined by the Member State on the basis of a recommendation from an ATO or a DTO;
- (d) the Member State shall submit periodical reports and safety risk assessments to the Commission and to the Agency every 3 years;
- (e) the Member States shall monitor the use of authorisations issued under this paragraph to ensure an acceptable level of aviation safety and take appropriate action in case of identifying an increased safety risk or any other safety concerns.’;

- (2) in paragraph 8, in the introductory sentence, ‘8 April 2019’ is replaced by ‘8 April 2021’.

Article 2

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

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

Done at Brussels, 18 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽⁴⁾ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/431
of 18 March 2019**

**amending for the 296th time Council Regulation (EC) No 881/2002 imposing certain specific
restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh)
and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 13 March 2019, the Sanctions Committee of the United Nations Security Council decided to amend one entry in the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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 March 2019.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002, under the heading 'Natural persons', the identifying data for the entry:

'Hamza Usama Muhammad bin Laden. Date of birth: 9.5.1989. Place of birth: Jeddah, Saudi Arabia. Nationality: Saudi Arabian. Other information: (a) Son of Usama bin Laden (deceased); (b) Announced by Aiman Muhammed Rabi al-Zawahiri as an official member of Al-Qaida. Has called for followers of Al-Qaida to commit terror attacks. Is seen as the most probable successor of al-Zawahiri. Date of designation referred to in Article 7d(2)(i): 28.2.2019.'

is replaced by the following:

'Hamza Usama Muhammad bin Laden. Date of birth: 9.5.1989. Place of birth: Jeddah, Saudi Arabia. Other information: (a) Son of Usama bin Laden (deceased); (b) Announced by Aiman Muhammed Rabi al-Zawahiri as an official member of Al-Qaida. Has called for followers of Al-Qaida to commit terror attacks. Is seen as the most probable successor of al-Zawahiri. Date of designation referred to in Article 7d(2)(i): 28.2.2019.'

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/432
of 18 March 2019**

**amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on
economic and financial relations with Iraq**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 ⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 1210/2003 lists public bodies, corporations and agencies and natural and legal persons, bodies and entities of the previous government of Iraq covered by the freezing of funds and economic resources that were located outside Iraq on the date of 22 May 2003 under that Regulation.
- (2) On 13 March 2019, the Sanctions Committee of the United Nations Security Council decided to remove four entries from the list of persons or entities to whom the freezing of funds and economic resources should apply.
- (3) Annex III to Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1210/2003 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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 March 2019.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 169, 8.7.2003, p. 6.

ANNEX

In Annex III to Council Regulation (EC) No 1210/2003, the following entries are deleted:

- '46. GENERAL ESTABLISHMENT FOR MAIN OUT PALL DRAIN. Address: P.O. Box 113, Nassiriyah, Iraq.'
 - '98. NATIONAL TOBACCO STATE COMPANY (*alias* NATIONAL TOBACCO STATE ENTERPRISE). Address: P.O. Box 6, Arbil, Iraq.'
 - '145. STATE ENTERPRISE FOR PETROCHEMICAL INDUSTRIES. Address: Khor Al Zubair, P.O. Box 933, Basrah, Iraq.'
 - '147. STATE ENTERPRISE FOR PULP AND PAPER INDUSTRIES. Address: P.O. Box 248, Hartha District, Basrah, Iraq.'
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DECISIONS

COUNCIL DECISION (EU) 2019/433

of 20 February 2018

on the position to be taken on behalf of the European Union within the Association Committee meeting in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, concerning the update of Annexes XXVIII-A (Rules applicable to financial services), XXVIII-B (Rules applicable to telecommunication services) and XXVIII-D (Rules applicable to international maritime transport) to the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, Article 100(2) and the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community, and their Member States of the one part, and the Republic of Moldova, of the other part ('the Agreement') was concluded, on behalf of the Union, in accordance with Council Decision (EU) 2016/839 ⁽¹⁾ and entered into force on 1 July 2016.
- (2) Several Union acts listed in Annexes XXVIII-A (Rules applicable to financial services), XXVIII-B (Rules applicable to telecommunication services) and XXVIII-D (Rules applicable to international maritime transport) to the Agreement ('the Annexes') have been amended or repealed since the conclusion of negotiations of the Agreement in June 2013. Therefore, in order to ensure proper approximation of the legislation of the Republic of Moldova to the EU acts, a number of acts that implement, amend, supplement or replace the acts listed in those Annexes should be added thereto, and certain deadlines should be amended to take into account the progress already made to date by the Republic of Moldova in the process of that approximation.
- (3) Pursuant to the Decision No 3/2014 of the EU-Republic of Moldova Association Council ⁽²⁾, the Association Committee meeting in Trade configuration ('the Committee') may update or amend certain Annexes to the Agreement.
- (4) The Committee is to adopt decisions updating the Annexes. Such decisions are binding upon the Union.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the Committee, concerning the update of the Annexes.
- (6) The position of the Union within the Committee should therefore be based on the attached draft decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee shall be based on the following draft decisions attached to this Decision:

- (a) Decision of the EU-Republic of Moldova Association Committee meeting in Trade configuration concerning the update of Annex XXVIII-A (Rules applicable to financial services) to the Agreement;

⁽¹⁾ Council Decision (EU) 2016/839 of 23 May 2016 on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 141, 28.5.2016, p. 28).

⁽²⁾ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (OJ L 110, 29.4.2015, p. 40).

- (b) Decision of the EU-Republic of Moldova Association Committee meeting in Trade configuration concerning the update of Annex XXVIII-B (Rules applicable to telecommunication services) to the Agreement;
- (c) Decision of the EU-Republic of Moldova Association Committee meeting in Trade configuration concerning the update of Annex XXVIII-D (Rules applicable to international maritime transport) to the Agreement.

Article 2

This Decision is addressed to the Commission.

Done at Brussels, 20 February 2018.

For the Council

The President

V. GORANOV

DRAFT

**DECISION No .../... OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE
MEETING IN TRADE CONFIGURATION****of ... 2018****concerning the update of Annex XXVIII-A (Rules applicable to financial services) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part**

THE ASSOCIATION COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 27 June 2014, and in particular Articles 61, 249, 436, 438 and 449 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part ('the Agreement') entered into force on 1 July 2016.
- (2) Articles 61 and 249 of the Agreement provide that the Republic of Moldova is to carry out approximation of its legislation to the EU acts and international instruments ('the Union *acquis*') referred to in Annex XXVIII-A (Rules applicable to financial services) to the Agreement ('Annex XXVIII-A').
- (3) The Union *acquis* referred to in Annex XXVIII-A concerning money laundering has evolved since the conclusion of negotiations of the Agreement in June 2013. In particular, the Union adopted and notified to the Republic of Moldova Directive (EU) 2015/849 of the European Parliament and of the Council ⁽¹⁾ and Regulation (EU) 2015/847 of the European Parliament and of the Council ⁽²⁾.
- (4) The Republic of Moldova continues the process of approximating its legislation to the Union *acquis*, in accordance with the timelines and priorities set out in Annex XXVIII-A. It is therefore necessary to update Annex XXVIII-A in order to ensure that the evolution of the Union *acquis* listed therein with respect to money laundering is promptly and efficiently integrated in the ongoing process of approximation, in accordance with Article 449 of the Agreement.
- (5) Directive (EU) 2015/849 and Regulation (EU) 2015/847 should therefore be added to the list set out in Annex XXVIII-A.
- (6) Directive 2005/60/EC of the European Parliament and of the Council ⁽³⁾ and Commission Directive 2006/70/EC ⁽⁴⁾ should be removed from the list set out in Annex XXVIII-A with effect from 26 June 2017.
- (7) Article 436(3) of the Agreement provides that the EU-Republic of Moldova Association Council ('the Association Council') is to have the power to update or amend the Annexes to the Agreement.
- (8) Pursuant to Article 438(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.

⁽¹⁾ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ EU L 141, 5.6.2015, p. 73).

⁽²⁾ Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ EU L 141, 5.6.2015, p. 1).

⁽³⁾ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ EU L 309, 25.11.2005, p. 15).

⁽⁴⁾ Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis (OJ EU L 214, 4.8.2006, p. 29).

- (9) By Decision No 3/2014 ⁽⁵⁾ the Association Council delegated the power to update or amend the Annexes to the Agreement which relate, *inter alia*, to Chapter 6 (Establishment, trade in services and electronic commerce) of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee meeting in Trade configuration, to the extent that there are no specific provisions in Chapter 6 relating to the update or the amendment of those Annexes. There are no specific provisions in Chapter 6 relating to the update or the amendment of the Annexes.
- (10) Annex XXVIII-A should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVIII-A (Rules applicable to financial services) to the Agreement is replaced by the Annex to this Decision.

Article 2

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

Done at ...,

For the Association Committee
The Chair

⁽⁵⁾ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (OJ L 110, 29.4.2015, p. 40).

ANNEX

ANNEX XXVIII-A

RULES APPLICABLE TO FINANCIAL SERVICES

The Republic of Moldova undertakes to gradually approximate its legislation to the following EU acts and international instruments within the stipulated timeframes.

Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector

Timetable: the provisions of Directive 2007/44/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council

Timetable: the provisions of Directive 2002/87/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions

The Savings and Credit Associations of the Republic of Moldova shall be treated in the same way as the institutions listed in Article 2 of that Directive and accordingly be exempt from the scope of that Directive

Timetable: the provisions of Directive 2006/48/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Directive 2007/18/EC of 27 March 2007 amending Directive 2006/48/EC of the European Parliament and of the Council as regards the exclusion or inclusion of certain institutions from its scope of application and the treatment of exposures to multilateral development banks

Timetable: the provisions of Directive 2007/18/EC shall be implemented upon entry into force of this Agreement.

Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions

Timetable: the provisions of Directive 2006/49/EC, with the exception as set out below, shall be implemented within three years of the entry into force of this Agreement.

With regard to institutions other than credit institutions defined in point (a) of Article 3(1) of that Directive, the provisions related to the level of required initial capital as set out in Article 5(1) and (3), Article 6, points (a), (b) and (c) of Article 7, points (a), (b) and (c) of Article 8 and Article 9 of that Directive shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Timetable: the provisions of Directive 2009/110/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes

Timetable: the provisions of Directive 94/19/EC, with the exception of the provision related to the minimum level of compensation for each depositor set out in Article 7 of that Directive, shall be implemented within five years of the entry into force of this Agreement.

The provision related to the minimum level of compensation for each depositor set out in Article 7 of that Directive shall be implemented within 10 years of the entry into force of this Agreement.

Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions

Timetable: the provisions of Directive 86/635/EEC shall be implemented within three years of the entry into force of this Agreement.

Directive 2001/65/EC of the European Parliament and of the Council of 27 September 2001 amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions

Timetable: the provisions of Directive 2001/65/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2003/51/EC of the European Parliament and of the Council of 18 June 2003 amending Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings

Timetable: the provisions of Directive 2003/51/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings

Timetable: the provisions of Directive 2006/46/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions

Timetable: the provisions of Directive 2001/24/EC shall be implemented upon entry into force of this Agreement.

Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)

Timetable: the provisions of Directive 2009/138/EC shall be implemented within seven years of the entry into force of this Agreement.

Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings

Timetable: the provisions of Directive 91/674/EEC shall be implemented within three years of the entry into force of this Agreement.

Commission Recommendation of 18 December 1991 on insurance intermediaries (92/48/EEC)

Timetable: not applicable.

Directive 2002/92/EC of the European Parliament and of the Council of 9 December 2002 on insurance mediation

Timetable: the provisions of Directive 2002/92/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability

Timetable: the provisions of Directive 2009/103/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision

Timetable: the provisions of Directive 2003/41/EC shall be implemented within five years of the entry into force of this Agreement.

Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC

Timetable: the provisions of Directive 2004/39/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive

Timetable: the provisions of Directive 2006/73/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive

Timetable: the provisions of Regulation (EC) No 1287/2006 shall be implemented within three years of the entry into force of this Agreement.

Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC

Timetable: the provisions of Directive 2003/71/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Regulation (EC) No 809/2004 of 29 April 2004 implementing Directive 2003/71/EC of the European Parliament and of the Council as regards information contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements

Timetable: the provisions of Regulation (EC) No 809/2004 shall be implemented within three years of the entry into force of this Agreement.

Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC

Timetable: the provisions of Directive 2004/109/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2007/14/EC of 8 March 2007 laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market

Timetable: the provisions of Directive 2007/14/EC shall be implemented within four years of the entry into force of this Agreement.

Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes

Timetable: the provisions of Directive 97/9/EC, with the exception of the provision related to the minimum level of compensation for each investor set out in Article 4 of that Directive, shall be implemented within five years of the entry into force of this Agreement.

The provisions of that Directive related to the minimum level of compensation for each investor set out in Article 4 of that Directive shall be implemented within 10 years of the entry into force of this Agreement.

Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse)

Timetable: the provisions of Directive 2003/6/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Directive 2004/72/EC of 29 April 2004 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards accepted market practices, the definition of inside information in relation to derivatives on commodities, the drawing up of lists of insiders, the notification of managers' transactions and the notification of suspicious transactions

Timetable: the provisions of Directive 2004/72/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Directive 2003/124/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the definition and public disclosure of inside information and the definition of market manipulation

Timetable: the provisions of Directive 2003/124/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Directive 2003/125/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the fair presentation of investment recommendations and the disclosure of conflicts of interest

Timetable: the provisions of Directive 2003/125/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Regulation (EC) No 2273/2003 of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards exemptions for buy-back programmes and stabilisation of financial instruments

Timetable: the provisions of Regulation (EC) No 2273/2003 shall be implemented within three years of the entry into force of this Agreement.

Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating Agencies

Timetable: that Regulation's the provisions of Regulation (EC) No 1060/2009 shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)

Timetable: the provisions of Directive 2009/65/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Directive 2007/16/EC of 19 March 2007 implementing Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards the clarification of certain definitions

Timetable: the provisions of Directive 2007/16/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2002/47/EC of the European Parliament and of the Council of 6 June 2002 on financial collateral arrangements

Timetable: provisions of Directive 2002/47/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems

Timetable: the provisions of Directive 98/26/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2009/44/EC of the European Parliament and the Council of 6 May 2009 amending Directive 98/26/EC on settlement finality in payment and securities settlement systems and Directive 2002/47/EC on financial collateral arrangements as regards linked systems and credit claims

Timetable: the provisions of Directive 2009/44/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC

Timetable: the provisions of Directive 2007/64/EC shall be implemented within three years of the entry into force of this Agreement.

Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds

Timetable: the provisions of Regulation (EC) No 1781/2006 shall be implemented within one year of the entry into force of this Agreement.

Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC

Timetable: the provisions of Directive (EU) 2015/849 shall be implemented within three years of the entry into force of this Agreement.

Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006

Timetable: the provisions of Regulation (EU) 2015/847 shall be implemented within one year of the entry into force of this Agreement.

DRAFT

**DECISION No .../... OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE
MEETING IN TRADE CONFIGURATION****of ... 2018****concerning the update of Annex XXVIII-B (Rules applicable to telecommunication services) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part**

THE ASSOCIATION COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 27 June 2014, and in particular Articles 102, 240, 436, 438 and 449 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part ('the Agreement'), entered into force on 1 July 2016.
- (2) Articles 102 and 240 of the Agreement provide that the Republic of Moldova is to carry out approximation of its legislation to the EU acts and international instruments ('Union *acquis*') referred to in Annex XXVIII-B (Rules applicable to telecommunication services) to the Agreement ('Annex XXVIII-B').
- (3) The Union *acquis* referred to in Annex XXVIII-B has evolved since the conclusion of negotiations of the Agreement in June 2013. In particular, the Union adopted the following acts that implement, amend, supplement or replace the acts listed in Annex XXVIII-B:
 - (i) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union ⁽¹⁾;
 - (ii) Commission Implementing Decision 2014/276/EU of 2 May 2014 amending Decision 2008/411/EC on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community ⁽²⁾;
 - (iii) Commission Implementing Decision 2013/752/EU of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC ⁽³⁾;
 - (iv) Commission Implementing Decision 2014/641/EU of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union ⁽⁴⁾;
 - (v) Commission Implementing Decision 2014/702/EU of 7 October 2014 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽⁵⁾;
 - (vi) Commission Implementing Decision (EU) 2016/339 of 8 March 2016 on the harmonisation of the 2 010-2 025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events ⁽⁶⁾;

⁽¹⁾ OJ EUL 310, 26.11.2015, p. 1.⁽²⁾ OJ EUL 139, 14.5.2014, p. 18.⁽³⁾ OJ EUL 334, 13.12.2013, p. 17.⁽⁴⁾ OJ EUL 263, 3.9.2014, p. 29.⁽⁵⁾ OJ EUL 293, 9.10.2014, p. 48.⁽⁶⁾ OJ EUL 63, 10.3.2016, p. 5.

- (vii) Commission Implementing Decision (EU) 2015/750 of 8 May 2015 on the harmonisation of the 1 452-1 492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union ⁽⁷⁾;
- (viii) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ⁽⁸⁾;
- (ix) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC ⁽⁹⁾;
- (x) Commission Implementing Regulation No (EU) 2015/806 of 22 May 2015 laying down specifications relating to the form of the EU trust mark for qualified trust services ⁽¹⁰⁾;
- (xi) Commission Implementing Decision (EU) 2015/1505 of 8 September 2015 laying down technical specifications and formats relating to trusted lists pursuant to Article 22(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market ⁽¹¹⁾;
- (xii) Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market ⁽¹²⁾;
- (xiii) Commission Implementing Decision (EU) 2016/650 of 25 April 2016 laying down standards for the security assessment of qualified signature and seal creation devices pursuant to Articles 30(3) and 39(2) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market ⁽¹³⁾;
- (xiv) Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union ⁽¹⁴⁾;

Commission Implementing Decision 2011/251/EU of 18 April 2011 amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community ⁽¹⁵⁾;

Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community ⁽¹⁶⁾, as amended by Implementing Decision 2011/251/EU;
- (xv) Commission Implementing Decision 2012/688/EU of 5 November 2012 on the harmonisation of the frequency bands 1 920-1 980 MHz and 2 110-2 170 MHz for terrestrial systems capable of providing electronic communications services in the Union ⁽¹⁷⁾;
- (xvi) Commission Decision 2008/477/EC of 13 June 2008 on the harmonisation of the 2 500-2 690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community; ⁽¹⁸⁾
- (xvii) Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3 400 - 3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community ⁽¹⁹⁾;

⁽⁷⁾ OJ EU L 119, 12.5.2015, p. 27.

⁽⁸⁾ OJ EU L 153, 22.5.2014, p. 62.

⁽⁹⁾ OJ EU L 257, 28.8.2014, p. 73.

⁽¹⁰⁾ OJ EU L 128, 23.5.2015, p. 13.

⁽¹¹⁾ OJ EU L 235, 9.9.2015, p. 26.

⁽¹²⁾ OJ EU L 235, 9.9.2015, p. 37.

⁽¹³⁾ OJ EU L 109, 26.4.2016, p. 40.

⁽¹⁴⁾ OJ EU L 117, 11.5.2010, p. 95.

⁽¹⁵⁾ OJ EU L 106, 27.4.2011, p. 9.

⁽¹⁶⁾ OJ EU L 274, 20.10.2009, p. 32.

⁽¹⁷⁾ OJ EU L 307, 7.11.2012, p. 84.

⁽¹⁸⁾ OJ EU L 163, 24.6.2008, p. 37.

⁽¹⁹⁾ OJ EU L 144, 4.6.2008, p. 77.

- (xviii) Commission Decision 2008/671/EC of 5 August 2008 on the harmonised use of radio spectrum in the 5 875 – 5 905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS) ⁽²⁰⁾;
- (xix) Commission Decision 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community ⁽²¹⁾;
- (xx) Commission Decision 2007/90/EC of 12 February 2007 amending Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs) ⁽²²⁾;
- (xxi) Commission Decision 2005/513/EC of 11 July 2005 on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs) ⁽²³⁾;
- (xxii) Commission Implementing Decision 2011/829/EU of 8 December 2011 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁴⁾;
- (xxiii) Commission Decision 2010/368/EU of 30 June 2010 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁵⁾;
- (xxiv) Commission Decision 2009/381/EC of 13 May 2009 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁶⁾;
- (xxv) Commission Decision 2008/432/EC of 23 May 2008 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁷⁾;
- (xxvi) Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices ⁽²⁸⁾;
- (xxvii) Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union ⁽²⁹⁾;
- (xxviii) Commission Decision 2006/804/EC of 23 November 2006 on harmonisation of the radio spectrum for radio frequency identification (RFID) devices operating in the ultra-high frequency (UHF) band ⁽³⁰⁾;
- (xxix) Commission Implementing Decision 2011/485/EU of 29 July 2011 amending Decision 2005/50/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community ⁽³¹⁾;
- (xxx) Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community ⁽³²⁾;
- (xxxi) Commission Decision 2004/545/EC of 8 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community ⁽³³⁾;
- (xxxii) Commission Decision 2009/343/EC of 21 April 2009 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽³⁴⁾;
- (xxxiii) Commission Decision 2007/131/EC of 21 February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽³⁵⁾;

⁽²⁰⁾ OJ EU L 220, 15.8.2008, p. 24.

⁽²¹⁾ OJ EU L 129, 17.5.2007, p. 67.

⁽²²⁾ OJ EU L 41, 13.2.2007, p. 10.

⁽²³⁾ OJ EU L 187, 19.7.2005, p. 22.

⁽²⁴⁾ OJ EU L 329, 13.12.2011, p. 10.

⁽²⁵⁾ OJ EU L 166, 1.7.2010, p. 33.

⁽²⁶⁾ OJ EU L 119, 14.5.2009, p. 32.

⁽²⁷⁾ OJ EU L 151, 11.6.2008, p. 49.

⁽²⁸⁾ OJ EU L 312, 11.11.2006, p. 66.

⁽²⁹⁾ OJ EU L 72, 20.3.2010, p. 38.

⁽³⁰⁾ OJ EU L 329, 25.11.2006, p. 64.

⁽³¹⁾ OJ EU L 198, 30.7.2011, p. 71.

⁽³²⁾ OJ EU L 21, 25.1.2005, p. 15.

⁽³³⁾ OJ EU L 241, 13.7.2004, p. 66.

⁽³⁴⁾ OJ EU L 105, 25.4.2009, p. 9.

⁽³⁵⁾ OJ EU L 55, 23.2.2007, p. 33.

- (xxxiv) Commission Decision 2007/98/EC of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite services ⁽³⁶⁾;
- (xxxv) Commission Implementing Decision 2013/654/EU of 12 November 2013 amending Commission Decision 2008/294/EC to include additional access technologies and frequency bands for mobile communications services on aircraft (MCA services) ⁽³⁷⁾;
- (xxxvi) Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information ⁽³⁸⁾.
- (4) The Republic of Moldova continues the process of approximating its legislation to the Union *acquis*, in accordance with the timelines and priorities set out in Annex XXVIII-B. In order to ensure proper approximation of the legislation of the Republic of Moldova to the Union *acquis*, the acts listed under recital (3) should be added to the list set out in Annex XXVIII-B, and certain deadlines should be amended to take into account the progress already made to date by the Republic of Moldova in the process of that approximation, in accordance with Article 449 of the Agreement.
- (5) Article 436(3) of the Agreement provides that the EU-Republic of Moldova Association Council ('the Association Council') is to have the power to update or amend the Annexes to the Agreement.
- (6) Pursuant to Article 438(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
- (7) By Decision No 3/2014 ⁽³⁹⁾ the Association Council delegated the power to update or amend the Annexes to the Agreement which relate, *inter alia*, to Chapter 6 (Establishment, trade in services and electronic commerce) of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee meeting in Trade configuration, to the extent that there are no specific provisions in Chapter 6 relating to the update or the amendment of those Annexes. There are no specific provisions in Chapter 6 relating to the update or the amendment of the Annexes.
- (8) Annex XXVIII-B should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVIII-B (Rules applicable to telecommunication services) to the Agreement is replaced by the Annex to this Decision.

Article 2

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

Done at ...,

For the Association Committee
The Chair

⁽³⁶⁾ OJ EU L 43, 15.2.2007, p. 32.

⁽³⁷⁾ OJ EU L 303, 14.11.2013, p. 48.

⁽³⁸⁾ OJ EU L 175, 27.6.2013, p. 1.

⁽³⁹⁾ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (OJ EU L 110, 29.4.2015, p. 40).

ANNEX

ANNEX XXVIII-B

RULES APPLICABLE TO TELECOMMUNICATION SERVICES

The Republic of Moldova undertakes to gradually approximate its legislation to the following EU acts and international instruments within the stipulated timeframes.

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009

The following provisions of Directive 2002/21/EC shall apply:

- strengthening the independence and administrative capacity of the national regulator in the field of electronic communications;
- establishing public consultation procedures for new regulatory measures;
- establishing effective mechanisms for appeal against the decisions of the national regulator in the field of electronic communications; and
- defining the relevant product and service markets in the electronic communications sector that are susceptible to *ex ante* regulation and analysing those markets with a view to determining whether significant market power (SMP) exists on them.

Timetable: those provisions of Directive 2002/21/EC shall be implemented within one and a half years of the entry into force of this Agreement.

Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009

The following provisions of Directive 2002/20/EC shall apply:

- implementing a regulation providing for general authorisations and restricting the need for individual licences to specific, duly justified cases.

Timetable: those provisions of Directive 2002/20/EC shall be implemented within two years of the entry into force of this Agreement.

Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council

Based on the market analysis carried out in accordance with the Framework Directive, the national regulator in the field of electronic communications shall impose on operators found to have significant market power (SMP) on the relevant markets appropriate regulatory obligations with regard to:

- access to, and use of, specific network facilities;
- price controls on access and interconnection charges, including obligations for cost-orientation; and
- transparency, non-discrimination and accounting separation.

Timetable: those provisions of Directive 2002/19/EC shall be implemented within one and a half years of the entry into force of this Agreement.

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 and Regulation (EU) 2015/2120 of the European Parliament and of the Council

The following provisions of Directive 2002/22/EC shall apply:

- implementing regulation on Universal Service obligations (USO), including the establishment of mechanisms for costing and financing; and
- ensuring the respect of users' interests and rights, in particular by introducing number portability and the single European Emergency Call number 112.

Timetable: those provisions of Directive 2002/22/EC shall be implemented within three years of the entry into force of this Agreement.

Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union

Timetable: the provisions of Regulation (EU) 2015/2120 shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services

Timetable: the measures resulting from the operation of Directive 2002/77/EC shall be implemented within one and a half years of the entry into force of this Agreement.

Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended by Directive 2009/136/EC of the European Parliament and of the Council

The following provisions of Directive 2002/58/EC shall apply:

- implementing regulation to ensure protection of fundamental rights and freedoms, in particular the right to privacy, with respect to the processing of personal data in the electronic communication sector and ensuring the free movement of such data and of electronic communication equipment and services.

Timetable: those provision of Directive 2002/58/EC shall be implemented within three years of the entry into force of this Agreement.

Decision No 676/2002/EC of th European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)

The following provisions of Decision No 676/2002/EC shall apply:

- adopting a policy and regulation ensuring the harmonised availability and efficient use of the radio spectrum.

Timetable: the measures resulting from the operation of Decision No 676/2002/EC shall be implemented within two years of the entry into force of this Agreement.

Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union

Timetable: the provisions of Decision 2010/267/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2011/251/EU of 18 April 2011 amending Commission Decision 2009/766/EC on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community

Timetable: the provisions of Implementing Decision 2011/251/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community, as amended by Commission Implementing Decision 2011/251/EU

Timetable: the provisions of Decision 2009/766/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2012/688/EU of 5 November 2012 on the harmonisation of the frequency bands 1 920-1 980 MHz and 2 110-2 170 MHz for terrestrial systems capable of providing electronic communications services in the Union

Timetable: the provisions of Implementing Decision 2012/688/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/477/EC of 13 June 2008 on the harmonisation of the 2 500-2 690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community

Timetable: the provisions of Decision 2008/477/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2014/276/EU of 2 May 2014 amending Decision 2008/411/EC on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community

Timetable: the provisions of Implementing Decision 2014/276/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3 400 - 3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community, as amended by Commission Implementing Decision 2014/276/EU

Timetable: the provisions of Decision 2008/411/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/671/EC of 5 August 2008 on the harmonised use of radio spectrum in the 5 875 - 5 905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS)

Timetable: the provisions of Decision 2008/671/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community

Timetable: the provisions of Decision 2007/344/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/90/EC of 12 February 2007 amending Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs)

Timetable: the provisions of Decision 2007/90/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2005/513/EC of 11 July 2005 on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs), as amended by Commission Decision 2007/90/EC

Timetable: the provisions of Decision 2005/513/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2013/752/EU of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC

Timetable: the provisions of Implementing Decision 2013/752/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2011/829/EU of 8 December 2011 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Implementing Decision 2011/829/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2010/368/EU of 30 June 2010 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Decision 2010/368/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2009/381/EC of 13 May 2009 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Decision 2009/381/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/432/EC of 23 May 2008 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Decision 2008/432/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices, as amended by Commission Implementing Decision 2013/752/EU, Commission Implementing Decision 2011/829/EU, Commission Decision 2010/368/EU, Commission Decision 2009/381/EC and Commission Decision 2008/432/EC

Timetable: the provisions of Decision 2006/771/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2010/166/EC of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union

Timetable: the provisions of Decision 2010/166/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2014/641/EU of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union

Timetable: the provisions of Implementing Decision 2014/641/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2006/804/EC of 23 November 2006 on harmonisation of the radio spectrum for radio frequency identification (RFID) devices operating in the ultra-high frequency (UHF) band

Timetable: the provisions of Decision 2006/804/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2011/485/EU of 29 July 2011 amending Decision 2005/50/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community

Timetable: the provisions of Implementing Decision 2011/485/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community, as amended by Commission Implementing Decision 2011/485/EU

Timetable: the provisions of Decision 2005/50/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2004/545/EC of 8 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community

Timetable: the provisions of Decision 2004/545/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2014/702/EU of 7 October 2014 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community

Timetable: the provisions of Implementing Decision 2014/702/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2009/343/EC of 21 April 2009 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community

Timetable: the provisions of Decision 2009/343/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/131/EC of 21 February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community, as amended by Commission Implementing Decision 2014/702/EU and Commission Decision 2009/343/EC

Timetable: the provisions of Decision 2007/131/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/98/EC of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite services

Timetable: the provisions of Decision 2007/98/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2016/339 of 8 March 2016 on the harmonisation of the 2 010-2 025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events

Timetable: the provisions of Implementing Decision (EU) 2016/339 shall be implemented within five years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2015/750 of 8 May 2015 on the harmonisation of the 1 452-1 492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union

Timetable: the provisions of Implementing Decision (EU) 2015/750 shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2013/654/EU of 12 November 2013 amending Decision 2008/294/EC to include additional access technologies and frequency bands for mobile communications services on aircraft (MCA services)

Timetable: the provisions of Implementing Decision 2013/654/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/294/EC of 7 April 2008 on harmonised conditions of spectrum use for the operation of mobile communication services on aircraft (MCA services) in the Community, as amended by Commission Implementing Decision 2013/654/EU

Timetable: the measures resulting from the operation of Decision 2008/294/EC shall be implemented within two years of the entry into force of this Agreement.

Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC

Timetable: the provisions of Directive 2014/53/EU shall be implemented within four years of the entry into force of this Agreement.

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)

The following provisions of Directive 2000/31/EC shall apply:

- enhancing development of e-commerce;
- removing barriers to the cross-border provision of information society services;
- providing legal security to providers of information society services; and
- harmonising limitations to liability of service providers acting as intermediaries when providing mere conduit, caching or hosting, stipulating no general obligation to monitor.

Timetable: those provisions of Directive 2000/31/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, as amended by Directive 2013/37/EU of the European Parliament and of the Council

Timetable: the provisions of Directive 2003/98/EC shall be implemented within two years of the entry into force of this Agreement.

Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information

Timetable: the provisions of Directive 2013/37/EU shall be implemented within three years of the entry into force of this Agreement.

Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC

Timetable: the provisions of Regulation (EU) No 910/2014 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Regulation (EU) 2015/806 of 22 May 2015 laying down specifications relating to the form of the EU trust mark for qualified trust services

Timetable: the provisions of Implementing Regulation (EU) 2015/806 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2015/1505 of 8 September 2015 laying down technical specifications and formats relating to trusted lists pursuant to Article 22(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

Timetable: the provisions of Implementing Decision (EU) 2015/1505 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

Timetable: the provisions of Implementing Decision (EU) 2015/1506 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2016/650 of 25 April 2016 laying down standards for the security assessment of qualified signature and seal creation devices pursuant to Articles 30(3) and 39(2) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

Timetable: the provisions of Implementing Decision (EU) 2016/650 shall be implemented within three years of the entry into force of this Agreement.

DRAFT

**DECISION No .../... OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE
MEETING IN TRADE CONFIGURATION****of ... 2018****concerning the update of Annex XXVIII-D (Rules applicable to international maritime transport) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part**

THE ASSOCIATION COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 27 June 2014, and in particular Articles 85, 253, 436, 438 and 449 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part ('the Agreement') entered into force on 1 July 2016.
- (2) Articles 85 and 253 of the Agreement provide that the Republic of Moldova is to carry out approximation of its legislation to the EU acts and international instruments ('the Union *acquis*') referred to in Annex XXVIII-D (Rules applicable to international maritime transport) to the Agreement ('Annex XXVIII-D').
- (3) The Union *acquis* referred to in Annex XXVIII-D has evolved since the conclusion of negotiations of the Agreement in June 2013. In particular, the Union adopted the following acts that implement, amend, supplement or replace the acts referred to in Annex XXVIII-D:
 - (i) Commission Implementing Directive 2014/111/EU of 17 December 2014 amending Directive 2009/15/EC with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols ⁽¹⁾;
 - (ii) Commission Implementing Regulation (EU) No 1355/2014 of 17 December 2014 amending Regulation (EC) No 391/2009 with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols ⁽²⁾;
 - (iii) Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC ⁽³⁾;
 - (iv) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC ⁽⁴⁾;
 - (v) Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system ⁽⁵⁾;
 - (vi) Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships ⁽⁶⁾ and Corrigendum to Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships ⁽⁷⁾;

⁽¹⁾ OJ EUL 366, 20.12.2014, p. 83.

⁽²⁾ OJ EUL 365, 19.12.2014, p. 82.

⁽³⁾ OJ EUL 257, 28.8.2014, p. 146.

⁽⁴⁾ OJ EUL 123, 19.5.2015, p. 55.

⁽⁵⁾ OJ EUL 308, 29.10.2014, p. 82.

⁽⁶⁾ OJ EUL 141, 28.5.2016, p. 51.

⁽⁷⁾ OJ EUL 193, 19.7.2016, p. 117.

- (vii) Commission Directive (EU) 2015/2087 of 18 November 2015 amending Annex II to Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues ⁽⁸⁾;
- (viii) Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control ⁽⁹⁾;
- (ix) Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽¹⁰⁾;
- (x) Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships ⁽¹¹⁾;
- (xi) Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria ⁽¹²⁾;
- (xii) Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance, as amended by Commission Implementing Regulation (EU) No 1205/2012 ⁽¹³⁾;
- (xiii) Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system ⁽¹⁴⁾;
- (xiv) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council ⁽¹⁵⁾;
- (xv) Commission Directive 2011/15/EU of 23 February 2011 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system ⁽¹⁶⁾;
- (xvi) Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council ⁽¹⁷⁾;
- (xvii) Commission Regulation (EC) No 540/2008 of 16 June 2008 amending Annex II to Regulation (EC) No 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management (ISM) Code within the Community, as regards format of forms ⁽¹⁸⁾;
- (xviii) Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships ⁽¹⁹⁾;
- (xix) Commission Directive 2005/12/EC of 18 February 2005 amending Annexes I and II to Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships ⁽²⁰⁾;
- (xx) Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers ⁽²¹⁾;
- (xxi) Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers ⁽²²⁾;

⁽⁸⁾ OJEU L 302, 19.11.2015, p. 99.

⁽⁹⁾ OJEU L 218, 14.8.2013, p. 1.

⁽¹⁰⁾ OJEU L 330, 10.12.2013, p. 1.

⁽¹¹⁾ OJEU L 125, 21.5.2010, p. 2.

⁽¹²⁾ OJEU L 241, 14.9.2010, p. 1.

⁽¹³⁾ OJEU L 241, 14.9.2010, p. 4.

⁽¹⁴⁾ OJEU L 131, 28.5.2009, p. 101.

⁽¹⁵⁾ OJEU L 131, 28.5.2009, p. 114.

⁽¹⁶⁾ OJEU L 49, 24.2.2011, p. 33.

⁽¹⁷⁾ OJEU L 328, 10.12.2011, p. 36.

⁽¹⁸⁾ OJEU L 157, 17.6.2008, p. 15.

⁽¹⁹⁾ OJEU L 162, 29.6.2010, p. 1.

⁽²⁰⁾ OJEU L 48, 19.2.2005, p. 19.

⁽²¹⁾ OJEU L 172, 30.6.2012, p. 3.

⁽²²⁾ OJEU L 343, 14.12.2012, p. 78.

- (xxii) Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships ⁽²³⁾;
 - (xxiii) Commission Directive 2007/71/EC of 13 December 2007 amending Annex II of Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues ⁽²⁴⁾;
 - (xxiv) Commission Regulation (EC) No 536/2008 of 13 June 2008 giving effect to Article 6(3) and Article 7 of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships and amending that Regulation ⁽²⁵⁾;
 - (xxv) Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC ⁽²⁶⁾.
- (4) The Republic of Moldova continues the process of approximating its legislation to the Union *acquis*, in accordance with the timelines and priorities set out in Annex XXVIII-D. In order to ensure proper approximation of the legislation of the Republic of Moldova to the Union *acquis*, the acts listed under recital (3) should be added to the list set out in Annex XXVIII-D, and certain deadlines should be amended to take into account the progress already made to date by the Republic of Moldova in the process of approximation to the Union *acquis*, in accordance with Article 449 of the Agreement.
 - (5) Article 436(3) of the Agreement provides that the EU-Republic of Moldova Association Council ('the Association Council') shall have the power to update or amend the Annexes to the Agreement.
 - (6) Pursuant to Article 438(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
 - (7) By Decision No 3/2014 ⁽²⁷⁾ the Association Council delegated the power to update or amend the Annexes to the Agreement which relate, *inter alia*, to Chapter 6 (Establishment, trade in services and electronic commerce) of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee meeting in Trade configuration, to the extent that there are no specific provisions in Chapter 6 relating to the update or the amendment of those Annexes. There are no specific provisions in Chapter 6 relating to the update or the amendment of the Annexes.
 - (8) Annex XXVIII-D should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVIII-D (Rules applicable to international maritime transport) to the Agreement is replaced by the Annex to this Decision.

Article 2

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

Done at ...,

For the Association Committee
The Chair

⁽²³⁾ OJ EU L 324, 29.11.2002, p. 53.

⁽²⁴⁾ OJ EU L 329, 14.12.2007, p. 33

⁽²⁵⁾ OJ EU L 156, 14.6.2008, p. 10.

⁽²⁶⁾ OJ EU L 124, 20.5.2009, p. 30.

⁽²⁷⁾ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (OJ EU L 110, 29.4.2015, p. 40).

ANNEX

ANNEX XXVIII-D

RULES APPLICABLE TO INTERNATIONAL MARITIME TRANSPORT

The Republic of Moldova undertakes to gradually approximate its legislation to the following EU acts and international instruments within the stipulated timeframes.

Maritime safety — Flag state/classification societies

Commission Implementing Directive 2014/111/EU of 17 December 2014 amending Directive 2009/15/EC with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols

Timetable: the provisions of Implementing Directive 2014/111/EU shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, as amended by Commission Implementing Directive 2014/111/EU

Timetable: the provisions of Directive 2009/15/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Implementing Regulation (EU) No 1355/2014 of 17 December 2014 amending Regulation (EC) No 391/2009 with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols

Timetable: the provisions of Implementing Regulation (EU) No 1355/2014 shall be implemented within five years of the entry into force of this Agreement.

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations, as amended by Commission Implementing Regulation (EU) No 1355/2014

Timetable: the provisions of Regulation (EC) No 391/2009 shall be implemented within five years of the entry into force of this Agreement.

Flag State

Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements

Timetable: the provisions of Directive 2009/21/EC shall be implemented within five years of the entry into force of this Agreement.

Port State Control

Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control

Timetable: the provisions of Directive 2013/38/EU shall be implemented within five years of the entry into force of this Agreement.

Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC

Timetable: the provisions of Regulation (EU) 2015/757 shall be implemented within five years of the entry into force of this Agreement.

Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC

Timetable: the provisions of Regulation (EU) No 1257/2013 shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships

Timetable: the provisions of Regulation (EU) No 428/2010 shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria

Timetable: the provisions of Regulation (EU) No 801/2010 shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance amended by Commission Implementing Regulation (EU) No 1205/2012

Timetable: the provisions of Regulation (EU) No 802/2010 shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control, as amended by Directive 2013/38/EU of the European Parliament and of the Council, Regulation (EU) 2015/757 of the European Parliament and of the Council and Regulation (EU) No 1257/2013 of the European Parliament and of the Council and as implemented by Commission Regulation (EU) No 428/2010, Commission Regulation (EU) No 801/2010 and Commission Regulation (EU) No 802/2010

Timetable: the provisions of Directive 2009/16/EC shall be implemented within five years of the entry into force of this Agreement.

