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<sup>(1)</sup> Text with EEA relevance.

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/1187

of 6 June 2019

**on the signing, on behalf of the European Union, and provisional application of certain provisions of the Agreement between the European Union and the Swiss Confederation on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (d) of the second subparagraph of Article 82(1) and point (a) of Article 87(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 10 June 2016 the Council authorised the Commission to open negotiations for the conclusion of an Agreement between the European Union and the Swiss Confederation on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities ('the Agreement').
- (2) The negotiations were successfully concluded with the initialling of the Agreement on 24 May 2018.
- (3) The improvement of law enforcement information exchange for the purpose of maintaining security in the Union cannot be sufficiently achieved by the Member States in isolation, due to the nature of international crime, which is not confined to the Union borders. The possibility for all the Member States and the Swiss Confederation to have reciprocal access to national databases regarding DNA analysis files, dactyloscopic identification systems and vehicle registration data is of central importance in fostering cross-border law enforcement cooperation.
- (4) Ireland is bound by Council Decision 2008/615/JHA <sup>(1)</sup>, Council Decision 2008/616/JHA <sup>(2)</sup> and the Annex thereto, and Council Framework Decision 2009/905/JHA <sup>(3)</sup>, and is therefore taking part in the adoption and application of this Decision.

<sup>(1)</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

<sup>(2)</sup> Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

<sup>(3)</sup> Council Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities (OJ L 322, 9.12.2009, p. 14).

- (5) The United Kingdom is bound by Decision 2008/615/JHA, Decision 2008/616/JHA and the Annex thereto, and Framework Decision 2009/905/JHA, and is therefore taking part in the adoption and application of this Decision.
- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (7) The Agreement should be signed and the Declaration attached thereto should be approved. Certain provisions of the Agreement should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Swiss Confederation on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities is hereby authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

#### *Article 2*

The Declaration attached to the Agreement shall be approved on behalf of the Union.

#### *Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

#### *Article 4*

In accordance with Article 8(3) of the Agreement, Article 5(1) and (2) of the Agreement shall be applied on a provisional basis as from the signature of the Agreement <sup>(4)</sup>, pending the completion of the procedures necessary for its entry into force.

#### *Article 5*

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

Done at Luxembourg, 6 June 2019.

*For the Council*  
*The President*  
A. BIRCHALL

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<sup>(4)</sup> The date of signature of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT**

**between the European Union and the Swiss Confederation on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities**

THE EUROPEAN UNION,

of the one part, and

THE SWISS CONFEDERATION,

of the other part,

hereinafter jointly referred to as 'the Contracting Parties',

WISHING to improve police and judicial cooperation between the Member States of the European Union and the Swiss Confederation, without prejudice to the rules protecting individual freedom,

CONSIDERING that current relationships between the Contracting Parties, in particular the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(1)</sup>, demonstrate close cooperation in the fight against crime,

POINTING OUT the Contracting Parties' common interest in ensuring that police cooperation between the Member States of the European Union and the Swiss Confederation is carried out in a fast and efficient manner compatible with the basic principles of their national legal systems, and in compliance with the individual rights and principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950,

RECOGNISING that Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union <sup>(2)</sup> already lays down rules whereby the law enforcement authorities of the Member States of the European Union and the Swiss Confederation may exchange existing information and intelligence expeditiously and effectively for the purpose of carrying out criminal investigations or criminal intelligence operations,

RECOGNISING that, in order to stimulate international cooperation in the area of law enforcement, it is of fundamental importance that precise information can be exchanged swiftly and efficiently,

RECOGNISING that the aim is to introduce procedures for promoting fast, efficient and inexpensive means of data exchange, and that, for the joint use of data, those procedures should be subject to accountability and should incorporate appropriate guarantees as to the accuracy and security of the data during transmission and storage as well as procedures for recording data exchange and restrictions on the use of information exchanged,

POINTING OUT that this Agreement therefore contains provisions which are based on the main provisions of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime <sup>(3)</sup> and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime <sup>(4)</sup>, and the Annex thereto, and of Council Framework Decision 2009/905/JHA of 30 November 2009 on Accreditation of forensic service providers carrying out laboratory activities <sup>(5)</sup>, and which are designed to improve the exchange of information whereby Member States of the European Union and the Swiss Confederation grant one another access rights to their automated DNA analysis files, automated dactyloscopic identification systems and vehicle registration data,

<sup>(1)</sup> OJ EUL 53, 27.2.2008, p. 52.

<sup>(2)</sup> OJ EUL 386, 29.12.2006, p. 89.

<sup>(3)</sup> OJ EUL 210, 6.8.2008, p. 1.

<sup>(4)</sup> OJ EUL 210, 6.8.2008, p. 12.

<sup>(5)</sup> OJ EUL 322, 9.12.2009, p. 14.

POINTING OUT that, in the case of data from national DNA analysis files and automated dactyloscopic identification systems, a hit/no hit system should enable the searching State, in a second step, to request specific related personal data from the State administering the file and, where necessary, to request further information through mutual assistance procedures, including those adopted pursuant to Council Framework Decision 2006/960/JHA,

CONSIDERING that those provisions would considerably speed up existing procedures enabling Member States of the European Union and the Swiss Confederation to find out whether another State has the information it needs and, if so, which State,

CONSIDERING that cross-border data comparison will open up a new dimension in crime fighting and that the information obtained by comparing data will open up new investigative approaches and thus play a crucial role in assisting States' law enforcement and judicial authorities,

CONSIDERING that the rules are based on networking States' national databases,

CONSIDERING that subject to certain conditions, States should be able to supply personal and non-personal data in order to improve the exchange of information with a view to preventing criminal offences and maintaining public order and security in connection with major events with a cross-border dimension,

RECOGNISING that, in addition to improving the exchange of information, there is a need to regulate other forms of closer cooperation between police authorities, in particular by means of joint security operations (e.g. joint patrols),

CONSIDERING that the hit/no hit system provides for a structure of comparing anonymous profiles, where additional personal data is exchanged only after a hit, the supply and receipt of which is governed by national law, including the legal assistance rules, and that this set-up guarantees an adequate system of data protection, it being understood that the supply of personal data to another State requires an adequate level of data protection on the part of the receiving State,

CONSIDERING that the Swiss Confederation should bear the costs incurred by its own authorities in connection with the application of this Agreement,

RECOGNISING that, as the accreditation of forensic service providers carrying out laboratory activities is an important step towards a safer and more effective exchange of forensic information, certain provisions of Council Framework Decision 2009/905/JHA should be complied with by the Swiss Confederation,

CONSIDERING that the processing of personal data, pursuant to this Agreement, by the authorities of the Swiss Confederation for the purposes of the prevention, detection or investigation of terrorism and cross-border crime should be subject to a standard of protection of personal data under the national law of the Swiss Confederation which complies with Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA <sup>(6)</sup>,

TAKING AS A BASIS the mutual confidence of the Member States of the European Union and the Swiss Confederation in the structure and operation of their legal systems,

TAKING INTO ACCOUNT that, pursuant to the Agreement between the Swiss Confederation and the Principality of Liechtenstein referring to the cooperation in the framework of the Swiss information systems regarding dactyloscopic data and DNA profiles <sup>(7)</sup>, both countries share the same database and information exchange systems regarding DNA and dactyloscopic data respectively,

RECOGNISING that the provisions of bilateral and multilateral agreements remain applicable for all matters not covered by this Agreement,

<sup>(6)</sup> OJ EU L 119, 4.5.2016, p. 89.

<sup>(7)</sup> Swiss official compilation AS/RO 2006 2031; Swiss classified compilation SR/RS 0.360.514.1.

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

#### *Article 1*

##### **Subject matter and purpose**

1. Subject to this Agreement, Articles 1 to 24, Article 25(1) and Articles 26 to 32 and 34 of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, shall be applicable in the bilateral relations between the Swiss Confederation and each of the Member States.
2. Subject to this Agreement, Articles 1 to 19 and 21 of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto except point 1 of Chapter 4 thereof, shall be applicable in the bilateral relations between the Swiss Confederation and each of the Member States.
3. The declarations made by Member States in accordance with Council Decisions 2008/615/JHA and 2008/616/JHA shall also be applicable in their bilateral relations with the Swiss Confederation.
4. Subject to this Agreement, Articles 1 to 5 and Article 6(1) of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities shall be applicable in the bilateral relations between the Swiss Confederation and each of the Member States.

#### *Article 2*

##### **Definitions**

For the purposes of this Agreement, the following definitions apply:

- (1) 'Contracting Parties' means the European Union and the Swiss Confederation;
- (2) 'Member State' means a Member State of the European Union;
- (3) 'State' means a Member State or the Swiss Confederation.

#### *Article 3*

##### **Uniform application and interpretation**

1. With a view to ensuring that the provisions referred to in Article 1 are applied and interpreted as uniformly as possible, the Contracting Parties shall keep under constant review the development of the case-law of the Court of Justice of the European Union and of the competent courts of the Swiss Confederation relating to those provisions. To this end, a mechanism shall be set up to ensure the regular mutual exchange of such case-law.
2. The Swiss Confederation shall be entitled to submit statements of case or written observations to the Court of Justice of the European Union in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 1.