Vessel Traffic Monitoring

Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system

Timetable: the provisions of Directive 2009/17/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2011/15/EU of 23 February 2011 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system

Timetable: the provisions of Directive 2011/15/EU shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system

Timetable: the provisions of Directive 2014/100/EU shall be implemented within four years of the entry into force of this Agreement.

Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, as amended by Directive 2009/17/EC of the European Parliament and of the Council, Commission Directive 2011/15/EU and Commission Directive 2014/100/EU

Timetable: the provisions of Directive 2002/59/EC shall be implemented within four years of the entry into force of this Agreement.

Accident Investigation

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services, as amended by Directive 2009/18/EC of the European Parliament and of the Council

Timetable: the provisions of Directive 1999/35/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council

Timetable: the provisions of Regulation (EU) No 1286/2011 shall be implemented within four years of the entry into force of this Agreement.

Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council

Timetable: the provisions of Directive 2009/18/EC shall be implemented within four years of the entry into force of this Agreement.

Liability of carriers of passengers

Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents

Timetable: the provisions of Regulation (EC) No 392/2009 shall be implemented within three years of the entry into force of this Agreement.

Commission Regulation (EC) No 540/2008 of 16 June 2008 amending Annex II to Regulation (EC) No 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management (ISM) Code within the Community, as regards format of forms

Timetable: the provisions of Regulation (EC) No 540/2008 shall be implemented within five years of the entry into force of this Agreement.

Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95, as amended by Commission Regulation (EC) No 540/2008

Timetable: the provisions of Regulation (EC) No 336/2006 shall be implemented within two years of the entry into force of this Agreement.

Technical and operational rules

Marine equipment

Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC

Timetable: the provisions of Directive 2014/90/EU shall be implemented within five years of the entry into force of this Agreement.

Passenger ships

Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships

Timetable: the provisions of Directive 2010/36/EU shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships, as amended by Commission Directive 2010/36/EU and Commission Directive (EU) 2016/844

Timetable: the provisions of Directive 2009/45/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships

Timetable: the provisions of Directive (EU) 2016/844 shall be implemented within five years of the entry into force of this Agreement.

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services

Timetable: the provisions of Directive 1999/35/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2005/12/EC of 18 February 2005 amending Annexes I and II to Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships

Timetable: the provisions of Directive 2005/12/EC shall be implemented within five years of the entry into force of this Agreement.

Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships, as amended by Commission Directive 2005/12/EC

Timetable: the provisions of Directive 2003/25/EC shall be implemented within five years of the entry into force of this Agreement.

Oil tankers

Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

Timetable: the provisions of Regulation (EU) No 530/2012 shall be implemented within four years of the entry into force of this Agreement.

Bulk carriers

Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers

Timetable: the provisions of Directive 2001/96/EC shall be implemented within three years of the entry into force of this Agreement.

Crew

Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers

Timetable: the provisions of Directive 2012/35/EU shall be implemented within four years of the entry into force of this Agreement.

Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers, as amended by Directive 2012/35/EU of the European Parliament and of the Council

Timetable: the provisions Directive 2008/106/EC shall be implemented within four years of the entry into force of this Agreement.

Environment

Commission Directive 2007/71/EC of 13 December 2007 amending Annex II of Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues

Timetable: the provisions of Directive 2007/71/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Directive (EU) 2015/2087 of 18 November 2015 amending Annex II to Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues

Timetable: the provisions of Directive (EU) 2015/2087 shall be implemented within five years of the entry into force of this Agreement.

Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, as amended by Commission Directive 2007/71/EC and Commission Directive (EU) 2015/2087

Timetable: the provisions of Directive 2000/59/EC shall be implemented within five years of the entry into force of this Agreement.

Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships

Timetable: the provisions of Directive 2002/84/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EC) No 536/2008 of 13 June 2008 giving effect to Article 6(3) and Article 7 of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships and amending that Regulation

Timetable: the provisions of Regulation (EC) No 536/2008 shall be implemented within four years of the entry into force of this Agreement.

Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships, as amended by Commission Regulation (EC) No 536/2008

Timetable: the provisions of Regulation (EC) No 782/2003 shall be implemented within four years of the entry into force of this Agreement.

Technical conditions

Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC

Timetable: the provisions of Directive 2010/65/EU shall be implemented within three years of the entry into force of this Agreement.

Social conditions

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

Timetable: the provisions of Directive 92/29/EEC shall be implemented within three years of the entry into force of this Agreement.

Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) — Annex: European Agreement on the organisation of working time of seafarers and amended by Council Directive 2009/13/EC

Timetable: the provisions of Directive 1999/63/EC shall be implemented within four years of the entry into force of this Agreement.

Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC

Timetable: the provisions of Directive 2009/13/EC shall be implemented within four years of the entry into force of this Agreement.

Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports

Timetable: the provisions of Directive 1999/95/EC shall be implemented within three years of the entry into force of this Agreement.

Maritime security

Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

Timetable: the provisions of Directive 2005/65/EC, except those concerning Commission inspections, shall be implemented within two years of the entry into force of this Agreement.

Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Timetable: the provisions of Regulation (EC) No 725/2004, except those concerning Commission inspections, shall be implemented within two years of the entry into force of this Agreement.

COMMISSION DECISION (EU) 2019/434**of 27 February 2019****on the proposed citizens' initiative entitled 'Europe CARES — Inclusive Quality Education for Children with Disabilities'***(notified under document C(2019) 1545)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) The subject-matter of the proposed citizens' initiative entitled 'Europe CARES — Inclusive Quality Education for Children with Disabilities' refers to the following: 'The right to inclusive education of children and adults with disabilities within the European Union'.
- (2) The objectives of the proposed citizens' initiative refer to the following: 'Over 70 million EU citizens have a disability and 15 million children have special educational needs. Children and adults with disabilities are facing excessive barriers in exercising their right to quality inclusive education. Many are placed in segregated institutions and those in mainstream educational settings often receive inadequate support. We call on the EC to draft a bill on a common EU framework of inclusive education, which will ensure that no child is left behind when it comes to early intervention services, education and transition towards the labor market.'
- (3) The annex to the proposed citizens' initiative mentions specific areas to become part of a common EU framework of inclusive education, which can be categorised under the following headings: 'Early intervention, habilitation and rehabilitation'; 'Identification — Child Find — Referral — Upon Request'; 'Free Adequate Public Education'; 'No-rejection clause'; 'Parents' involvement'; 'Less restrictive environment'; 'Individualized Education Plan (IEP)'; 'Alternate evaluation mechanisms and abilities-based certification'; 'Transition to labor market'; 'Nondiscrimination'; 'Personal development and training of the teachers'.
- (4) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.
- (5) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.
- (6) The Treaties provide for the adoption, for the purpose of their implementation:
 - of legal acts aiming at combatting discrimination based on disability, on the basis of Article 19(1) of the Treaty on the Functioning of the European Union (TFEU);
 - regarding the aim of developing exchanges of information and experience on issues common to the education systems of the Member States, of recommendations of the Council or of other legal acts providing for incentive measures supporting, coordinating or supplementing the actions of the Member States yet excluding any harmonisation of their laws and regulations, on the basis of Article 165(2), fourth indent and (4) TFEU;
 - regarding the aim of improving initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market, of recommendations of the Council or of other legal acts excluding any harmonisation of the laws and regulations of the Member States, on the basis of Article 166(2), second indent and (4) TFEU.

⁽¹⁾ OJ L 65, 11.3.2011, p. 1.

- (7) For these reasons, the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) of the Regulation.
- (8) Furthermore, the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2) of the Regulation and the proposed citizens' initiative is neither manifestly abusive, frivolous or vexatious nor manifestly contrary to the values of the Union as set out in Article 2 TEU.
- (9) The proposed citizens' initiative entitled 'Europe CARES — Inclusive Quality Education for Children with Disabilities' should therefore be registered.

HAS ADOPTED THIS DECISION:

Article 1

The proposed citizens' initiative entitled 'Europe CARES — Inclusive Quality Education for Children with Disabilities' is hereby registered.

Article 2

This Decision shall enter into force on 4 March 2019.

Article 3

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative entitled 'Europe CARES — Inclusive Quality Education for Children with Disabilities', represented by Ms Maria Madalina TURZA and Ms Violeta GIURGI acting as contact persons.

Done at Brussels, 27 February 2019.

For the Commission
Frans TIMMERMANS
Vice-President

COMMISSION DECISION (EU) 2019/435
of 12 March 2019
on the proposed citizens' initiative entitled 'Housing for All'
(notified under document C(2019) 2004)
(Only the German text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) The subject matter of the proposed citizens' initiative entitled 'Housing for All' refers to the following: 'The purpose of this European Citizens' Initiative is to bring about better legal and financial framework conditions to facilitate access to housing for everyone in Europe'.
- (2) The objectives of the proposed citizens' initiative refer to the following: 'We urge the EU to take action to facilitate access to housing for everyone in Europe. This includes easier access for all to social and affordable housing, not applying the Maastricht criteria to public investment in social and affordable housing, better access to EU funding for non-profit and sustainable housing developers, social, competition-based rules for short-term rentals and the compilation of statistics on housing needs in Europe.'
- (3) The annex to the proposed citizens' initiative mentions specifically a number of objectives to be pursued by legal acts of the Union for the purpose of implementing the Treaties, namely:
 - 'Improved access to subsidised housing in the European Union',
 - 'No account to be taken of public investment in affordable housing in the Maastricht deficit criteria',
 - 'Easier access to financial resources from European funds for non-profit and public housing providers',
 - 'Adoption of a harmonised regulatory framework at European level for short-term rental of private housing alongside a sufficient supply of affordable housing',
 - 'Inclusion of standardised data on the housing situation in Europe in the European Statistical Programme'.
- (4) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.
- (5) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.
- (6) The Commission has the power to present proposals for legal acts of the Union for the purpose of implementing the Treaties on the following matters:
 - for the coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking up and pursuit of activities as self-employed persons, on the basis of Articles 53(1) and 62 TFEU;
 - for provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition, on the basis of Article 113 TFEU;

⁽¹⁾ OJ L 65, 11.3.2011, p. 1.

- for the approximation of the provisions laid down by law, regulation or administrative action in Member States, which have as their object the establishment and functioning of the internal market, on the basis of Article 114 TFEU;
 - for the approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the internal market, on the basis of Article 115 TFEU;
 - for further provisions aiming to avoid excessive government deficits as set out in the protocol on the excessive deficit procedure annexed to the Treaties, on the basis of Article 126(14) TFEU;
 - for the adoption of implementing regulations relating to the European Social Fund, on the basis of Article 164 TFEU;
 - in the field of specific actions outside the structural funds and in order to promote the overall harmonious development of the Union, developing and pursuing actions leading to the strengthening of its economic, social and territorial cohesion as foreseen in Article 174 TFEU, on the basis of Article 175(3) TFEU;
 - for provisions aiming to define the tasks, priority objectives and the organisation of the structural funds, which may involve grouping the funds, on the basis of Article 177 TFEU;
 - for adoption of implementing regulations relating to the European Regional Development Fund, on the basis of Article 178 TFEU;
 - for measures for the production of statistics, where necessary, for the performance of the activities of the Union, on the basis of Article 338 TFEU.
- (7) For these reasons, the proposed citizens' initiative, inasmuch as it aims at proposals from the Commission for legal acts of the Union for the purpose of implementing the Treaties pursuing the objectives referred to in indents 2 to 5 of recital 3 does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) of the Regulation (EU) No 211/2011.
- (8) Conversely, legal acts for the application of the provisions in the area of public undertakings and undertakings to which Member States grant special or exclusive rights, as well as undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly, on the basis of Article 106(3) TFEU, are adopted not on a proposal from the Commission, as required by Article 4(2)(b) of Regulation (EU) No 211/2011, but by the Commission.
- (9) Nevertheless, should the proposed citizens' initiative be submitted to it in accordance with Article 9 of Regulation (EU) No 211/2011, the Commission undertakes to assess also the need for adopting or amending legal acts on the basis of Article 106(3) TFEU in light of their relevance to the subject matter of this initiative.
- (10) Furthermore, the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2) of Regulation (EU) No 211/2011 and the proposed citizens' initiative is neither manifestly abusive, frivolous or vexatious nor manifestly contrary to the values of the Union, as set out in Article 2 TEU.
- (11) The proposed citizens' initiative entitled 'Housing for All' should therefore be registered. Statements of support for this proposed citizens' initiative should be collected, based on the understanding set out in recitals 6 to 9,

HAS ADOPTED THIS DECISION:

Article 1

1. The proposed citizens' initiative entitled 'Housing for All' is hereby registered.
2. Statements of support for this proposed citizens' initiative may be collected, based on the understanding set out in recitals 6 to 9 of this decision.

Article 2

This Decision shall enter into force on 18 March 2019.

Article 3

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative entitled 'Housing for All', represented by Ms Karin ZAUNER and Mr Santiago MAS DE XAXAS FAUS, acting as contact persons.

Done at Strasbourg, 12 March 2019.

For the Commission
Frans TIMMERMANS
Vice-President

COMMISSION IMPLEMENTING DECISION (EU) 2019/436**of 18 March 2019****on the harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽²⁾, and in particular Article 7(3) and Article 10 thereof.