#### *Article 4*

##### **Dispute settlement**

Any dispute between the Swiss Confederation and a Member State regarding the interpretation or the application of this Agreement or of any of the provisions referred to in Article 1 and amendments thereto may be referred by a party to the dispute to a meeting of representatives of the governments of the Member States and of the Swiss Confederation, with a view to its speedy settlement.

*Article 5***Amendments**

1. Where it is necessary to amend the provisions referred to in Article 1, the European Union shall inform the Swiss Confederation at the earliest possible occasion and collect any comments it may have.
2. The Swiss Confederation shall be notified by the European Union of any amendment of the provisions referred to in Article 1 as soon as the amendment is adopted.

The Swiss Confederation shall decide independently whether to accept the content of the amendment and whether to implement it into its internal legal order. That decision shall be notified to the European Union within three months of the date of the notification referred to in the first subparagraph.

3. If the content of the amendment can be binding on the Swiss Confederation only after the fulfilment of constitutional requirements, the Swiss Confederation shall inform the European Union of this at the time of its notification. The Swiss Confederation shall promptly inform the European Union in writing upon fulfilment of all constitutional requirements. Where a referendum is not required, notification shall take place as soon as the referendum deadline expires. If a referendum is required, the Swiss Confederation shall have a maximum of two years from the date of the notification by the European Union within which to make its notification. From the date laid down for the entry into force of the amendment for the Swiss Confederation and until it has given notification that the constitutional requirements have been met, the Swiss Confederation shall, where possible, apply the content of the amendment on a provisional basis.

4. If the Swiss Confederation does not accept the content of the amendment, this Agreement shall be suspended. A meeting of the Contracting Parties shall be convened to examine all further possibilities with a view to continuing the good functioning of this Agreement, including the possibility of a recognition of equivalence of legislation. Suspension shall be terminated as soon as the Swiss Confederation notifies its acceptance of the content of the amendment or if the Contracting Parties agree to reinstate the Agreement.

5. If, after a period of six months of suspension, the Contracting Parties have not agreed to reinstate the Agreement, it shall cease to apply.

6. Paragraphs 4 and 5 of this Article shall not apply to amendments relating to Chapters 3, 4 or 5 of Council Decision 2008/615/JHA or Article 17 of Council Decision 2008/616/JHA in respect of which the Swiss Confederation has notified the European Union that it does not accept the amendment, stating the reasons for its objection. In such cases, and without prejudice to Article 10 of this Agreement, the relevant provisions in their version prior to the amendment shall continue to be applicable in the bilateral relations between the Swiss Confederation and each of the Member States.

*Article 6***Review**

The Contracting Parties agree to carry out a common review of this Agreement no later than five years after its entry into force. The review shall in particular address the practical implementation, interpretation and development of the Agreement and shall also include issues such as the consequences of the development of the European Union relating to the subject matter of this Agreement.

*Article 7***Relationship with other instruments**

1. The Swiss Confederation may continue to apply bilateral or multilateral agreements or arrangements on cross-border cooperation with Member States that are in force on the date on which this Agreement is concluded in so far as such agreements or arrangements are not incompatible with the objectives of this Agreement. The Swiss Confederation shall notify the European Union of any such agreements or arrangements which will continue to apply.



2. The Swiss Confederation may conclude or bring into force additional bilateral or multilateral agreements or arrangements on cross-border cooperation with Member States after this Agreement has entered into force in so far as such agreements or arrangements provide for the objectives of this Agreement to be extended or enlarged. The Swiss Confederation shall notify the European Union of any such new agreements or arrangements within three months of their signing or, in the case of agreements or arrangements that were signed before the entry into force of this Agreement, within three months of their entry into force.
3. The agreements and arrangements referred to in paragraphs 1 and 2 shall not affect relations with Member States that are not parties thereto.
4. This Agreement shall be without prejudice to existing agreements on legal assistance or mutual recognition of court decisions.

#### *Article 8*

### **Notifications, declarations and entry into force**

1. The Contracting Parties shall notify each other of the completion of the procedures required to express their consent to be bound by this Agreement.
2. The European Union may express its consent to be bound by this Agreement even if the decisions as regards the processing of personal data which are or have been supplied pursuant to Council Decision 2008/615/JHA have not yet been taken in respect of all the Member States.
3. Article 5(1) and (2) shall apply on a provisional basis as from the time of signature of this Agreement.
4. With respect to amendments to the provisions referred to in Article 1 adopted after the signature of this Agreement but before its entry into force, the period of three months referred to in the second subparagraph of Article 5(2) shall start to run from the date of entry into force of this Agreement.
5. When giving its notification pursuant to paragraph 1 or, if so provided, at any time thereafter, the Swiss Confederation shall make the declarations referred to in Article 1(3).
6. This Agreement shall enter into force on the first day of the third month following the date of the last notification pursuant to paragraph 1.
7. The supply by Member States and the Swiss Confederation of personal data under this Agreement shall not take place until the provisions of Chapter 6 of Council Decision 2008/615/JHA have been implemented in the national law of the States involved in such supply.

In order to verify whether this is the case for the Swiss Confederation, an evaluation visit and a pilot run shall be carried out in respect of, and under conditions and arrangements acceptable to, the Swiss Confederation, similar to those carried out in respect of Member States pursuant to Chapter 4 of the Annex to Council Decision 2008/616/JHA.

On the basis of an overall evaluation report and following the same steps as for the launching of automated data exchanges in Member States, the Council shall determine the date or dates as from which personal data may be supplied by Member States to the Swiss Confederation pursuant to this Agreement.

8. The provisions of Directive (EU) 2016/680 of the European Parliament and of the Council shall be implemented and applied by the Swiss Confederation. The Swiss Confederation shall communicate to the European Commission the text of the main provisions adopted in the field covered by that Directive.
9. Articles 1 to 24, Article 25(1) and Articles 26 to 32 and 34 of Council Framework Decision 2009/905/JHA shall be implemented and applied by the Swiss Confederation. The Swiss Confederation shall communicate to the European Commission the text of the main provisions adopted in the field covered by that Council Framework Decision.

10. The competent authorities of the Swiss Confederation shall not apply the provisions of Chapter 2 of Council Decision 2008/615/JHA until it has implemented and applied the measures referred to in paragraphs 8 and 9 of this Article.

#### Article 9

### Accession of new Member States to the European Union

The accession of new Member States to the European Union shall create rights and obligations under this Agreement between those new Member States and the Swiss Confederation.

#### Article 10

### Termination

1. This Agreement may be terminated at any time by one of the Contracting Parties by depositing a notification of termination to the other Contracting Party.
2. Termination of this Agreement in accordance with paragraph 1 shall take effect six months after the deposit of the notification of termination.

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Съставено в Брюксел на двадесет и седми юни две хиляди и деветнадесета година.

Hecho en Bruselas, el veintisiete de junio de dos mil diecinueve.

V Bruselu dne dvacátého sedmého června dva tisíce devatenáct.

Udfærdiget i Bruxelles den syvogtyvende juni to tusind og nitten.

Geschehen zu Brüssel am siebenundzwanzigsten Juni zweitausendneunzehn.

Kahe tuhande üheksateistkümnenda aasta juunikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι επτά Ιουνίου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the twenty seventh day of June in the year two thousand and nineteen.

Fait à Bruxelles, le vingt sept juin deux mille dix-neuf.

Sastavljeno u Bruxellesu dvadeset sedmog lipnja godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì ventisette giugno duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada divdesmit septītajā jūnijā.

Priimta du tūkstančiai devynioliktų metų birželio dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkilencedik év június havának huszonhetedik napján.

Magħmul fi Brussell, fis-sebgha u għoxrin jum ta' Ġunju fis-sena elfejn u dsatax.

Gedaan te Brussel, zevenentwintig juni tweeduizend negentien.

Sporządzono w Brukseli dnia dwudziestego siódmego czerwca roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em vinte e sete de junho de dois mil e dezanove.

Întocmit la Bruxelles la douăzeci și șapte iunie două mii nouăsprezece.

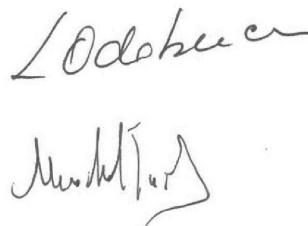
V Bruseli dvadsiateho siedmeho júna dvetisícdevätnást.

V Bruslju, dne sedemindvajsetega junija leta dva tisoč devetnajst.

Tehty Brysselissä kahdentenäkymmenentenäseitsemäntenä päivänä kesäkuuta vuonna kaksituhattayhdeksäntoista.

Som skedde i Bryssel den tjugosjunde juni år tjugohundra nitton.