Whereas:

- (1) In accordance with Article 7 of Directive 2006/42/EC machinery manufactured in conformity with a harmonised standard, the references to which have been published in the *Official Journal of the European Union*, is to be presumed to comply with the essential health and safety requirements covered by such a harmonised standard.
- (2) There are three types of harmonised standards conferring a presumption of conformity with Directive 2006/42/EC.
- (3) A-type standards specify basic concepts, terminology and design principles applicable to all categories of machinery. Application of such standards alone, although providing an essential framework for the correct application of the Directive 2006/42/EC, is not sufficient to ensure conformity with the relevant essential health and safety requirements of Directive 2006/42/EC and therefore does not give a full presumption of conformity.
- (4) B-type standards deal with specific aspects of machinery safety or specific types of safeguard that can be used across a wide range of categories of machinery. Application of the specifications of B-type standards confers a presumption of conformity with the essential health and safety requirements of Directive 2006/42/EC that they cover when a C-type standard or the manufacturer's risk assessment shows that a technical solution specified by the B-type standard is adequate for the particular category or model of machinery concerned. Application of B-type standards that give specifications for safety components that are independently placed on the market confers a presumption of conformity for the safety components concerned and for the essential health and safety requirements covered by the standards.
- (5) C-type standards provide specifications for a given category of machinery. The different types of machinery belonging to the category covered by a C-type standard have a similar intended use and present similar hazards. C-type standards may refer to A-type or B-type standards, indicating which of the specifications of the A-type or B-type standard are applicable to the category of machinery concerned. When, for a given aspect of machinery safety, a C-type standard deviates from the specifications of an A or B-type standard, the specifications of the C-type standard take precedence over the specifications of the A-type or B-type standard. Application of the specifications of a C-type standard on the basis of the manufacturers' risk assessment confers a presumption of conformity with the essential health and safety requirements of Directive 2006/42/EC covered by the standard. Certain C-type standards are organised as a series of several parts, Part 1 of the standard giving general specifications applicable to a family of machinery and other parts of the standard giving specifications for specific categories of machinery belonging to the family, supplementing or modifying the general specifications of Part 1. For C-type standards organised in this way, the presumption of conformity with the essential health and safety requirements of Directive 2006/42/EC is conferred by application of the general Part 1 of the standard together with the relevant specific part of the standard.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ OJ L 157, 9.6.2006, p. 24.

- (6) By letter M/396 of 19 December 2006, the Commission made a request to CEN and Cenelec for the drafting, the revision and the completion of the work on harmonised standards in support of Directive 2006/42/EC to take account of changes introduced by that Directive in comparison with Directive 98/37/EC of the European Parliament and of the Council ⁽³⁾.
- (7) On the basis of the request M/396 of 19 December 2006 CEN and Cenelec drafted new harmonised standards and revised and amended the existing harmonised standards. Harmonised standard EN 15895:2011+A1:2018 covers portable cartridge-operated fixing and other impact machinery introduced into the scope of Directive 2006/42/EC. Standards EN 50569:2013/A1:2018; EN 50570:2013/A1:2018; EN 50571:2013/A1:2018; EN 50636-2-107:2015/A1:2018; EN 60335-1:2012/A13:2017; EN 60335-2-58:2005; EN 60335-2-58:2005/A12:2016; EN 60335-2-58:2005/A2:2015 and their amendments take account of the redefined borderline between Directive 2006/42/EC and Directive 2014/35/EU of the European Parliament and of the Council ⁽⁴⁾ and the fact that some household and similar electrical appliances subject to the Directive 2014/35/EU become subject to the Directive 2006/42/EC. Standard EN 16719:2018 takes account of the fact that Directive 2006/42/EC amends Directive 95/16/EC of the European Parliament and of the Council ⁽⁵⁾ with the effect that lifting appliances with a speed no greater than 0,15 m/s are subject to the Directive 2006/42/EC. Standards EN ISO 14118:2018; EN 474-1:2006+A5:2018; EN 1853:2017; EN 1870-6:2017; EN ISO 4254-5:2018; EN ISO 4254-7:2017; EN ISO 4254-8:2018; EN ISO 5395-1:2013/A1:2018; EN ISO 5395-3:2013/A2:2018; EN 12013:2018; EN 12999:2011+A2:2018; EN 13001-3-1:2012+A2:2018; EN 13001-3-6:2018; EN 13135:2013+A1:2018; EN 13684:2018; EN ISO 13766-2:2018; EN 15194:2017; EN 15895:2011+A1:2018; EN ISO 16092-1:2018; EN ISO 16092-3:2018; EN 16952:2018; EN 16719:2018; EN 17059:2018; EN ISO 19085-4:2018; EN ISO 19085-6:2017; EN ISO 19085-8:2018; EN ISO 19225:2017; EN ISO 28927-2:2009/A1:2017; EN 50569:2013/A1:2018; EN 50570:2013/A1:2018; EN 50571:2013/A1:2018; EN 50636-2-107:2015/A1:2018; EN 60335-1:2012/A13:2017; EN 62841-2-1:2018; EN 62841-2-17:2017; EN 62841-3-1:2014/A11:2017; EN 60335-2-58:2005; EN 60335-2-58:2005/A2:2015; EN 60335-2-58:2005/A12:2016; EN 62841-2-1:2018; EN 62841-2-17:2017; EN 62841-3-1:2014/A11:2017; EN 62841-3-4:2016; EN 62841-3-4:2016/A11:2017; EN 62841-3-6:2014/A11:2017; EN 62841-3-9:2015/A11:2017; EN 62841-3-10:2015/A11:2017; EN 62841-3-14:2017 and their amendments ensure that the harmonised standards intended to support Directive 2006/42/EC fully satisfy the relevant essential health and safety requirements of that Directive.
- (8) The Commission together with CEN and Cenelec has assessed whether the standards drafted, revised and amended by CEN and Cenelec comply with the request M/396 of 19 December 2006.
- (9) The standards drafted, revised and amended by CEN and Cenelec on the basis of request M/396 of 19 December 2006 satisfy the requirements which they aim to cover and which are set out in Directive 2006/42/EC. It is therefore appropriate to publish the references of those standards in the *Official Journal of the European Union*.
- (10) Under Article 10 of Directive 2006/42/EC the Commission sought opinion of the committee set up by Regulation (EU) No 1025/2012 on whether a harmonised standard EN 474-1:2006+A4:2013 satisfies the essential health and safety requirements which it covers and which are set out in Annex I to Directive 2006/42/EC. In the light of the committee's opinion, the reference of standard EN 474-1:2006+A4:2013 was published in the *Official Journal of the European Union* with a restriction by Commission Implementing Decision (EU) 2015/27 ⁽⁶⁾. CEN improved the standard in the version EN 474-1:2006+A5:2018. However, the new version does not address one type of earthmoving machinery, i.e. hydraulic excavators. Standard EN 474-1:2006+A5:2018 therefore does not fully meet the essential health and safety requirements set out in points 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC. It should therefore be published in the *Official Journal of the European Union* with a restriction.

⁽³⁾ Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998, p. 1).

⁽⁴⁾ Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).

⁽⁵⁾ Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (OJ L 213, 7.9.1995, p. 1).

⁽⁶⁾ Commission Implementing Decision (EU) 2015/27 of 7 January 2015 on the publication with a restriction in the *Official Journal of the European Union* of the reference of standard EN 474-1:2006+A4:2013 on Earth-moving machinery under Directive 2006/42/EC of the European Parliament and of the Council (OJ L 4, 8.1.2015, p. 24).

- (11) Under Article 10 of Directive 2006/42/EC the Commission sought opinion of the committee set up by Regulation (EU) No 1025/2012 on whether a harmonised standard EN 13241-1:2003+A1:2011 satisfies the essential health and safety requirements which it covers and which are set out in Annex I to Directive 2006/42/EC. In the light of the committee's opinion, the reference of standard EN 13241-1:2003+A1:2011 was published in the *Official Journal of the European Union* with a restriction by Commission Implementing Decision (EU) 2015/1301 ⁽⁷⁾. CEN has improved the standard in the version EN 13241:2003+A2:2016. However, the new version does not address the issues that led to a publication with a restriction of the previous version of the standard. The current version of that standard, EN 13241:2003+A2:2016, therefore does not fully meet the essential health and safety requirements set out in points 1.3.7 and 1.4.3 of Annex I to Directive 2006/42/EC. It should therefore be published in the *Official Journal of the European Union* with a restriction.
- (12) As the result of the work by CEN and Cenelec on the basis of request M/396 of 19 December 2006 several harmonised standards published in the *Official Journal of the European Union* ⁽⁸⁾ have been replaced, revised or amended.
- (13) It is therefore necessary to withdraw the references of those standards from the *Official Journal of the European Union*. In order to give manufacturers sufficient time to prepare for application of the new standards, revised standards and amendments to standards, it is necessary to defer the withdrawal of the references of harmonised standards.
- (14) Harmonised standards EN 786:1996+A2:2009; EN 61496-1:2013; EN ISO 11200:2014 and EN ISO 12100:2010 should be withdrawn as they no longer satisfy the requirements which they aim to cover and which are set out in Directive 2006/42/EC.
- (15) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

The references of harmonised standards for machinery drafted in support of Directive 2006/42/EC listed in Annex I to this Decision are hereby published in the *Official Journal of the European Union*.

The references of harmonised standards drafted in support of Directive 2006/42/EC listed in Annex II to this Decision are hereby published in the *Official Journal of the European Union* with a restriction.

Article 2

The references of harmonised standards for machinery drafted in support of Directive 2006/42/EC listed in Annex III to this Decision are hereby withdrawn from the *Official Journal of the European Union* as from the dates set out in that Annex.

⁽⁷⁾ Commission Implementing Decision (EU) 2015/1301 of 20 July 2015 on the publication with a restriction in the *Official Journal of the European Union* of the reference of standard EN 13241-1:2003+A1:2011 on industrial, commercial and garage doors and gates under Directive 2006/42/EC of the European Parliament and of the Council (OJ L 199, 29.7.2015, p. 40).

⁽⁸⁾ OJ C 92, 9.3.2018, p. 1.

Article 3

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

Done at Brussels, 18 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

No	Reference of the standard	Type
1.	EN ISO 14118:2018 Safety of machinery — Prevention of unexpected start-up (ISO 14118:2017)	B
2.	EN 1853:2017 Agricultural machinery — Trailers – Safety	C
3.	EN 1870-6:2017 Safety of woodworking machines — Circular sawing machines — Part 6: Circular sawing machines for fire wood	C
4.	EN ISO 4254-5:2018 Agricultural machinery — Safety — Part 5: Power-driven soil-working machines (ISO 4254-5:2018)	C
5.	EN ISO 4254-7:2017 Agricultural machinery — Safety — Part 7: Combine harvesters, forage harvesters, cotton harvesters and sugar cane harvesters (ISO 4254-7:2017)	C
6.	EN ISO 4254-8:2018 Agricultural machinery — Safety — Part 8: Solid fertilizer distributors (ISO 4254-8:2018)	C
7.	EN ISO 5395-1:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 1: Terminology and common tests (ISO 5395-1:2013) EN ISO 5395-1:2013/A1:2018	C
8.	EN ISO 5395-3:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 3: Ride-on lawnmowers with seated operator (ISO 5395-3:2013) EN ISO 5395-3:2013/A1:2017 EN ISO 5395-3:2013/A2:2018	C
9.	EN 12013:2018 Plastics and rubber machines — Internal mixers — Safety requirements	C
10.	EN 12999:2011+A2:2018 Cranes — Loader cranes	C
11.	EN 13001-3-1:2012+A2:2018 Cranes — General Design — Part 3-1: Limit States and proof competence of steel structure	C
12.	EN 13001-3-6:2018 Cranes — General design — Part 3-6: Limit states and proof of competence of machinery — Hydraulic cylinders	C
13.	EN 13135:2013+A1:2018 Cranes — Safety — Design — Requirements for equipment	C
14.	EN 13684:2018 Garden equipment — Pedestrian controlled lawn aerators and scarifiers – Safety	C

No	Reference of the standard	Type
15.	EN ISO 13766-2:2018 Earth-moving and building construction machinery — Electromagnetic compatibility (EMC) of machines with internal electrical power supply — Part 2: Additional EMC requirements for functional safety (ISO 13766-2:2018)	C
16.	EN 15194:2017 Cycles — Electrically power assisted cycles — EPAC Bicycles	C
17.	EN 15895:2011+A1:2018 Cartridge operated hand-held tools — Safety requirements — Fixing and hard marking tools	C
18.	EN ISO 16092-1:2018 Machine tools safety — Presses — Part 1: General safety requirements (ISO 16092-1:2017)	C
19.	EN ISO 16092-3:2018 Machine tools safety — Presses — Part 3: Safety requirements for hydraulic presses (ISO 16092-3:2017)	C
20.	EN 16719:2018 Transport platforms	C
21.	EN 16952:2018 Agricultural machinery — Rough-terrain Work Platforms for Orchard's operations (WPO) – Safety	C
22.	EN 17059:2018 Plating and anodizing lines — Safety requirements	C
23.	EN ISO 19085-4:2018 Woodworking machines — Safety — Part 4: Vertical panel circular sawing machines (ISO 19085-4:2018)	C
24.	EN ISO 19085-6:2017 Woodworking machines — Safety — Part 6: Single spindle vertical moulding machines ('toupies') (ISO 19085-6:2017)	C
25.	EN ISO 19085-8:2018 Woodworking machines — Safety — Part 8: Belt sanding and calibrating machines for straight workpieces (ISO 19085-8:2017)	C
26.	EN ISO 19225:2017 Underground mining machines — Mobile extracting machines at the face — Safety requirements for shearer loaders and plough systems (ISO 19225:2017)	C
27.	EN ISO 28927-2:2009 Hand-held portable power tools — Test methods for evaluation of vibration emission — Part 2: Wrenches, nutrunners and screwdrivers (ISO 28927-2:2009) EN ISO 28927-2:2009/A1:2017	C
28.	EN ISO/IEC 80079-38:2016 Explosive atmospheres — Part 38: Equipment and components in explosive atmospheres in underground mines (ISO/IEC 80079-38:2016) EN ISO/IEC 80079-38:2016/A1:2018	C