За Европейския съюз  
Por la Unión Europea  
Za Evropskou unii  
For Den Europæiske Union  
Für die Europäische Union  
Euroopa Liidu nimel  
Για την Ευρωπαϊκή Ένωση  
For the European Union  
Pour l'Union européenne  
Za Europejską uniję  
Per l'Unione europea  
Eiropas Savienības vārdā –  
Europos Sąjungos vardu  
Az Európai Unió részéről  
Għall-Unjoni Ewropea  
Voor de Europese Unie  
W imieniu Unii Europejskiej  
Pela União Europeia  
Pentru Uniunea Europeană  
Za Európsku úniu  
Za Evropsko unijo  
Euroopan unionin puolesta  
För Europeiska unionen



За Конфедерация Швейцария  
Por la Confederación Suiza  
Za Švýcarskou konfederaci  
For Det Schweiziske Forbund  
Für die Schweizerische Eidgenossenschaft  
Šveitsi Konföderatsiooni nimel  
Για την Ελβετική Συνομοσπονδία  
For the Swiss Confederation  
Pour la Confédération suisse  
Za Švicarsku Konfederaciju  
Per la Confederazione Svizzera  
Šveices Konfederācijas vārdā –  
Šveicarijos Konfederācijas vardu  
A Svájci Államszövetség részéről  
Għall-Konfederazzjoni Żvizzera  
Voor de Zwitserse Bondsstaat  
W imieniu Konfederacji Szwajcarskiej  
Pela Confederação Suíça  
Pentru Confederația Elvețiană  
Za Švajčiarsku konfederáciu  
Za Švicarsko konfederacijo  
Sveitsin valaliiton puolesta  
För Schweiziska edsförbundet



### **Declaration of the Contracting Parties at the occasion of the signature of the Agreement**

The European Union and the Swiss Confederation, Contracting Parties of the Agreement on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities (hereinafter referred to as 'the Agreement'), declare:

The implementation of the DNA, dactyloscopic and vehicle registration data exchange pursuant to the Agreement will require that the Swiss Confederation set up bilateral connections for each of these data categories with each of the Member States.

To enable and facilitate this work, the Swiss Confederation will be provided with all the available documentation, software products and contact lists.

The Swiss Confederation will have the opportunity to set up an informal partnership with Member States that have already implemented such data exchange, with a view to sharing experiences and getting practical and technical support. The details of such partnerships are to be arranged in direct contacts with the Member States concerned.

The Swiss experts can contact at any time the Presidency of the Council, the European Commission or leading experts in these matters to obtain information, clarification or any other support. Similarly the Commission will, whenever in preparation of proposals or communications it contacts representatives of the Member States, avail itself of the opportunity to contact also representatives of the Swiss Confederation.

Swiss experts may be invited to attend meetings where Member States' experts discuss within the Council technical aspects which are directly relevant to the proper application and development of the content of the aforementioned Council Decisions.

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# REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2019/1188

of 14 March 2019

**supplementing Regulation (EU) No 305/2011 of the European Parliament and of the Council by establishing classes of performance in relation to resistance to wind load for external blinds and awnings**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC <sup>(1)</sup>, and in particular Article 27(1) thereof,

Whereas:

- (1) The European standard EN 13561 on external blinds and awnings was initially adopted by European Committee for Standardisation (CEN) in 2004 and amended in 2008. It contains four classes of performance for external blinds and awnings, notably in relation to resistance of those products to wind load.
- (2) The classes established in the standard EN 13561 are not sufficient for all the products currently available on the market. Most recent products represent a higher resistance to wind load than before. The use of the existing classes may in some cases lead to safety problems linked to the fixing of the products.
- (3) It is therefore necessary to add three more classes of performance for resistance to wind load to the classification included in the standard EN 13561. It is also necessary to differentiate the use of classes among the product subfamilies covered by that standard, in particular for folding arm awnings, for external blinds with fabric running in lateral guide rails and for pergola awnings.
- (4) In accordance with Article 27 of Regulation (EU) No 305/2011 classes of performance in relation to essential characteristic of construction products may be established either by the Commission or a European standardisation body on the basis of a revised mandate issued by the Commission. Given the need to establish additional classes of performance as soon as possible, the new classes of performance should be established by the Commission. In accordance with Article 27(2) of that Regulation, those classes are to be used in harmonised standards,

HAS ADOPTED THIS REGULATION:

### *Article 1*

Classes of performance in relation to resistance to wind load for external blinds and awnings, as set out in the Annex, are established.

### *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*.

<sup>(1)</sup> OJ L 88, 4.4.2011, p. 5.

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

Done at Brussels, 14 March 2019.

*For the Commission*

*The President*

Jean-Claude JUNKER

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## ANNEX

Table 1

**Classes of performance in relation to resistance to wind load for external blinds with fabric running in lateral guide rails and pergola awnings**

Classes	0	1	2	3
Nominal wind pressure $p_N$ (N/m <sup>2</sup> )	< 40	$\geq 40 - < 70$	$\geq 70 - < 110$	$\geq 110 - < 170$
Safety wind pressure $p_s$ (N/m <sup>2</sup> )	< 48	$\geq 48 - < 84$	$\geq 84 - < 132$	$\geq 132 - < 204$

Classes	4	5	6
Nominal wind pressure $p_N$ (N/m <sup>2</sup> )	$\geq 170 - < 270$	$\geq 270 - < 400$	$\geq 400$
Safety wind pressure $p_s$ (N/m <sup>2</sup> )	$\geq 204 - < 324$	$\geq 324 - < 480$	$\geq 480$

Table 2

**Classes of performance in relation to resistance to wind load for trellis arm awnings, pivot arm awnings, slide arm awnings, vertical roller blinds, marquisolettes, façade awnings, skylight awnings, conservatory awnings and insect screens**

Classes	0	1	2	3
Nominal wind pressure $p_N$ (N/m <sup>2</sup> )	< 40	$\geq 40 - < 70$	$\geq 70 - < 110$	$\geq 110$
Safety wind pressure $p_s$ (N/m <sup>2</sup> )	< 48	$\geq 48 - < 84$	$\geq 84 - < 132$	$\geq 132$

Table 3

**Classes of performance in relation to resistance to wind load for folding arm awnings**

Classes	0	1	2
Nominal wind pressure $p_N$ (N/m <sup>2</sup> )	< 40	$\geq 40 - < 70$	$\geq 70$
Safety wind pressure $p_s$ (N/m <sup>2</sup> )	< 48	$\geq 48 - < 84$	$\geq 84$

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1189****of 8 July 2019****amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for international trade in rough diamonds <sup>(1)</sup>, and in particular Article 19(6) and Article 20 thereof,

Whereas:

- (1) Following a provisional acceptance at the Brisbane Plenary meeting in December 2017, Kimberley Process Participants approved the addition of the Republic of Gabon to the list of participants in that process at the Brussels Plenary meeting in November 2018.
- (2) The addresses of the competent authorities of several Participants in the Kimberley Process in Annex II and the addresses of Member States' competent authorities in Annex III require an update.
- (3) Following the request for designation of an EU authority pursuant to Article 19 of Regulation (EC) No 2368/2002 by Ireland, the Commission visited the EU authority designated by Ireland to verify its preparedness to assume the duties referred to in Regulation (EC) No 2368/2002. The preparations undertaken and the procedures envisaged by the EU authority designated by Ireland suggest that it will be able to reliably, timely, effectively and adequately fulfil the tasks required by Chapters II, III and V of Regulation (EC) No 2368/2002. It is necessary to provide a realistic timeframe for Ireland to implement the necessary changes.
- (4) By virtue of the adoption of the Administrative Decision '*Compilation of Modifications to Technical definitions*' by Kimberley Process Participants at the Brussels Plenary in November 2018, the term 'country of origin' should be replaced by the term 'country of mining origin' in Kimberley Process Certificates.
- (5) In order to reflect the replacement of the term 'country of origin' by the term 'country of mining origin', in the European Union certificate as defined in Article 2(g) of Regulation (EC) No 2368/2002, Annex IV to that Regulation should be amended accordingly. It is necessary to provide a realistic timeframe for the competent authorities of the Union to adapt to this change taking into account the time needed to ensure the availability of the new certificates.
- (6) Annexes II, III, and IV to Regulation (EC) No 2368/2002 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the committee referred to in Article 22 of Regulation (EC) No 2368/2002,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2368/2002 is amended as follows:

- (1) Annex II is replaced by the text set out in Annex I to this Regulation.
- (2) Annex III is replaced by the text set out in Annex II to this Regulation.
- (3) Annex IV is replaced by the text set out in Annex III to this Regulation.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 28.



*Article 2*

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

However, point 3 of Article 1 shall apply from 1 January 2020.

As far as Ireland is concerned, Annex III shall apply from 1 September 2019.

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

Done at Brussels, 8 July 2019.

*For the Commission*  
Federica MOGHERINI  
*Vice-President*

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## ANNEX I

## 'ANNEX II

**List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20**

## ANGOLA

Ministry of Mineral Resources and Petroleum  
Rua Engenheiro Armindo de Andrade, No 103  
Miramar Bairro Sambizanga  
1072 Luanda  
Angola

## ARMENIA

Department of Gemstones and Jewellery  
Ministry of Trade and Economic Development  
M. Mkrtchyan 5  
Yerevan  
Armenia

## AUSTRALIA

Department of Foreign Affairs and Trade  
Trade Development Division  
R.G. Casey Building  
John McEwen Crescent  
Barton ACT 0221  
Australia

## BANGLADESH

Export Promotion Bureau  
TCB Bhaban  
1, Karwan Bazaar  
Dhaka  
Bangladesh

## BELARUS

Ministry of Finance  
Department for Precious Metals and Precious Stones  
Sovetskaja Str, 7  
220010 Minsk  
Republic of Belarus

## BOTSWANA

Ministry of Minerals, Green Technology and Energy Security (MMGE)  
Fairgrounds Office Park, Plot No 50676 Block C  
P/Bag 0018  
Gaborone  
Botswana

## BRAZIL

Ministry of Mines and Energy  
Esplanada dos Ministérios, Bloco 'U', 4º andar  
70065, 900 Brasília, DF  
Brazil

## CAMBODIA

Ministry of Commerce  
Lot 19-61, MOC Road (113 Road), Phum Teuk Thla, Sangkat Teuk Thla  
Khan Sen Sok, Phnom Penh  
Cambodia

## CAMEROON

National Permanent Secretariat for the Kimberley Process  
Ministry of Mines, Industry and Technological Development  
Intek Building, 6th floor,  
Navik Street  
BP 35601 Yaounde  
Cameroon

## CANADA

International:

Global Affairs Canada Natural Resources and Governance Division (MES) 125 Sussex Drive Ottawa, Ontario K1A 0G2  
Canada

For General Enquiries at Natural Resources Canada:

Kimberley Process Office  
Lands and Minerals Sector Natural Resources Canada (NRCan)  
580 Booth Street, 10th floor  
Ottawa, Ontario  
Canada K1A 0E4

## CENTRAL AFRICAN REPUBLIC

Secrétariat permanent du processus de Kimberley  
BP: 26 Bangui  
Central African Republic

## CHINA, People's Republic of

Department of Inspection and Quarantine Clearance  
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)  
9 Madian East Road  
Haidian District, Beijing 100088  
People's Republic of China

## HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry  
Hong Kong Special Administrative Region  
Peoples Republic of China  
Room 703, Trade and Industry Tower  
700 Nathan Road  
Kowloon  
Hong Kong  
China

## CONGO, Democratic Republic of

Centre d'Expertise, d'Evaluation et de Certification des Substances Minérales Précieuses et Semi-précieuses (CEECC)  
3989, av des cliniques  
Kinshasa/Gombe  
Democratic Republic of Congo

## CONGO, Republic of

Bureau d'Expertise, d'Evaluation et de Certification des Substances Minérales Précieuses (BEEC)

BP 2787

Brazzaville

Republic of Congo

## COTE D'IVOIRE

Ministère de l'Industrie et des Mines

Secrétariat Permanent de la Représentation en Côte d'Ivoire du Processus de Kimberley (SPRPK-CI)

Abidjan-Plateau, Immeuble les Harmonies II

Abidjan

Côte d'Ivoire

## ESWATINI

Office for the Commissioner of Mines

Minerals and Mines Departments, Third Floor Lilunga Building (West Wing),

Somhlolo Road,

Mbabane

Eswatini

## EUROPEAN UNION

European Commission

Service for Foreign Policy Instruments

Office EEAS 03/330

B-1049 Bruxelles/Brussel

Belgium

## GABON

Centre Permanent du Processus de Kimberley (CPPK)

Ministry of Equipment, Infrastructure, and Mines

Immeuble de la Géologie, 261 rue Germain Mba

B.P. 284/576

Libreville

Gabon

## GHANA

Ministry of Lands and Natural Resources

Accra P.O. Box M 212

Ghana

## GUINEA

Ministry of Mines and Geology

Boulevard du Commerce – BP 295

Quartier Almamy/Commune de Kaloum

Conakry

Guinea

## GUYANA

Geology and Mines Commission

P O Box 1028

Upper Brickdam

Stabroek

Georgetown

Guyana

## INDIA

Government of India, Ministry of Commerce & Industry  
Udyog Bhawan  
New Delhi 110 011  
India

## INDONESIA

Directorate of Export and Import Facility, Ministry of Trade M. I. Ridwan Rais Road, No 5 Blok I lantai 4  
Jakarta Pusat Kotak Pos. 10110  
Jakarta  
Indonesia

## ISRAEL

Ministry of Economy and Industry Office of the Diamond Controller  
3 Jabotinsky Road  
Ramat Gan 52520  
Israel

## JAPAN

Agency for Natural Resources and Energy  
Mineral and Natural Resources Division  
1, Chiyoda-ku  
Tokyo, Japan  
Japan

## KAZAKHSTAN

Ministry for Investments and Development of the Republic of Kazakhstan  
Committee for Technical Regulation and Metrology  
11, Mangilik el street  
Nur-Sultan  
Republic of Kazakhstan

## KOREA, Republic of

Ministry of Foreign Affairs  
United Nations Division 60 Sajik-ro 8-gil  
Jongno-gu  
Seoul 03172  
Korea

## LAOS, People's Democratic Republic

Department of Import and Export  
Ministry of Industry and Commerce  
Phonxay road, Saisettha District  
Vientiane, Lao PDR  
P.O Box: 4107  
Laos

## LEBANON

Ministry of Economy and Trade  
Lazariah Building  
Down Town  
Beirut  
Lebanon

## LESOTHO

Department of Mines  
Ministry of Mining  
Corner Constitution and Parliament Road  
P.O. Box 750  
Maseru 100  
Lesotho

## LIBERIA

Government Diamond Office  
Ministry of Mines and Energy  
Capitol Hill  
P.O. Box 10-9024  
1000 Monrovia 10  
Liberia

## MALAYSIA

Ministry of International Trade and Industry  
MITI Tower,  
No 7, Jalan Sultan Haji Ahmad Shah 50480 Kuala Lumpur  
Malaysia

## MALI

Ministère des Mines  
Bureau d'Expertise d'Evaluation et de Certification des Diamants Bruts  
Cité administrative, P.O. BOX: 1909  
Bamako  
République du Mali

## MAURITIUS

Import Division  
Ministry of Industry, Commerce & Consumer Protection 4th Floor, Anglo Mauritius Building  
Intendance Street  
Port Louis  
Mauritius

## MEXICO

Directorate-General for International Trade in Goods  
189 Pachuca Street, Condesa, 17th Floor  
Mexico City, 06140  
Mexico

## NAMIBIA

The Government of Republic of Namibia Ministry of Mines and Energy  
Directorate of Diamond Affairs Private Bag 13297  
1st Aviation Road (Eros Airport)  
Windhoek  
Namibia

## NEW ZEALAND

Middle East and Africa Division  
Ministry of Foreign Affairs and Trade  
Private Bag 18 901  
Wellington  
New Zealand

## NORWAY

Ministry of Foreign Affairs  
Department for Regional Affairs  
Section for Southern and Central Africa  
Box 8114 Dep  
0032 Oslo, Norway

## PANAMA

National Customs Authority  
Panama City, Curundu, Dulcidio Gonzalez Avenue, building # 1009  
Republic of Panama

## RUSSIAN FEDERATION

International:

Ministry of Finance  
9, Ilyinka Street  
109097 Moscow  
Russian Federation

Import and Export Authority:

Gokhran of Russia  
14, 1812 Goda St.  
121170 Moscow  
Russian Federation

## SIERRA LEONE

Ministry of Mines and Mineral Resources  
Youyi Building  
Brookfields  
Freetown  
Sierra Leone

## SINGAPORE

Ministry of Trade and Industry  
100 High Street  
#09-01, The Treasury  
Singapore 179434

## SOUTH AFRICA

South African Diamond and Precious Metals Regulator  
251 Fox Street  
Doornfontein 2028  
Johannesburg  
South Africa

## SRI LANKA

National Gem and Jewellery Authority  
25, Galle Face Terrace  
Post Code 00300  
Colombo 03  
Sri Lanka

## SWITZERLAND

State Secretariat for Economic Affairs (SECO)  
Sanctions Unit  
Holzikofenweg 36  
CH-3003 Berne/Switzerland

## TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE CUSTOMS TERRITORY

Export/Import Administration Division  
Bureau of Foreign Trade  
Ministry of Economic Affairs  
1, Hu Kou Street  
Taipei, 100  
Taiwan

## TANZANIA

Commission for Minerals  
Ministry of Energy and Minerals  
Kikuyu Avenue, P.O BOX  
422, 40744 Dodoma  
Tanzania

## THAILAND

Department of Foreign Trade  
Ministry of Commerce  
563 Nonthaburi Road  
Muang District, Nonthaburi 11000  
Thailand

## TOGO

The Ministry of Mines and Energy  
Head Office of Mines and Geology  
216, Avenue Sarakawa  
B.P. 356  
Lomé  
Togo

## TURKEY

Foreign Exchange Department  
Undersecretariat of Treasury  
T.C. Başbakanlık Hazine  
Müsteşarlığı İnönü Bulvarı No 36  
06510 Emek, Ankara  
Turkey

## Import and Export Authority:

Istanbul Gold Exchange/Borsa Istanbul Precious Metals and Diamond  
Market (BIST)  
Borsa İstanbul, Resitpasa Mahallesi,  
Borsa İstanbul Caddesi No 4  
Sarıyer, 34467, Istanbul  
Turkey

## UKRAINE

Ministry of Finance  
State Gemological Centre of Ukraine  
38-44, Degtyarivska St.  
Kiev 04119  
Ukraine