No	Reference of the standard	Type
29.	EN 50569:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric spin extractors EN 50569:2013/A1:2018	C
30.	EN 50570:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric tumble dryers EN 50570:2013/A1:2018	C
31.	EN 50571:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric washing machines EN 50571:2013/A1:2018	C
32.	EN 50636-2-107:2015 Safety of household and similar appliances — Part 2-107: Particular requirements for robotic battery powered electrical lawnmowers (IEC 60335-2-107:2012 Modified) EN 50636-2-107:2015/A1:2018	C
33.	EN 60335-1:2012 Household and similar electrical appliances — Safety — Part 1: General requirements (IEC 60335-1:2010 Modified) EN 60335-1:2012/A11:2014 EN 60335-1:2012/A13:2017	C
34.	EN 60335-2-58:2005 Household and similar electrical appliances — Safety — Part 2-58: Particular requirements for commercial electric dishwashing machines (IEC 60335-2-58:2002 Modified) EN 60335-2-58:2005/A2:2015 EN 60335-2-58:2005/A12:2016	C
35.	EN 62841-2-1:2018 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 2-1: Particular requirements for hand-held drills and impact drills (IEC 62841-2-1:2017 Modified)	C
36.	EN 62841-2-17:2017 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 2-17: Particular requirements for hand-held routers (IEC 62841-2-17:2017 Modified)	C
37.	EN 62841-3-1:2014 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-1: Particular requirements for transportable table saws (IEC 62841-3-1:2014, modified) EN 62841-3-1:2014/A11:2017	C
38.	EN 62841-3-4:2016 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-4: Particular requirements for transportable bench grinders (IEC 62841-3-4:2016 Modified) EN 62841-3-4:2016/A11:2017	C

No	Reference of the standard	Type
39.	EN 62841-3-6:2014 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-6: Particular requirements for transportable diamond drills with liquid system (IEC 62841-3-6:2014, modified) EN 62841-3-6:2014/A11:2017	C
40.	EN 62841-3-9:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-9: Particular requirements for transportable mitre saws (IEC 62841-3-9:2014 Modified) EN 62841-3-9:2015/A11:2017	C
41.	EN 62841-3-10:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-10: Particular requirements for transportable cut-off machines (IEC 62841-3-10:2015 Modified) EN 62841-3-10:2015/A11:2017	C
42.	EN 62841-3-14:2017 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-14: Particular requirements for transportable drain cleaners (IEC 62841-3-14:2017 Modified)	C

ANNEX II

No	Reference of the standard	Type
1.	<p>EN 474-1:2006+A5:2018</p> <p>Earth-moving machinery — Safety — Part 1: General requirements</p> <p>Notice: This publication does not concern clause 5.8.1 Visibility — Operator's field of view of this standard, but only in relation with EN 474-5:2006+A3:2013 requirements for hydraulic excavators, the application of which does not confer a presumption of conformity to the essential health and safety requirements 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC.</p>	C
2.	<p>EN 13241:2003+A2:2016</p> <p>Industrial, commercial, garage doors and gates — Product standard, performance characteristics</p> <p>Notice: With regard to paragraphs 4.2.2, 4.2.6, 4.3.2, 4.3.3, 4.3.4, 4.3.6, this publication does not concern the reference to EN 12453:2000, the application of which does not confer a presumption of conformity to the essential health and safety requirements 1.3.7 and 1.4.3 of Annex I to Directive 2006/42/EC.</p>	C

ANNEX III

No	Reference of the standard	Date of withdrawal	Type
1.	EN 1037:1995+A1:2008 Safety of machinery — Prevention of unexpected start-up	19.3.2019	B
2.	EN 474-1:2006+A4:2013 Earth-moving machinery — Safety — Part 1: General requirements Notice: This publication does not concern clause 5.8.1 Visibility — Operator's field of view of this standard, the application of which does not confer a presumption of conformity to the essential health and safety requirements 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC.	19.3.2019	C
3.	EN 1853:1999+A1:2009 Agricultural machinery — Trailers with tipping body – Safety	19.3.2019	C
4.	EN 1870-6:2002+A1:2009 Safety of woodworking machines — Circular sawing machines — Part 6: Circular sawing machines for firewood and dual purpose circular sawing machines for firewood/circular saw benches, with manual loading and/or unloading	19.3.2019	C
5.	EN ISO 4254-5:2009 Agricultural machinery — Safety — Part 5: Power-driven soil-working machines (ISO 4254-5:2008)	19.3.2019	C
6.	EN ISO 4254-7:2009 Agricultural machinery — Safety — Part 7: Combine harvesters, forage harvesters and cotton harvesters (ISO 4254-7:2008)	19.3.2019	C
7.	EN 14017:2005+A2:2009 Agricultural and forestry machinery — Solid fertilizer distributors – Safety	19.3.2019	C
8.	EN ISO 5395-1:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 1: Terminology and common tests (ISO 5395-1:2013)	19.3.2019	C
9.	EN ISO 5395-3:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 3: Ride-on lawnmowers with seated operator (ISO 5395-3:2013) EN ISO 5395-3:2013/A1:2017	19.3.2019	C
10.	EN 12013:2000+A1:2008 Plastics and rubber machines — Internal mixers — Safety requirements	19.3.2019	C
11.	EN 12999:2011+A1:2012 Cranes — Loader cranes	19.3.2019	C
12.	EN 13001-3-1:2012+A1:2013 Cranes — General Design — Part 3-1: Limit States and proof competence of steel structure	19.3.2019	C

No	Reference of the standard	Date of withdrawal	Type
13.	EN 13135:2013 Cranes — Safety — Design — Requirements for equipment	19.3.2019	C
14.	EN 13684:2004+A3:2009 Garden equipment — Pedestrian controlled lawn aerators and scarifiers – Safety	19.3.2019	C
15.	EN 15895:2011 Cartridge operated hand-held tools — Safety requirements — Fixing and hard marking tools	19.3.2019	C
16.	EN 692:2005+A1:2009 Machine tools — Mechanical presses — Safety	19.3.2019	C
17.	EN 693:2001+A2:2011 Machine tools — Safety — Hydraulic presse	19.3.2019	C
18.	EN 13736:2003+A1:2009 Safety of machine tools — Pneumatic presses	19.3.2019	C
19.	EN 848-1:2007+A2:2012 Safety of woodworking machines — One side moulding machines with rotating tool — Part 1: Single spindle vertical moulding machines	19.3.2019	C
20.	EN 1710:2005+A1:2008 Equipment and components intended for use in potentially explosive atmospheres in underground mines	19.3.2019	C
21.	EN 50569:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric spin extractors	12.1.2021	C
22.	EN 50570:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric tumble dryers	12.1.2021	C
23.	EN 50571:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric washing machines	12.1.2021	C
24.	EN 50636-2-107:2015 Safety of household and similar appliances — Part 2-107: Particular requirements for robotic battery powered electrical lawnmowers (IEC 60335-2-107:2012 Modified)	12.1.2020	C
25.	EN 60335-1:2012 Household and similar electrical appliances — Safety — Part 1: General requirements (IEC 60335-1:2010 Modified) EN 60335-1:2012/A11:2014	3.5.2020	C
26.	EN 60745-2-1:2010 Hand-held motor-operated electric tools — Safety — Part 2-1: Particular requirements for drills and impact drills (IEC 60745-2-1:2003 Modified + A1:2008)	19.3.2019	C

No	Reference of the standard	Date of withdrawal	Type
27.	EN 60745-2-17:2010 Hand-held motor-operated electric tools — Safety — Part 2-17: Particular requirements for routers and trimmers (IEC 60745-2-17:2010 Modified)	19.3.2019	C
28.	EN 62841-3-1:2014 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-1: Particular requirements for transportable table saws (IEC 62841-3-1:2014, modified)	19.10.2019	C
29.	EN 61029-2-4:2011 Safety of transportable motor-operated electric tools — Part 2-4: Particular requirements for bench grinders (IEC 61029-2-4:1993 Modified + A1:2001 Modified)	19.3.2019	C
30.	EN 62841-3-6:2014 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-6: Particular requirements for transportable diamond drills with liquid system (IEC 62841-3-6:2014, modified)	19.10.2019	C
31.	EN 62841-3-9:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-9: Particular requirements for transportable mitre saws (IEC 62841-3-9:2014 Modified)	15.11.2019	C
32.	EN 62841-3-10:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-10: Particular requirements for transportable cut-off machines (IEC 62841-3-10:2015 Modified)	19.10.2019	C
33.	EN 13241:2003+A2:2016 Industrial, commercial, garage doors and gates — Product standard, performance characteristics	19.3.2019	C
34.	EN 786:1996+A2:2009 Garden equipment — Electrically powered walk- behind and hand-held lawn trimmers and lawn edge trimmers — Mechanical safety	19.3.2019	C
35.	EN 1870-14:2007+A2:2012 Safety of woodworking machines — Circular sawing machines — Part 14: Vertical panel sawing machines	19.3.2019	C
36.	EN 61496-1:2013 Safety of machinery — Electro-sensitive protective equipment — Part 1: General requirements and tests	19.3.2019	C
37.	EN ISO 11200:2014 Acoustics — Noise emitted by machinery and equipment — Guidelines for the use of basic standards for the determination of emission sound pressure levels at a work station and at other specified positions	19.3.2019	B

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2019 OF THE JOINT COUNCIL

**established under the economic partnership agreement between the European Union and its
Member States, of the one part, and the SADC EPA states, of the other part**

of 19 February 2019

**on the adoption of the rules of procedure of the Joint Council and of the Trade and Development
Committee [2019/437]**

THE JOINT COUNCIL,

Having regard to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), and in particular Articles 100, 101 and 102 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Joint Council are established as set out in Annex I to this Decision.

Article 2

The rules of procedure of the Trade and Development Committee are established as set out in Annex II to this Decision.

Article 3

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

Done at Cape Town, on 19 February 2019.

For the Joint Council

SADC EPA States representative
Bogolo Joy KENEWENDO

EU representative
Cecilia MALMSTRÖM

ANNEX I

RULES OF PROCEDURE OF THE JOINT COUNCIL

CHAPTER I

Organisation*Article 1***Composition and Chair**

1. The Joint Council established under Article 100 of the Economic Partnership Agreement between the European Union ('EU') and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), shall perform its duties as provided for in Articles 100 and 101 of the Agreement.
2. Reference to 'the Parties' in these rules of procedure shall be made in accordance with the definition provided for in Article 104 of the Agreement, namely Botswana, Lesotho, Namibia, South Africa, Eswatini and Mozambique ('the SADC EPA States'), of the one part and the EU Party (meaning the European Union or its Member States or the European Union and its Member States, having regard to their respective areas of competence), of the other part.
3. In accordance with Article 101(1) of the Agreement, the Joint Council shall be composed, on the one hand, of the relevant members of the Council of the European Union and relevant members of the European Commission or their representatives, and, on the other hand, of the relevant Ministers of the SADC EPA States or their representatives.
4. The Joint Council shall be chaired, at ministerial level, alternately for periods of twelve (12) months by representatives of the EU Party, having regard to the respective areas of competence of the Union and its Member States, and by a representative of the SADC EPA States.
5. Notwithstanding paragraph 4, the Joint Council ordinary meetings shall be chaired alternately by representatives of the EU Party, having regard to the respective areas of competence of the Union and its Member States, and by a representative of the SADC EPA States. The first Joint Council meeting shall be co-chaired by the Parties.
6. Notwithstanding the period referred to in paragraph 4, the first period shall begin on the day following the first Joint Council meeting and end on 31 December of the same year. The chairmanship of that first period shall be held by a representative of the SADC EPA States.

*Article 2***Meetings**

1. In accordance with Article 102(4) of the Agreement, the Joint Council shall meet at regular intervals, not exceeding a period of two (2) years, and extraordinarily whenever circumstances so require, if the Parties so agree.
2. The Joint Council meetings shall be held alternately in Brussels or in the territory of one of the SADC EPA States, unless the Parties agree otherwise.
3. Unless the Parties agree otherwise, the Joint Council meetings shall be convened by the Party holding the chair, after consulting the other Party.
4. The Parties may agree to hold the meetings of the Joint Council via electronic means.

*Article 3***Observers**

The Joint Council may decide to invite observers to attend its meetings on an *ad hoc* basis and determine which agenda items will be open to those observers.

*Article 4***Secretariat**

1. The General Secretariat of the Council of the European Union and the European Commission on the one hand, and the SADC EPA Unit within the SADC Secretariat on the other hand, shall act alternately for periods of twelve (12) months as the Secretariat of the Joint Council ('the Secretariat'). Those periods shall coincide with the chairmanship arrangements established under Article 1(4) and (6).
2. On the part of the EU Party, provisional agendas and draft minutes shall be drawn up by the European Commission and all official documents intended for, or emanating from, the Joint Council shall be circulated by the General Secretariat of the Council of the European Union.
3. On the part of the SADC EPA States, provisional agendas and draft minutes shall be drawn up by the SADC EPA Unit and all official documents intended for, or emanating from, the Joint Council shall be circulated by the SADC EPA Unit.

CHAPTER II

Functioning*Article 5***Documents**

Where the deliberations of the Joint Council are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat as documents of the Joint Council.

*Article 6***Notification and agenda for the meetings**

1. The Secretariat shall notify the Parties of the convening of a Joint Council meeting and request inputs for the agenda no later than thirty (30) days before the meeting. In case of an urgent matter or unforeseen circumstances to be considered, the meeting may be convened at short notice.
2. A provisional agenda shall be drawn up by the Secretariat for each meeting. It shall be forwarded by the Secretariat to the Chair and to the members of the Joint Council no later than fourteen (14) days before the meeting.
3. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion by a Party.
4. The agenda shall be adopted by the Joint Council at the beginning of each meeting. Items other than those on the provisional agenda may be placed on the agenda if the Parties so agree.
5. The Chairperson of the Joint Council may, upon agreement by all Parties, invite experts to attend its meetings in order to provide information on specific subjects.

*Article 7***Minutes**

1. Draft minutes of each meeting shall be drawn up by the Secretariat within twenty-one (21) days following the meeting, unless otherwise decided by mutual consent of the Parties.
2. The minutes shall, as a rule, indicate in respect of each item on the agenda:
 - (a) the documents submitted to the Joint Council;
 - (b) any statement which a member of the Joint Council requested to be entered in the minutes; and
 - (c) issues agreed upon by the Parties, such as decisions, recommendations or joint Communiqué.
3. The draft minutes of each meeting shall be approved in writing by both Parties within forty-two (42) days following the meeting, unless otherwise agreed by the Parties. Once approved, two copies of the minutes shall be signed by the representatives of the Parties in accordance with their respective internal requirements and each of the Parties shall receive an original copy of these authentic documents.