## UNITED ARAB EMIRATES

U.A.E. Kimberley Process Office  
Dubai Multi Commodities Centre  
Dubai Airport Free Zone  
Emirates Security Building  
Block B, 2nd Floor, Office # 20  
P.O. Box 48800  
Dubai  
United Arab Emirates

## UNITED STATES OF AMERICA

United States Kimberley Process Authority  
U.S. Department of State  
Bureau of Economic and Business Affairs  
2201 C Street, NW  
Washington DC 20520 United States of America

## VENEZUELA

Central Bank of Venezuela  
36 Av. Urdaneta, Caracas, Capital District  
Caracas  
ZIP Code 1010  
Venezuela

## VIETNAM

Ministry of Industry and Trade  
Agency of Foreign Trade 54 Hai Ba Trung  
Hoan Kiem  
Hanoi  
Vietnam

## ZIMBABWE

Principal Minerals Development Office  
Ministry of Mines and Mining Development  
6th Floor, ZIMRE Centre  
Cnr L.Takawira St/K. Nkrumah Ave.  
Harare  
Zimbabwe'

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## ANNEX II

## ‘ANNEX III

**List of Member States’ competent authorities and their tasks as referred to in Articles 2 and 19***BELGIUM*

Federale Overheidsdienst Economie, KMO, Middenstand en Energie, Algemene Directie Economisch Potentieel, Dienst Vergunningen/Service Public Fédéral Economie, PME, Classes moyennes et Energie, Direction générale des Analyses économiques et de l'Economie internationale, Service Licences

(Federal Public Service Economy SME's, Self-employed and Energy, Directorate-General for Economic Analyses & International Economy)

Italiëlei 124, bus 71

B-2000 Antwerpen

Tel. +32 22775459

Fax +32 227754 61 or +32 22779870

Email: kpcs-belgiumdiamonds@economie.fgov.be

In Belgium the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

The Diamond Office

Hovenierstraat 22

B-2018 Antwerpen

*CZECH REPUBLIC*

In the Czech Republic the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002 and the customs treatment will only be done at:

Generální ředitelství cel

Budějovická 7

140 96 Praha 4

Česká republika

Tel. (420-2) 61333841, (420-2) 61333859, cell (420-737) 213793

Fax (420-2) 61333870

Email: diamond@cs.mfcr.cz

Permanent service at designated custom office — Praha Ruzyně

Tel. (420-2) 20113788 (Mondays to Fridays — 7.30-15.30)

Tel. (420-2) 20119678 (Saturdays, Sundays and rest — 15.30-7.30)

*GERMANY*

In Germany the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of Union certificates, will only be done at the following authority:

Hauptzollamt Koblenz

Zollamt Idar-Oberstein

Zertifizierungsstelle für Rohdiamanten

Hauptstraße 197

D-55743 Idar-Oberstein

Tel. + 49 678156270

Fax +49 6781562719

Email: poststelle.za-idar-oberstein@zoll.bund.de

For the purpose of Articles 5(3), 6, 9, 10, 14(3), 15 and 17 of this Regulation, concerning in particular reporting obligations to the Commission, the following authority shall act as competent German authority:

Generalzolldirektion  
Direktion VI –  
Recht des grenzüberschreitenden Warenverkehrs/Besonderes Zollrecht  
Krelingstraße 50  
D-90408 Nürnberg  
Tel. +49 22830349874  
Fax +49 22830399106  
Email: DVIA3.gzd@zoll.bund.de

#### *IRELAND*

The Kimberley Process and Responsible Minerals Authority  
Exploration and Mining Division  
Department of Communications, Climate Action and Environment  
29-31 Adelaide Road  
Dublin  
D02 X285  
Ireland  
Tel. +353 16782000  
Email: KPRMA@DCCAE.gov.ie

#### *PORTUGAL*

Autoridade Tributária e Aduaneira  
Direção de Serviços de Licenciamento  
R. da Alfândega, 5  
1149-006 Lisboa  
Tel. + 351 218813843/8  
Fax + 351 218813986  
Email: dsl@at.gov.pt

In Portugal the controls of imports and exports of rough diamonds required by Regulation (EC) No 2368/2002, including the issuing of EU certificates, will only be done at the following authority:

Alfândega do Aeroporto de Lisboa  
Aeroporto de Lisboa,  
Terminal de Carga, Edifício 134  
1750-364 Lisboa  
Tel. +351 210030080  
Fax +351 210037777  
Email address: aalisboa-kimberley@at.gov.pt

#### *ROMANIA*

Autoritatea Națională pentru Protecția Consumatorilor  
(National Authority for Consumer Protection)  
1 Bd. Aviatorilor Nr. 72, sectorul 1 București, România  
(72 Aviatorilor Bvd., sector 1, Bucharest, Romania)  
Cod postal (Postal code) 011865  
Tel. (40-21) 3184635/3129890/3121275  
Fax (40-21) 3184635/3143462  
www.anpc.ro

UNITED KINGDOM

Government Diamond Office

Global Business Group

Room W 3.111.B

Foreign and Commonwealth Office

King Charles Street

London SW1A 2AH

Tel. +44 2070086903/5797

Email: KPUK@fco.gov.uk'

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## ANNEX III

## ‘ANNEX IV

**Community certificate as referred to in Article 2**

In accordance with the changes enacted by the Treaty of Lisbon, whereby the European Union replaced and succeeded the European Community, the term “EU certificate” shall refer to the Community certificate as defined in Article 2(g) of this Regulation.

The EU Certificate shall have the following features: Member States shall ensure that the Certificates they issue shall be identical. To this end they shall submit to the Commission specimens of the Certificates to be issued.

Member States shall be responsible for having the EU Certificates printed. The EU Certificates may be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each EU Certificate. Each EU Certificate shall bear an indication of the printer’s name and address or a mark enabling the printer to be identified. The printer shall be a High Security Banknote Printer. The printer shall provide suitable references from governmental and commercial customers.

The European Commission shall make specimens of original EU Certificates available to EU authorities.

*Materials*

- Dimensions: A4 (210 mm × 297 mm);
- Watermarked with invisible (yellow/blue) UV fibres;
- Solvent sensitive;
- UV dull (features in the document stand out clearly when highlighted under a Ultra-violet lamp);
- 95 g/m<sup>2</sup> paper.

*Printing*

- Rainbow background tint (solvent sensitive);
- The “rainbow” effect has a security background that will not visualise when photocopied.
- The inks used must be “solvent sensitive” to protect the document against attack from chemicals used to alter infilled text, such as bleach.
- 1 Colour background tint (permanent and light fast);
- Ensure that a secondary “Rainbow” is printed to prevent the Certificates from exposure to sunlight.
- UV invisible working (stars of the EU Flag);
- The security printer should apply the correct weight of ink to ensure that the UV feature is invisible in normal light.
- EU Flag: Printed gold and European blue;
- Intaglio Border;
- Tactile Intaglio ink is one of the most important features in the document.
- Extra Small Print line reading “Kimberley Process Certificate”;

- Latent image: KP;
- Micro-text reading “KPCS”;
- The document design must incorporate anticopy (“Medallion”) features into the background fine-line printing.

#### *Numbering*

- Each EU Certificate shall have a unique serial number, preceded by the code: EU.
- The Commission shall attribute the serial numbers to the Member States that intend to issue EU Certificates.
- There should be two types of matching numbering — visible and invisible:
- First = 8 digit sequential, once on all parts of the document, printed black
- The printer shall hold all responsibility for numbering every Certificate.
- The printer shall also keep a database of all numbering.
- Second = 8 digit sequential invisible printed numbering (matching above), fluorescing under UV light.

#### *Language*

English and, where relevant, the language(s) of the Member State concerned.

#### *Lay out and finishing*

#### Obligatory features

Slot perforated in 1 position, cut to singles A4 size, at 100 mm from right edge

(a) left side

#### **EUROPEAN UNION**

Unique Number: EU

### **KIMBERLEY PROCESS CERTIFICATE**

**The rough diamonds in this shipment have been handled in accordance with  
the provisions of the Kimberley Process Certification Scheme for rough diamonds.**

Country of Mining Origin: ..... Number of Parcels: .....

Country of Provenance .....

Name and address ..... Name and address.....  
of exporter of importer

HS classification	Carat	Value (US\$)
7102.10		
7102.21		
7102.31		

THIS CERTIFICATE  
Issued on : ..... Expires on .....

Signature of Authorised Officer / Official Stamp

(b) right side

Unique Number: EU

**EUROPEAN UNION  
KIMBERLEY  
PROCESS CERTIFICATE  
IMPORT CONFIRMATION**

It is hereby certified that the rough diamonds  
in this shipment exported

From.....

Were accepted for import

Into.....

By.....

On.....

And that the import has been checked and verified  
in compliance with the provisions  
of the Kimberley Process Certification Scheme  
for rough diamonds.

HS classification	Carat	Value (US\$)
7102.10		
7102.21		
7102.31		

Signature of Authorised Officer

Stamp of Importing Authority

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1190****of 11 July 2019****amending Implementing Regulation (EU) No 185/2013 as regards deductions from fishing quotas allocated to Spain for 2019**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 <sup>(1)</sup>, and in particular Article 105(4) thereof,

Whereas:

- (1) In 2013 the Commission adopted Implementing Regulation (EU) No 185/2013 <sup>(2)</sup> providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009. That Regulation established deductions from the mackerel quota in ICES division 8c, ICES subareas 9 and 10 and Union waters of CECAF 34.1.1 and from the anchovy quota in ICES subarea 8.
- (2) The coastal fleet in Spain depends to a large extent on mackerel and the profitability of these fleets is already very low. In addition, for 2019 the quota is 20 % less than for 2018 and the mackerel deduction still continues until 2023. By allowing a lower deduction for mackerel only in 2019 the fishing pressure on the stock as to what is already allowed by Council Regulation (EU) 2019/124 <sup>(3)</sup> will not be increased. In order to avoid social and economic consequences for both the fishing sector concerned and the associated processing industry, the quantities deducted in any one year should not exceed 33 % of the annual mackerel quota. Where the quantity to be deducted exceeds 33 % of the annual mackerel quota, Implementing Regulation (EU) 185/2013 should be amended to reduce the annual quantity to be deducted while extending the deduction period accordingly.
- (3) The quota of Spain for mackerel in ICES division 8c, ICES subareas 9 and 10 and Union waters of CECAF 34.1.1 for the year 2019 is fixed at 24 597 tonnes, while the deductions provided for in Implementing Regulation (EU) 185/2013 for that year are set at 9 240 tonnes, representing 38 % of the Spanish quota. The amounts to be deducted in 2019 should thus be decreased to represent 33 % of the quota and the difference should be added to the amounts to be deducted in 2023.
- (4) Spain has requested that the deduction from the 2019 mackerel quota is decreased from 5 544 tonnes fixed initially to 4 421 tonnes. The difference represents 0,1 % of the total TAC, so the biological impact on the stock is minimal but nonetheless important for small scale fisheries. The deduction in 2023 from the same quota would be increased from 269 tonnes fixed initially to 1 392 tonnes. The initial ratio of deductions from the mackerel and anchovy quotas would vary annually, but would be maintained over the whole period 2019-2023. The amounts to be deducted in 2023 would remain below the annual deduction amounts set for 2016-2022.
- (5) The changes to the amounts deducted from the quotas for mackerel and anchovy in 2019 would continue ensuring that the 2019 fishing opportunities for those species are not exceeded. They would be in line with the objectives of the Common Fisheries Policy.
- (6) Implementing Regulation (EU) No 185/2013 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 185/2013 of 5 March 2013 providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009 (OJ L 62, 6.3.2013, p. 1).

<sup>(3)</sup> Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 29, 31.1.2019, p. 1).



HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Implementing Regulation (EU) No 185/2013 is replaced by the text in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the third 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 July 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

Stock	Initial quota 2009	Adapted quota 2009	Established catches 2009	Difference quota-catches (over-fishing)	Deduction 2013	Deduction 2014	Deduction 2015	Deduction 2016	Deduction 2017	Deduction 2018	Deduction 2019	Deduction 2020	Deduction 2021	Deduction 2022	Deduction 2023
MAC8C 3411	29 529	25 525	90 954	- 65 429	100	100	100	5 544	6 283	4 805	4 421	5 544	5 544	5 544	1 392
ANE08 <sup>(1)</sup>								3 696	4 539	2 853	3 696	3 696	3 696	3 696	180

<sup>(1)</sup> For anchovy, the year should be understood as the fishing season starting in that year.

# DECISIONS

## COUNCIL DECISION (EU) 2019/1191

of 8 July 2019

**on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 04 03 01 03 — Free movement of workers, co-ordination of social security schemes and measures for migrants, including migrants from third countries)**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46 and 48, in conjunction with Article 218(9) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains specific provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the free movement of workers, coordination of social security schemes and measures for migrants, including migrants from third countries.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2019.
- (6) The position of the Union in the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be adopted, on the Union's behalf, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

*Article 2*

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

Done at Brussels, 8 July 2019.

*For the Council*  
*The President*  
A.-K. PEKONEN

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DRAFT

**DECISION OF THE EEA JOINT COMMITTEE No .../2019**  
**of ...**  
**amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the free movement of workers, coordination of social security schemes and measures for migrants, including migrants from third countries.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2019,

HAS ADOPTED THIS DECISION:

*Article 1*

In paragraphs 5 and 13 of Article 5 of Protocol 31 to the EEA Agreement, the words 'and 2018' are replaced by the words '2018 and 2019'.

*Article 2*

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

It shall apply from 1 January 2019.

*Article 3*

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

Done at Brussels,

*For the EEA Joint Committee*

*The President*

*The Secretaries to the EEA Joint Committee*

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

**COUNCIL DECISION (EU) 2019/1192****of 8 July 2019**

**on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 02 03 01 — Operation and development of the internal market of goods and services, and Budget line 02 03 04 — Internal Market Governance Tools)**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the operation and development of the internal market of goods and services and regarding internal market governance tools.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2019.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on the Union's behalf, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

*Article 2*

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

Done at Brussels, 8 July 2019.

*For the Council*  
*The President*  
A.-K. PEKONEN

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DRAFT

**DECISION OF THE EEA JOINT COMMITTEE No .../2019**  
**of ...**  
**amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding the operation and development of the internal market of goods and services and regarding internal market governance tools.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2019,

HAS ADOPTED THIS DECISION:

*Article 1*

In paragraphs 12 and 14 of Article 7 of Protocol 31 to the EEA Agreement, the words 'and 2018' are replaced by the words '2018 and 2019'.

*Article 2*

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

It shall apply from 1 January 2019.

*Article 3*

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

Done at Brussels,

*For the EEA Joint Committee*

*The President*

*The Secretaries to the EEA Joint Committee*

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



**COUNCIL DECISION (EU) 2019/1193****of 8 July 2019****on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 33 02 03 01 — Company law)****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the European Union regarding company law.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2019.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on the Union's behalf, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

*Article 2*

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

Done at Brussels, 8 July 2019.

*For the Council*

*The President*

A.-K. PEKONEN

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<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

DRAFT

**DECISION OF THE EEA JOINT COMMITTEE**

**No .../2019**

**of ...**

**amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in Union actions funded from the general budget of the Union regarding company law.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2019,

HAS ADOPTED THIS DECISION:

*Article 1*

In paragraph 13 of Article 7 of Protocol 31 to the EEA Agreement, the words 'and 2018' are replaced by the words '2018 and 2019'.

*Article 2*

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

It shall apply from 1 January 2019.

*Article 3*

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

Done at Brussels,

*For the EEA Joint Committee*

*The President*

*The Secretaries to the EEA Joint Committee*

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

**COMMISSION IMPLEMENTING DECISION (EU) 2019/1194****of 5 July 2019****on the identification of 4-tert-butylphenol (PTBP) as a substance of very high concern pursuant to Article 57(f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council***(notified under document C(2019) 4987)***(Only the English text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC <sup>(1)</sup>, and in particular Article 59(9) thereof,

Whereas:

- (1) On 30 August 2016, Germany submitted to the European Chemicals Agency ('the Agency'), in accordance with Article 59(3) of Regulation (EC) No 1907/2006, a dossier prepared in accordance with Annex XV to that Regulation ('Annex XV dossier') for the identification of 4-tert-butylphenol [(PTBP) (EC No 202-679-0, CAS No 98-54-4) as a substance of very high concern according to Article 57(f) of that Regulation due to its endocrine disrupting properties, for which there is scientific evidence of probable serious effects to the environment which give rise to an equivalent level of concern to those of other substances listed in points (a) to (e) of Article 57 of Regulation (EC) No 1907/2006.
- (2) On 15 December 2016, the Member State Committee of the Agency (MSC) adopted its opinion <sup>(2)</sup> on the Annex XV dossier. While a majority of the MSC members considered that PTBP should be identified as a substance of very high concern pursuant to Article 57(f) of Regulation (EC) No 1907/2006, the MSC did not reach unanimous agreement. Two members expressed doubts about the reliability of the key scientific study <sup>(3)</sup> and were of the opinion that the available evidence does not allow to conclude that there is an equivalent level of concern to those of other substances listed in points (a) to (e) of Article 57 of Regulation (EC) No 1907/2006. A third member, while supporting the identification of PTBP as a substance of very high concern, also expressed doubts about the reliability of the key study. The Commission disagrees with the doubts expressed about the reliability of the key scientific study.
- (3) On 17 January 2017, pursuant to Article 59(9) of Regulation (EC) No 1907/2006, the Agency referred the MSC opinion to the Commission for a decision on the identification of PTBP on the basis of Article 57(f) of that Regulation.
- (4) The Commission concurs with the MSC opinion expressing its unanimous agreement on that there is scientific evidence of adverse effects in fish linked to an estrogen mode of action of PTBP, which demonstrates that the substance meets the World Health Organization/International Programme on Chemical Safety (WHO/IPCS) <sup>(4)</sup> definition of an endocrine disruptor. Exposure to PTBP leads to serious and irreversible adverse effects on sexual development of fish, namely a complete and irreversible sex reversal of affected fish populations resulting in all-female populations. The conclusion that PTBP exerts endocrine disruptive properties is further supported by read-across from other substances <sup>(5)</sup> belonging to the same chemical class of alkylphenols as PTBP. For these reasons, the Commission concludes that for PTBP there is scientific evidence of probable serious effects to the environment.