*Article 8***Decisions and recommendations**

1. In accordance with Article 102 of the Agreement, the Joint Council shall adopt decisions or recommendations by consensus in the cases provided for in the Agreement.
2. Where the Joint Council is empowered under the Agreement to adopt decisions or recommendations, such acts shall be entitled 'Decision' or 'Recommendation' respectively in the minutes. The Secretariat shall give any adopted decision or recommendation a serial number, the date of adoption and a description of its subject-matter. Each decision or recommendation shall provide for the date of its entry into force.
3. In the event that a SADC EPA State is unable to attend a Joint Council meeting, the decisions or recommendations agreed to during that meeting shall be communicated to that member by the Secretariat. The SADC EPA State concerned shall provide a written response within ten (10) calendar days from dispatch of the decisions or recommendations, indicating those decisions or recommendations it disagrees with, including the reasons thereof. In the absence of that written response within the given deadline, the decisions or recommendations shall be deemed adopted. In the event that the SADC EPA State that did not attend the meeting disagrees with one or several decisions or recommendations, the Parties shall endeavour to resolve the outstanding issues by written procedure or by electronic means as provided for in paragraph 4.
4. In the period between meetings, the Joint Council may adopt decisions or recommendations by written procedure or by electronic means if both Parties so agree. A written procedure shall consist of an exchange of notes between representatives of the Parties.
5. Decisions and recommendations adopted by the Joint Council shall be authenticated by two original copies signed by a representative of the European Commission on behalf of the EU Party and by a representative of the SADC EPA States.

*Article 9***Public Access**

1. The Joint Council meetings shall not be public, unless otherwise decided by the Parties.
2. The Parties may decide to publish the decisions and recommendations of the Joint Council.

*Article 10***Working languages**

Unless otherwise decided by the Parties, all the correspondence and communication between the Parties relating to the work of the Joint Council, as well as the deliberations during the Joint Council meetings, shall be carried out in English and Portuguese.

CHAPTER III

Final provisions*Article 11***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the Joint Council meetings, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenses in connection with the organisation of a meeting, the provision of interpretation services and the reproduction of documents shall be borne by the Party hosting the meeting.

*Article 12***Trade and Development Committee**

In accordance with Article 103(5) of the Agreement, the Trade and Development Committee shall report and be responsible to the Joint Council.

*Article 13***Amendment of the rules of procedure**

These rules of procedure may be amended in writing by a decision of the Joint Council and adopted in accordance with Article 8 of these rules of procedures.

ANNEX II

RULES OF PROCEDURE OF THE TRADE AND DEVELOPMENT COMMITTEE

CHAPTER I

Organisation*Article 1***Composition and Chair**

1. The Trade and Development Committee established under Article 103 of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), shall perform its duties in accordance with that Article.
2. Reference to 'the Parties' in these rules of procedure shall be made in accordance with the definition provided for in Article 104 of the Agreement, namely Botswana, Lesotho, Namibia, South Africa, Eswatini and Mozambique ('the SADC EPA States'), of the one part and the EU Party (meaning the European Union or its Member States or the European Union and its Member States, having regard to their respective areas of competence), of the other part.
3. In accordance with Article 103(1) of the Agreement, the Trade and Development Committee shall be composed of representatives of the Parties, normally at the level of senior officials.
4. The meetings of the Trade and Development Committee shall be chaired alternately for periods of twelve (12) months by a senior official of the European Commission and by a senior official of the SADC EPA States. The first meeting of the Trade and Development Committee shall be co-chaired by the relevant representatives of the Parties.
5. Notwithstanding the period referred to in paragraph 4, the first period shall begin on the day following the first meeting of the Trade and Development Committee and end on 31 December of the same year. The chairmanship of that first period shall be held by a representative of the SADC EPA States.

*Article 2***Meetings**

1. The Trade and Development Committee shall meet at regular intervals, at least once a year, and at the request of either Party. The meetings shall be held alternately in Brussels or in the territory of one of the SADC EPA States, unless the Parties agree otherwise.
2. Unless the Parties agree otherwise, meetings of the Trade and Development Committee shall be convened by the Party holding the chair, after consulting the other Party.
3. The Parties may agree to hold the meetings of the Trade and Development Committee via electronic means.

*Article 3***Observers**

The Trade and Development Committee may decide to invite observers to attend its meetings on an *ad hoc* basis and determine which agenda items will be open to those observers.

*Article 4***Secretariat**

1. The Party chairing the meeting of the Trade and Development Committee shall act as the Secretariat of the Trade and Development Committee ('the Secretariat').
2. When the meeting takes place via electronic means, the Party holding the chair shall act as the Secretariat.

CHAPTER II

Functioning*Article 5***Documents**

Where the deliberations of the Trade and Development Committee are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat as documents of the Trade and Development Committee.

*Article 6***Notification and agenda for the meetings**

1. The Secretariat shall notify the Parties of the convening of a meeting and request inputs for the agenda no later than thirty (30) days before the meeting. In case of an urgent matter or unforeseen circumstances to be considered, the meeting may be convened at short notice.
2. A provisional agenda shall be drawn up by the Secretariat for each meeting. It shall be forwarded by the Secretariat to the Chair and to the members of the Trade and Development Committee no later than fourteen (14) days before the meeting.
3. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion by a Party.
4. The agenda shall be adopted by the Trade and Development Committee at the beginning of each meeting. Items other than those on the provisional agenda may be placed on the agenda if the Parties so agree.
5. The Chairperson of the Trade and Development Committee may, upon agreement by all Parties, invite experts to attend its meetings in order to provide information on specific subjects.

*Article 7***Report of meeting**

Unless the Parties agree otherwise, the report of each meeting shall be drawn up by the Secretariat and adopted at the end of each meeting.

*Article 8***Decisions and recommendations**

1. In accordance with Article 103(6) of the Agreement, the Trade and Development Committee shall adopt decisions or recommendations by consensus in the cases provided for in the Agreement or where such power has been delegated to it by the Joint Council.
2. Where the Trade and Development Committee is empowered under the Agreement to adopt decisions or recommendations, or where such power has been delegated to it by the Joint Council, such acts shall be entitled 'Decision' or 'Recommendation' respectively in the report of the meetings referred to in Article 7. The Secretariat shall give any adopted decision or recommendation a serial number, the date of adoption and a description of its subject-matter. Each decision or recommendation shall provide for the date of its entry into force.
3. In the event that a SADC EPA State is unable to attend a meeting, the decisions or recommendations agreed during that meeting shall be communicated to that member by the Secretariat. The SADC EPA State concerned shall provide a written response within ten (10) calendar days from dispatch of the decisions or recommendations, indicating those decisions or recommendations it disagrees with, including the reasons thereof. In the absence of that written response within the given deadline, the decisions or recommendations shall be deemed adopted. In the event that the SADC EPA State that did not attend the meeting disagrees with one or several decisions or recommendations, the Parties shall endeavour to resolve the outstanding issues by written procedure or by electronic means as provided for in paragraph 4.
4. In the period between meetings, the Trade and Development Committee may adopt decisions or recommendations by written procedure or by electronic means if both Parties so agree. A written procedure shall consist of an exchange of notes between representatives of the Parties.

5. Decisions and recommendations adopted by the Trade and Development Committee shall be authenticated by two original copies signed by a representative of the EU and by a representative of the SADC EPA States.

Article 9

Public Access

1. The meetings of the Trade and Development Committee shall not be public, unless otherwise decided by the Parties.
2. The Parties may decide to publish the decisions and recommendations of the Trade and Development Committee.

CHAPTER III

Final provisions

Article 10

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Trade and Development Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenses in connection with the organisation of a meeting, the provision of interpretation services and the reproduction of documents shall be borne by the Party hosting the meeting.

Article 11

Special Committees and other bodies

1. The Special Committee on Customs and Trade Facilitation, established under Article 50 of the Agreement, the Agricultural Partnership, established under Article 68 of the Agreement, and the Special Committee on Geographical Indications and Trade in Wines and Spirits, established under Article 13 of Protocol 3 of the Agreement, shall report to the Trade and Development Committee.
2. In accordance with Article 50(2)(f) of the Agreement and Article 13(5) of Protocol 3 of the Agreement respectively, the Special Committee on Customs and Trade Facilitation and the Special Committee on Geographical Indications and Trade in Wines and Spirits shall determine their own rules of procedure.
3. In accordance with Article 68(3) of the Agreement, the operational rules for the Agricultural Partnership shall be established by common agreement of the Parties acting within the Trade and Development Committee.
4. Pursuant to Article 103(3) of the Agreement, the Trade and Development Committee may establish any special technical groups to deal with specific matters that fall within their competence.
5. The Trade and Development Committee shall establish the rules of procedure of the special technical groups referred to in paragraph 4. The Trade and Development Committee may decide to abolish special technical groups and define or amend their terms of reference.
6. Special technical groups shall report to the Trade and Development Committee after each meeting.

Article 12

Amendment of the rules of procedure

These rules of procedure may be amended in writing by a decision of the Trade and Development Committee and adopted in accordance with Article 8 of these rules of procedure.

DECISION No 2/2019 OF THE JOINT COUNCIL
established under the Economic Partnership Agreement between the European Union and its
Member States, of the one part, and the SADC EPA States, of the other part,
of 19 February 2019
on the adoption of the Rules of Procedure for dispute avoidance and settlement and the Code of
Conduct for arbitrators and mediators [2019/438]

THE JOINT COUNCIL,

Having regard to the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ('the Agreement'), and in particular Article 89(1) and Articles 100, 101 and 102 thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure for dispute avoidance and settlement, as set out in Annex I to this Decision, are hereby adopted.

Article 2

The Code of Conduct for arbitrators and mediators, as set out in Annex II to this Decision, is hereby adopted.

Article 3

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

Done at Cape Town, 19 February 2019.

For the Joint Council

SADC EPA States representative
Bogolo Joy KENEWENDO

EU representative
Cecilia MALMSTRÖM

ANNEX I

RULES OF PROCEDURE FOR DISPUTE AVOIDANCE AND SETTLEMENT*Article 1***Definitions**

In these Rules of Procedure and in accordance with Part III (Dispute avoidance and settlement) of the Agreement:

- (a) 'administrative staff', in respect of an arbitrator, means individuals under the direction and control of an arbitrator, other than assistants;
- (b) 'adviser' means an individual retained by a Party to advise or assist that Party in connection with the arbitration proceedings;
- (c) 'the Agreement' means the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, signed on 10 June 2016;
- (d) 'arbitrator' means a member of the arbitration panel;
- (e) 'arbitration panel' means a panel established under Article 80 of the Agreement;
- (f) 'assistant' means an individual who, under the terms of appointment and under the direction and control of an arbitrator, conducts research or provides assistance to that arbitrator;
- (g) 'complaining Party' means any Party that requests the establishment of an arbitration panel under Article 80 of the Agreement;
- (h) 'day' means a calendar day;
- (i) 'Party' means a Party to the dispute;
- (j) 'Party complained against' means the Party that is alleged to be in violation of the provisions covered under Article 76 of the Agreement; and
- (k) 'representative of a Party' means an employee or any individual appointed by a government department, agency or any other public entity of a Party who represents the Party for the purposes of a dispute under the Agreement.

*Article 2***Notifications**

1. Any request, notice, written submission or other document of the arbitration panel shall be sent to both Parties at the same time.
2. Any request, notice, written submission or other document of a Party which is addressed to the arbitration panel shall be copied to the other Party at the same time.
3. Any request, notice, written submission or other document of a Party which is addressed to the other Party shall be copied to the arbitration panel at the same time, where appropriate.
4. Any notification referred to in paragraphs 1, 2 and 3 shall be made by email or, where appropriate, any other means of telecommunication that provide a record of the sending thereof. Unless proven otherwise, such notification shall be deemed to be delivered on the date of its sending.
5. All notifications shall be addressed to the Directorate-General for Trade of the European Commission of the European Union and to the SADC EPA States coordinator, provided for in Article 105 of the Agreement.
6. Minor errors of a clerical nature in a request, notice, written submission or other document related to the arbitration panel proceedings may be corrected by delivery of a new document clearly indicating the changes.
7. If the last day for delivery of a document falls on a public holiday of the European Commission or of the SADC EPA State or States concerned, the document shall be deemed delivered on the next business day.
8. Depending on the nature of the dispute, all requests and notifications addressed to the Trade and Development Committee shall also be copied to the other relevant subcommittees established under the Agreement.

*Article 3***Appointment of arbitrators**

1. If, pursuant to Article 80 of the Agreement, an arbitrator is selected by lot, the Chairperson of the Trade and Development Committee shall promptly inform the Parties of the date, time and venue of the lot.
2. The Parties may be present during the lot, and the lot shall be carried out with the Party or Parties that are present.
3. The Chairperson of the Trade and Development Committee shall notify, in writing, each individual who has been selected to serve as an arbitrator of his or her appointment. Each individual shall confirm his or her availability to both Parties within five (5) days of the date on which he or she was informed of his or her appointment.
4. If the list referred to in Article 94 of the Agreement has not been established or does not contain sufficient names at the time a request is made pursuant to Article 80(3) of the Agreement, the arbitrators shall be drawn by lot from the individuals who have been formally proposed by one or both of the Parties.

*Article 4***Organisational meeting**

1. Unless the Parties agree otherwise, they shall meet the arbitration panel within ten (10) days of its establishment in order to determine such matters as the Parties or the arbitration panel deem appropriate, including:
 - (a) the remuneration and expenses to be paid to the arbitrators, in accordance with World Trade Organization (WTO) standards;
 - (b) the remuneration to be paid to assistant(s), the total amount of which shall not exceed 50 % of the remuneration paid to the arbitrator(s); or
 - (c) the timetable of the proceedings.
2. Arbitrators and representatives of the Parties may take part in the meeting referred to in paragraph 1 via telephone or video conference.