<sup>(1)</sup> OJ L 396, 30.12.2006, p. 1.

<sup>(2)</sup> <http://echa.europa.eu/role-of-the-member-state-committee-in-the-authorisation-process/svhc-opinions-of-the-member-state-committee>

<sup>(3)</sup> Demska-Zakęś, K. (2005). Wpływ wybranych ksenobiotyków na rozwój układu płciowego ryb. (Olsztyn, Uniwersytet Warmińsko-Mazurski w Olsztynie - UWM Olsztyn), p. 61.

<sup>(4)</sup> World Health Organization/International Programme on Chemical Safety (WHO/IPCS), 2002. Global Assessment of the State-of-the-science of Endocrine Disruptors. WHO/PCS/EDC/02.2, publicly available at [http://www.who.int/ipcs/publications/new\\_issues/endocrine\\_disruptors/en/](http://www.who.int/ipcs/publications/new_issues/endocrine_disruptors/en/)

<sup>(5)</sup> 4-nonylphenol, branched and linear; 4-tert-octylphenol (CAS-No: 140-66-1; EC-No: 205-426-2); 4- heptylphenol, branched and linear; 4-tert-pentylphenol (CAS-No: 80-46-6; EC-No: 201-280-9).

- (5) The Commission considers that the adverse effects are of a severity similar to those of other substances which have been identified as substances of very high concern pursuant to Article 57(f) of Regulation (EC) No 1907/2006 due to their endocrine disrupting properties with probable serious effects to the environment. Effects observed in fish are irreversible and may be relevant for wildlife populations. The majority of the MSC was of the opinion that, on the basis of the available information, it appears difficult to derive a safe level of exposure to adequately assess the risks although it may exist. The Commission concurs with that assessment. The Commission therefore considers that the level of concern of the adverse effects is equivalent to those of substances referred to in points (a) to (e) of Article 57 of Regulation (EC) No 1907/2006. The fact that the adverse effects on the sexual development of fish were observed in the key study at low concentration levels (lowest observed effect concentration: 1 µg/l) further strengthens the concern.
- (6) PTBP should be identified pursuant to Article 57(f) of Regulation (EC) No 1907/2006 as a substance of very high concern due to its endocrine disrupting properties with probable serious effects to the environment which give rise to an equivalent level of concern to those of other substances listed in points (a) to (e).
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. 4-tert-butylphenol (PTBP) (EC No 202-679-0, CAS No 98-54-4) is identified as a substance of very high concern pursuant to Article 57(f) of Regulation (EC) No 1907/2006 due to its endocrine disrupting properties with probable serious effects to the environment which give rise to an equivalent level of concern to those of other substances listed in Article 57(a) to (e) of that Regulation.
2. The substance referred to in paragraph 1 shall be included in the candidate list referred to in Article 59(1) of Regulation (EC) No 1907/2006 with the following indication under 'Reason for inclusion': 'Endocrine disrupting properties (Article 57(f) - environment)'.

#### *Article 2*

This Decision is addressed to the European Chemicals Agency.

Done at Brussels, 5 July 2019.

*For the Commission*  
Elżbieta BIENKOWSKA  
*Member of the Commission*

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**COMMISSION IMPLEMENTING DECISION (EU) 2019/1195****of 10 July 2019****amending Decisions 2008/730/EC, 2008/837/EC, 2009/184/EC, 2011/354/EU, Implementing Decisions 2012/81/EU, 2013/327/EU, (EU) 2015/690, (EU) 2015/697, (EU) 2015/699, (EU) 2016/1215, (EU) 2017/1208 and (EU) 2017/2451 as regards the authorisation holder and the representative for the placing on the market of genetically modified soybean, cotton, oilseed rape and maize***(notified under document C(2019) 5093)***(Only the German text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed <sup>(1)</sup>, and in particular to Article 9(2) and Article 21(2) thereof,

Whereas:

- (1) Bayer CropScience AG, based in Germany, is the authorisation holder for the placing on the market of genetically modified food and feed (soybean, cotton, oilseed rape and maize) under Regulation (EC) No 1829/2003, covered by Commission Decisions 2008/730/EC <sup>(2)</sup>, 2008/837/EC <sup>(3)</sup>, 2009/184/EC <sup>(4)</sup>, 2011/354/EU <sup>(5)</sup>, Commission Implementing Decisions 2012/81/EU <sup>(6)</sup>, 2013/327/EU <sup>(7)</sup>, (EU) 2015/690 <sup>(8)</sup>, (EU) 2015/697 <sup>(9)</sup>, (EU) 2015/699 <sup>(10)</sup> and (EU) 2016/1215 <sup>(11)</sup>.
- (2) Bayer CropScience N.V., based in Belgium, is the authorisation holder for the placing on the market of a genetically modified food and feed (cotton) and represents Bayer CropScience LP, based in the United States, for the authorisation under Commission Implementing Decision (EU) 2017/1208 <sup>(12)</sup>.
- (3) Bayer CropScience N.V., based in Belgium, is the authorisation holder for the placing on the market of a genetically modified food and feed (soybean) and represents M.S. Technologies LLC, based in the United States, for the authorisation under Commission Implementing Decision (EU) 2017/2451 <sup>(13)</sup>.
- (4) By letter dated 1 August 2018, Bayer CropScience AG, Germany, Bayer CropScience N.V., Belgium and Bayer CropScience LP, United States, requested, that the Commission transfers their rights and obligations pertaining to all authorisations and pending applications for genetically modified products, to BASF Agricultural Solutions Seed US LLC, based in the United States.
- (5) By letter dated 19 October 2018, BASF Agricultural Solutions Seed US LLC confirmed their consent to this transfer and authorised BASF SE, based in Germany, to act as its EU representative.
- (6) On 11 October 2018, M.S. Technologies LLC confirmed in writing its agreement with the change of their representative.
- (7) Annexes to Decisions 2008/730/EC, 2008/837/EC, 2009/184/EC and 2011/354/EU contain links to the webpages of The American Oil Chemists' Society, where the reference materials for detection method are available, which are linked to Bayer, therefore, these links should be adapted accordingly.

- (8) The proposed amendments to the authorisation decisions are purely administrative in nature and do not entail a new assessment of the products concerned. The same applies to the addressees of the authorisation decisions concerned, which should also be adapted accordingly.
- (9) The implementation of the requested changes requires the amendment of decisions authorising the placing on the market of genetically modified products for which Bayer CropScience AG and Bayer CropScience N.V. are the authorisation holders. In particular, the following decisions should therefore be amended accordingly: Decisions 2008/730/EC, 2008/837/EC, 2009/184/EC, 2011/354/EU, Implementing Decisions 2012/81/EU, 2013/327/EU, (EU) 2015/690, (EU) 2015/697, (EU) 2015/699, (EU) 2016/1215, (EU) 2017/1208 and (EU) 2017/2451.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

#### *Article 1*

#### **Amendment to Decision 2008/730/EC**

Decision 2008/730/EC is amended as follows:

- (1) In Article 6, 'Bayer CropScience AG' is replaced by 'BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany';
- (2) In Article 8, 'Bayer CropScience AG, Alfred-Nobel-Straße 50, D-40789 Monheim am Rhein' is replaced by 'BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen';
- (3) Point (a) of the Annex is replaced by the following:

**'(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.'

- (4) Point (d), third indent, of the Annex is replaced by the following:

— reference material: AOCS 0707-A and AOCS 0707-B accessible via the American Oil Chemists Society at <https://www.aocs.org/crm>.

#### *Article 2*

#### **Amendment to Decision 2008/837/EC**

Decision 2008/837/EC is amended as follows:

- (1) In Article 6, 'Bayer CropScience AG' is replaced by 'BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany';
- (2) In Article 8, 'Bayer CropScience AG, Alfred-Nobel-Strasse 50, D-40789 Monheim am Rhein' is replaced by 'BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen';
- (3) Point (a) of the Annex is replaced by the following:

**'(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.';

(4) Point (d), third indent, of the Annex is replaced by the following:

‘— reference material: AOCS 0306-A and AOCS 0306-E accessible via the American Oil Chemists Society at <https://www.aocs.org/crm>’.

#### Article 3

#### Amendment to Decision 2009/184/EC

Decision 2009/184/EC is amended as follows:

- (1) In Article 7, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 9, ‘Bayer CropScience AG, Alfred-Nobel-Straße 50, 40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;
- (3) Point (a) of the Annex is replaced by the following:

‘(a) **Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’;

(4) Point (d), third indent, of the Annex is replaced by the following:

‘— reference material: AOCS 0208-A accessible via the American Oil Chemists Society at <https://www.aocs.org/crm>’.

#### Article 4

#### Amendment to Decision 2011/354/EU

Decision 2011/354/EU is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Straße 50, 40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;
- (3) Point (a) of the Annex is replaced by the following:

‘(a) **Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’;

(4) Point (d), third indent, of the Annex is replaced by the following:

‘— reference material: AOCS 1108-A and 0306-A is accessible via the American Oil Chemists Society at <https://www.aocs.org/crm>’.

#### Article 5

#### Amendment to Implementing Decision 2012/81/EU

Implementing Decision 2012/81/EU is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Strasse 50, 40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;

(3) Point (a) of the Annex is replaced by the following:

**‘(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 6*

**Amendment to Implementing Decision 2013/327/EU**

Implementing Decision 2013/327/EU is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Strasse 50, 40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;
- (3) Point (a) of the Annex is replaced by the following:

**‘(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 7*

**Amendment to Implementing Decision (EU) 2015/690**

Implementing Decision (EU) 2015/690 is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Strasse 50, D-40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;
- (3) Point (a) of the Annex is replaced by the following:

**‘(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 8*

**Amendment to Implementing Decision (EU) 2015/697**

Implementing Decision (EU) 2015/697 is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Strasse 50, D-40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;



(3) Point (a) of the Annex is replaced by the following:

**‘(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 9*

**Amendment to Implementing Decision (EU) 2015/699**

Implementing Decision (EU) 2015/699 is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Strasse 50, D-40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;
- (3) Point (a) of the Annex is replaced by the following:

**‘(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 10*

**Amendment to Implementing Decision (EU) 2016/1215**

Implementing Decision (EU) 2016/1215 is amended as follows:

- (1) In Article 6, ‘Bayer CropScience AG’ is replaced by ‘BASF Agricultural Solutions Seed US LLC, USA, represented by BASF SE, Germany’;
- (2) In Article 8, ‘Bayer CropScience AG, Alfred-Nobel-Strasse 50, D-40789 Monheim am Rhein’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen’;
- (3) Point (a) of the Annex is replaced by the following:

**‘(a) Applicant and authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 11*

**Amendment to Implementing Decision (EU) 2017/1208**

Implementing Decision (EU) 2017/1208 is amended as follows:

- (1) Article 6 is replaced by the following:

*‘Article 6*

**Authorisation holder**

The authorisation holder shall be BASF Agricultural Solutions Seed US LLC, United States, represented by BASF SE, Germany.’;

- (2) In Article 8, ‘Bayer CropScience NV, J.E. Mommaertslaan 14, 1831, Diegem, Belgium’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany’;

(3) Point (a) of the Annex is replaced by the following:

‘(a) **Authorisation holder:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.’

*Article 12*

**Amendment to Implementing Decision (EU) 2017/2451**

Implementing Decision (EU) 2017/2451 is amended as follows:

(1) Article 7 is replaced by the following:

‘Article 7

**Authorisation holders**

The authorisation holders shall be

(a) BASF Agricultural Solutions Seed US LLC, United States, represented by BASF SE, Germany;

and

(b) BASF SE, Germany, representing M.S. Technologies, LLC, United States.’;

(2) In Article 9, ‘Bayer CropScience N.V., J.E. Mommaertslaan 14, 1831 Diegem, Belgium’ is replaced by ‘BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany’;

(3) Point (a) of the Annex is replaced by the following:

‘(a) **Applicants and authorisation holders:**

Name: BASF Agricultural Solutions Seed US LLC

Address: 100 Park Avenue, Florham Park, New Jersey 07932, United States of America

Represented by BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany;

and

Name: BASF SE Germany

Address: Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany

On behalf of M.S. Technologies LLC, 103, Avenue D, West Point, Iowa 52656, United States of America.’

*Article 13*

**Addressee**

This Decision is addressed to BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany.

Done at Brussels, 10 July 2019.

*For the Commission*

Vytenis ANDRIUKAITIS

*Member of the Commission*

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 1.

<sup>(2)</sup> Commission Decision 2008/730/EC of 8 September 2008 authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 247, 16.9.2008, p. 50).

<sup>(3)</sup> Commission Decision 2008/837/EC of 29 October 2008 authorising the placing on the market of products containing, consisting of, or produced from genetically modified LLCotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 299, 8.11.2008, p. 36).

- (<sup>4</sup>) Commission Decision 2009/184/EC of 10 March 2009 authorising the placing on the market of products containing or produced from genetically modified oilseed rape T45 (ACS-BNØØ8-2) resulting from the commercialisation of this oilseed rape in third countries until 2005 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 68, 13.3.2009, p. 28).
- (<sup>5</sup>) Commission Decision 2011/354/EU of 17 June 2011 authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 160, 18.6.2011, p. 90).
- (<sup>6</sup>) Commission Implementing Decision 2012/81/EU of 10 February 2012 authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean A5547-127 (ACS-GMØØ6-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 40, 14.2.2012, p. 10).
- (<sup>7</sup>) Commission Implementing Decision 2013/327/EU of 25 June 2013 authorising the placing on the market of food containing or consisting of genetically modified oilseed rape Ms8, Rf3 and Ms8 × Rf3, or food and feed produced from those genetically modified organisms pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 175, 27.6.2013, p. 57).
- (<sup>8</sup>) Commission Implementing Decision (EU) 2015/690 of 24 April 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB614×LLCotton25 (BCS-GHØØ2-5×ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 112, 30.4.2015, p. 35).
- (<sup>9</sup>) Commission Implementing Decision (EU) 2015/697 of 24 April 2015 authorising the placing on the market of genetically modified maize T25 (ACS-ZMØØ3-2) and renewing the existing maize T25 (ACS-ZMØØ3-2) products, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 112, 30.4.2015, p. 66).
- (<sup>10</sup>) Commission Implementing Decision (EU) 2015/699 of 24 April 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton T304-40 (BCS-GHØØ4-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 112, 30.4.2015, p. 77).
- (<sup>11</sup>) Commission Implementing Decision (EU) 2016/1215 of 22 July 2016 authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 199, 26.7.2016, p. 16).
- (<sup>12</sup>) Commission Implementing Decision (EU) 2017/1208 of 4 July 2017 authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ L 173, 6.7.2017, p. 23).
- (<sup>13</sup>) Commission Implementing Decision (EU) 2017/2451 of 21 December 2017 authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ L 346, 28.12.2017, p. 20).
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**COMMISSION DECISION (EU) 2019/1196****of 11 July 2019****on the participation of the United Kingdom of Great Britain and Northern Ireland in Regulation (EU) 2018/1727 of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust)**

THE EUROPEAN COMMISSION,

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

Having regard to Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and in particular Article 4 thereof,

Whereas:

- (1) By letter to the President of the Council of 14 March 2019, the United Kingdom of Great Britain and Northern Ireland (the 'United Kingdom') notified its intention to participate in Regulation (EU) 2018/1727 of the European Parliament and of the Council <sup>(1)</sup>.
- (2) Since there are no specific conditions attached to the participation of the United Kingdom in Regulation (EU) 2018/1727, there is no need for transitional measures.
- (3) The participation of the United Kingdom in Regulation (EU) 2018/1727 should therefore be confirmed.
- (4) Regulation (EU) 2018/1727 entered into force on 11 December 2018 and applies from 12 December 2019.
- (5) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union (TEU). The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (6) The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community <sup>(2)</sup> (the 'Withdrawal Agreement') was agreed between the Union and the United Kingdom's government in November 2018 but the necessary internal procedures for its entry into force have not yet been completed. Part Four of the Withdrawal Agreement provides for a transition period, which starts on the date of entry into force of the Agreement. During the transition period Union law is to continue to apply to and in the United Kingdom in accordance with the Withdrawal Agreement.
- (7) On 22 March 2019, by European Council Decision (EU) 2019/476 <sup>(3)</sup>, in agreement with the United Kingdom, the period under Article 50(3) TEU was extended until 22 May 2019 in the event that the House of Commons approved the Withdrawal Agreement by 29 March 2019, or, if that were not to be the case, until 12 April 2019. The House of Commons did not approve the Withdrawal Agreement by 29 March 2019. On 11 April 2019, by European Council Decision (EU) 2019/584 <sup>(4)</sup>, in agreement with the United Kingdom, the period under Article 50(3) TEU was further extended until 31 October 2019. Upon a request of the United Kingdom, that period can be further extended by a unanimous decision of the European Council taken in agreement with the United Kingdom. Moreover, the United Kingdom can revoke at any time its notification of its intention to withdraw from the Union.

<sup>(1)</sup> Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

<sup>(2)</sup> OJ C 144 I, 25.4.2019, p. 1.

<sup>(3)</sup> European Council Decision (EU) 2019/476 taken in agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3) TEU (OJ L 80 I, 22.3.2019, p. 1).

<sup>(4)</sup> European Council Decision (EU) 2019/584 taken in agreement with the United Kingdom of 11 April 2019 extending the period under Article 50(3) TEU (OJ L 101, 11.4.2019, p. 1).

- (8) Regulation (EU) 2018/1727 will therefore apply in respect of and in the United Kingdom only in the event that the United Kingdom is a Member State on 12 December 2019 or the Withdrawal Agreement has entered into force by that date.
- (9) Pursuant to Article 4 of Protocol No 21, this Decision should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

*Article 1*

The participation of the United Kingdom of Great Britain and Northern Ireland in Regulation (EU) 2018/1727 is confirmed.

*Article 2*

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

Done at Brussels, 11 July 2019.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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