*Article 5***Terms of reference**

1. Unless the Parties agree otherwise, within seven (7) days of the date of establishment of the arbitration panel, the terms of reference of the arbitration panel shall be:
 - (a) to examine, in the light of the relevant provisions of the Agreement cited by the Parties, the matter referred to in the request for the establishment of the arbitration panel;
 - (b) to make findings on the conformity of the measure at issue with the provisions covered under Article 76 of the Agreement; and
 - (c) to deliver a report in accordance with Articles 81 and 82 of the Agreement.
2. If the Parties agree on other terms of reference, they shall notify the agreed terms of reference to the arbitration panel within the time period set out in paragraph 1.

*Article 6***Written submissions**

The complaining Party shall deliver its written submission no later than twenty (20) days after the date of establishment of the arbitration panel. The Party complained against shall deliver its written submission no later than twenty (20) days after the date of delivery of the written submission of the complaining Party.

*Article 7***Operation of the arbitration panel**

1. The Chairperson of the arbitration panel shall preside at all its meetings. The arbitration panel may delegate to the Chairperson the authority to make administrative and procedural decisions.

2. Unless otherwise provided in Part III of the Agreement or in these Rules of Procedure, the arbitration panel may conduct its activities by any means, including telephone, facsimile transmissions or computer links.
3. Only arbitrators may take part in the deliberations of the arbitration panel, but the arbitration panel may permit arbitrators' assistants to be present at its deliberations.
4. The drafting of any decision or report shall remain the exclusive responsibility of the arbitration panel and shall not be delegated.
5. Where a procedural question arises that is not covered by Part III of the Agreement and the Annexes thereto, the arbitration panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with those provisions.
6. When the arbitration panel considers that there is a need to change any of the time periods for the proceedings other than the time periods set out in Part III of the Agreement or to make any other procedural or administrative adjustment, it shall inform the Parties, in writing and after consulting them, of the reasons for the change or adjustment and of the new time period or adjustment needed.

Article 8

Replacement

1. If an arbitrator is unable to participate in the proceedings, withdraws or needs to be replaced, a replacement shall be selected in accordance with Article 80(3) of the Agreement.
2. When a Party considers that an arbitrator does not comply with the requirements of Annex II (Code of Conduct for arbitrators and mediators) and for this reason should be replaced, that Party shall notify the other Party within fifteen (15) days of the date on which it obtained sufficient evidence of the arbitrator's alleged failure to comply with the requirements of that annex.
3. The Parties shall consult one another within fifteen (15) days of the notification to the other Party.
4. The Parties shall inform the arbitrator of his or her alleged non-compliance and may request the arbitrator to take steps to remedy the alleged non-compliance. They may also, if they so agree, remove the arbitrator and select a new arbitrator in accordance with Article 80 of the Agreement.
5. If the Parties fail to agree on the need to replace the arbitrator, other than the Chairperson of the arbitration panel, either Party may request that this matter be referred to the Chairperson of the arbitration panel, whose decision shall be final.
6. If the Chairperson of the arbitration panel finds that the arbitrator does not comply with the requirements of Annex II (Code of Conduct for arbitrators and mediators), the new arbitrator shall be selected in accordance with Article 80 of the Agreement.
7. If the Parties fail to agree on the need to replace the Chairperson, either Party may request that this matter be referred to one of the remaining members of the list of individuals established under Article 94 of the Agreement selected to act as Chairperson of the arbitration panel. His or her name shall be drawn by lot by the Chairperson of the Trade and Development Committee. The individual so selected shall make a decision as to whether the Chairperson complies with the requirements of Annex II (Code of Conduct for arbitrators and mediators). That decision shall be final. If the decision is that the Chairperson does not comply with the requirements of Annex II (Code of Conduct for arbitrators and mediators), the new Chairperson shall be selected in accordance with Article 80 of the Agreement.

Article 9

Hearings

1. Based upon the timetable determined pursuant to Article 4(1)(c), after consulting with the Parties and the other arbitrators, the Chairperson of the arbitration panel shall notify the Parties of the date, time and venue of the hearing. This information shall be made publicly available by the Party in whose territory the hearing takes place, unless the hearing is closed to the public.
2. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is a SADC EPA State or the Southern African Customs Union (SACU), as the case may be, and in the territories of the SADC EPA States if the complaining Party is the European Union. If the dispute concerns a measure maintained by a SADC EPA State, the hearing shall take place in the territory of that State, unless that State gives written notice to the arbitration panel within ten (10) days of its establishment that another venue should be used.

3. The Party complained against shall bear the expenses derived from the logistical administration of the hearing, including the costs relating to renting the venue for the hearing. Such costs shall not include any costs for translation or interpretation, or any costs associated with or payable to the advisers, the arbitrators or the arbitrators' administrative staff or assistant(s).
4. The arbitration panel may convene additional hearings if the Parties so agree.
5. All arbitrators shall be present during the entirety of the hearing.
6. Unless the Parties agree otherwise, the following persons may attend the hearing, irrespective of whether the hearing is open to the public or not:
 - (a) representatives of a Party;
 - (b) advisers;
 - (c) assistants and administrative staff;
 - (d) interpreters, translators and court reporters of the arbitration panel; and
 - (e) experts, as decided by the arbitration panel pursuant to Article 90 of the Agreement.
7. No later than seven (7) days before the date of a hearing, each Party shall deliver to the arbitration panel and to the other Party a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives and advisers who will be attending the hearing.
8. Pursuant to Article 89(2) of the Agreement, the hearings of the arbitration panel shall be open to the public, unless the arbitration panel decides otherwise on its own motion or at the request of the Parties.
9. The arbitration panel shall, in consultation with the Parties, decide on appropriate logistical arrangements and procedures to ensure that hearings which are open are managed in an effective way. These procedures could include the use of live web-broadcasting or of closed-circuit television.
10. The arbitration panel shall conduct the hearing in the following manner, ensuring that the complaining Party and the Party complained against are afforded equal time in both argument and rebuttal argument:

Argument

 - (a) argument of the complaining Party;
 - (b) argument of the Party complained against.

Rebuttal argument

 - (a) reply of the complaining Party;
 - (b) counter-reply of the Party complained against.
11. The arbitration panel may direct questions to either Party at any time during the hearing.
12. The arbitration panel shall arrange for a transcript of the hearing to be prepared and delivered to the Parties within a reasonable time after the hearing. The Parties may comment on the transcript, and the arbitration panel may consider those comments.
13. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within ten (10) days of the date of the hearing.

Article 10

Questions in writing

1. The arbitration panel may at any time during the proceedings submit questions in writing to one or both Parties. Any questions submitted to one Party shall be copied to the other Party.
2. Each Party shall provide the other Party with a copy of its responses to the questions submitted by the arbitration panel. The other Party shall have an opportunity to provide comments in writing on the Party's responses within seven (7) days of the delivery of that copy.

*Article 11***Confidentiality**

1. Each Party and the arbitration panel shall treat as confidential any information submitted by the other Party to the arbitration panel that the other Party has designated as such. When a Party submits to the arbitration panel a written submission which contains confidential information, it shall also provide, within fifteen (15) days, a submission without the confidential information and which can be disclosed to the public.
2. Nothing in these Rules of Procedure shall preclude a Party from disclosing statements of its own positions to the public to the extent that, when making reference to information submitted by the other Party, it does not disclose any information designated by the other Party as confidential.
3. The arbitration panel shall meet in closed session when the submission and arguments of a Party contains business confidential information. The Parties shall maintain the confidentiality of the arbitration panel hearings when the hearings are held in closed session.

*Article 12***Ex parte contacts**

1. The arbitration panel shall not meet or communicate with a Party in the absence of the other Party.
2. An arbitrator shall not discuss any aspect of the subject matter of the proceedings with one or both of the Parties in the absence of the other arbitrators.

*Article 13***Amicus curiae submissions**

1. Unless the Parties agree otherwise within five (5) days of the date of the establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions from a natural person of a Party or a legal person established in the territory of a Party that is independent from the governments of the Parties, provided that they:
 - (a) are received by the arbitration panel within ten (10) days of the date of the establishment of the arbitration panel;
 - (b) are directly relevant to a factual or a legal issue under consideration by the arbitration panel;
 - (c) contain a description of the person making the submission, including for a natural person his or her nationality and for a legal person its place of establishment, the nature of its activities, its legal status, its general objectives and its source of financing;
 - (d) specify the nature of the interest that the person has in the arbitration panel proceedings; and
 - (e) are drafted in the languages chosen by the Parties in accordance with Article 15(1) and (2) of these Rules of Procedure.
2. The submissions shall be delivered to the Parties for their comments. The Parties may submit comments, within ten (10) days of the delivery, to the arbitration panel.
3. The arbitration panel shall list in its report all the submissions it has received pursuant to paragraph 1 of this Article. The arbitration panel shall not be obliged to address in its report the arguments made in such submissions; however, if it does, it shall also take into account any comments made by the Parties pursuant to paragraph 2 of this Article.

*Article 14***Urgent cases**

In cases of urgency referred to in Part III of the Agreement, the arbitration panel, after consulting the Parties, shall adjust, as appropriate, the time periods referred to in these Rules of Procedure. The arbitration panel shall notify the Parties of those adjustments.

*Article 15***Translation and interpretation**

1. During the consultations referred to in Article 77 of the Agreement, and no later than the meeting referred to in Article 4(1) of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for the proceedings before the arbitration panel.

2. If the Parties are unable to agree on a common working language, the rules set out in Article 91(2) of the Agreement shall apply.
3. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.
4. Arbitration panel reports and decisions shall be issued in the language or languages chosen by the Parties. If the Parties have not agreed on a common working language, the interim and final report of the arbitration panel shall be issued in one of the working languages of the WTO.
5. Any Party may provide comments on the accuracy of the translation of any translated version of a document drawn up in accordance with these Rules of Procedure.
6. Each Party shall bear the costs of the translation of its written submissions. Any costs incurred for translation of a ruling shall be borne equally by the Parties.

Article 16

Other procedures

The time periods laid down in these Rules of Procedure shall be adjusted in line with the special time periods provided for the adoption of a report or decision by the arbitration panel in the proceedings under Articles 84, 85, 86 and 87 of the Agreement.

ANNEX II

CODE OF CONDUCT FOR ARBITRATORS AND MEDIATORS*Article 1***Definitions**

In this Code of Conduct:

- (a) 'administrative staff' means, in respect of an arbitrator, individuals under the direction and control of an arbitrator, other than assistants;
- (b) 'assistant' means an individual who, under the terms of appointment and under the direction and control of an arbitrator, conducts research or provides assistance to that arbitrator;
- (c) 'candidate' means an individual whose name is on the list of arbitrators referred to in Article 94 of the Agreement and who is under consideration for selection as an arbitrator under Article 80 of the Agreement;
- (d) 'mediator' means an individual who has been selected as mediator in accordance with Article 78 of the Agreement; and
- (e) 'member' or 'arbitrator' means a member of an arbitration panel established under Article 80 of the Agreement.

*Article 2***Governing principles**

1. In order to preserve the integrity and impartiality of the dispute settlement mechanism each candidate and arbitrator shall:
 - (a) get acquainted with this Code of Conduct;
 - (b) be independent and impartial;
 - (c) avoid direct or indirect conflict of interests;
 - (d) avoid impropriety and the appearance of impropriety or bias;
 - (e) observe high standards of conduct; and
 - (f) not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.
2. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his or her duties.
3. An arbitrator shall not use his or her position on the arbitration panel to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence him or her.
4. An arbitrator shall not allow past or existing financial, business, professional, personal or social relationships or responsibilities to influence his or her conduct or judgement.
5. An arbitrator shall avoid entering into any relationship or acquiring any financial interest that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.
6. An arbitrator shall exercise his or her position without accepting or seeking instructions from any government, any international governmental organisation or international non-governmental organisation or any private source, and shall not have intervened in any previous stage of the dispute assigned to them.

*Article 3***Disclosure obligations**

1. Prior to the acceptance of his or her appointment as an arbitrator under Article 80 of the Agreement, a candidate requested to serve as an arbitrator shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceedings.
2. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters, including financial interests, professional interests, or employment or family interests.

3. The disclosure obligation under paragraph 1 is a continuing duty which requires an arbitrator to disclose any such interests, relationships or matters that may arise during any stage of the proceedings.
4. A candidate or an arbitrator shall communicate to the Trade and Development Committee for consideration by the Parties any matters concerning actual or potential violations of this Code of Conduct as soon as he or she becomes aware of them.

Article 4

Duties of arbitrators

1. Upon acceptance of his or her appointment, an arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the proceedings, and with fairness and diligence.
2. An arbitrator shall consider only the issues raised in the proceedings and necessary for a decision and shall not delegate this duty to any other person.
3. An arbitrator shall take all appropriate steps to ensure that his or her assistants and administrative staff are aware of, and comply with, the obligations incurred by arbitrators under Articles 2, 3, 4 and 6 of this Code of Conduct.

Article 5

Obligations of former arbitrators

1. Each former arbitrator shall avoid actions that may create the appearance that he or she was biased in carrying out the duties or derived advantage from the decision of the arbitration panel.
2. Each former arbitrator shall comply with the obligations set out in Article 6 of this Code of Conduct.

Article 6

Confidentiality

1. An arbitrator shall not, at any time, disclose any non-public information concerning the proceedings or acquired during the proceedings for which he or she has been appointed. An arbitrator shall not, in any case, disclose or use such information to gain personal advantage or advantage for others or to adversely affect the interest of others.
2. An arbitrator shall not disclose a decision of the arbitration panel or parts thereof prior to its publication.
3. An arbitrator shall not, at any time, disclose the deliberations of an arbitration panel, or any arbitrator's view, or make any statements on the proceedings for which he or she has been appointed or on the issues in dispute in the proceedings.

Article 7

Expenses

Each arbitrator shall keep a record and render a final account of the time devoted to the proceedings and of his or her expenses, as well as the time and expenses of his or her assistants and administrative staff.

Article 8

Mediators

This Code of Conduct shall apply to mediators, *mutatis mutandis*.

