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EN

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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2018/1041

of 13 July 2018

on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to take account of the accession of the Republic of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 212, in conjunction with Article 218(6)(a), thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) Under the terms of Article 6(2) of the Act of Accession, Croatia's accession to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part ⁽²⁾, is to be agreed by means of a Protocol to the Agreement. A simplified procedure is to apply whereby the Protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned. The negotiations with the Republic of Korea were successfully concluded and the Protocol was signed on behalf of the Union and its Member States in Brussels on 21 June 2017 ⁽³⁾.
- (3) The Protocol should therefore be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby approved on behalf of the Union and its Member States ⁽⁴⁾.

⁽¹⁾ Consent of the European Parliament given on 3 May 2018.

⁽²⁾ OJ L 20, 23.1.2013, p. 2.

⁽³⁾ Council Decision (EU) 2018/902 of 21 April 2016 on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to take account of the accession of the Republic of Croatia to the European Union (OJ L 161, 26.6.2018, p. 1).

⁽⁴⁾ The Protocol has been published in OJ L 161 of 26.6.2018, p. 3 together with the Decision on signature.

Article 2

The President of the Council shall, on behalf of the Union and its Member States, give the notification provided for in Article 4(1) of the Protocol.

Article 3

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

Done at Brussels, 13 July 2018.

For the Council
The President
H. LÖGER

REGULATIONS

COMMISSION REGULATION (EU) 2018/1042

of 23 July 2018

amending Regulation (EU) No 965/2012, as regards technical requirements and administrative procedures related to introducing support programmes, psychological assessment of flight crew, as well as systematic and random testing of psychoactive substances to ensure medical fitness of flight and cabin crew members, and as regards equipping newly manufactured turbine-powered aeroplanes with a maximum certified take-off mass of 5 700 kg or less and approved to carry six to nine passengers with a terrain awareness warning system

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 7(6), Article 8(5) and Article 10(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 965/2012 ⁽²⁾ lays down detailed rules for commercial air transport operations with aeroplanes and helicopters, including ramp inspections of aircraft of operators under the safety oversight of another Member State or of a third country, when landed at aerodromes located in the territory subject to the provisions of the Treaty. That Regulation also stipulates that crew members are not to carry out duties on an aircraft when under the influence of psychoactive substances or when unfit due to injury, fatigue, medication, sickness or other similar causes.
- (2) The European Aviation Safety Agency ('the Agency') has identified a number of safety risks and issued recommendations to mitigate those risks. The implementation of some of those recommendations requires regulatory changes as regards the psychological assessment of the flight crew before commencing line flying, the implementation of a support programme for flight crew, the carrying-out of random alcohol testing on flight and cabin crew members by Member States, and systematic testing of psychoactive substances of flight and cabin crew members by commercial air transport operators.
- (3) With regards to psychoactive substance testing, the International Civil Aviation Organisation (ICAO) Manual on Prevention of Problematic Use of Substances in the Aviation Workplace (Doc 9654) should be taken into account.
- (4) The existing ramp inspection programme referred to in Subpart RAMP of Annex II to Regulation (EU) No 965/2012 already provides a framework for the systematic, structured and risk-based inspection of operators containing extensive provisions and safeguards for, inter alia, data protection, inspector training, risk-based sampling, the grounding of aircraft and preventing unnecessary delays. It is therefore appropriate to apply that well-established framework to carry out alcohol tests on flight crew and cabin crew members. A flight crew or cabin crew member who refuses to cooperate during tests or who has been identified to be under the influence of psychoactive substances after a confirmed positive test is to be removed from duty.
- (5) In some Member States, random tests for psychoactive substances are already carried out by other officials than those authorised under Subpart RAMP of Annex II. Therefore, under certain conditions, Member States should be able to carry out alcohol tests on flight crew and cabin crew members outside of the framework of the ramp inspection programme of Annex II to Regulation (EU) No 965/2012.

⁽¹⁾ OJ L 79, 13.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

- (6) Member States should also be given the possibility to carry out additional tests for the presence of psychoactive substances other than alcohol.
- (7) ICAO recommends in Parts I and II of Annex 6 to the Chicago Convention that turbine-powered aeroplanes with a maximum certified take-off mass (MCTOM) of 5 700 kg or less and a maximum operational passenger seating configuration between six and nine be equipped with a ground proximity warning system.
- (8) In order to be aligned with ICAO Standards and Recommended Practices and to mitigate the risks of controlled flights into terrain, Regulation (EU) No 965/2012 should be amended accordingly.
- (9) The measures provided for in this Regulation are based on Opinions No 14/2016 and No 15/2016 issued by the Agency in accordance with Article 19(1) of Regulation (EC) No 216/2008.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established pursuant to Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 965/2012 is amended as follows:

- (1) Article 4 is replaced by the following:

'Article 4

Ramp inspections

1. Ramp inspections of aircraft of operators under the safety oversight of another Member State or of a third country shall be carried out in accordance with Subpart RAMP of Annex II.
2. Member States shall ensure that alcohol testing of flight crew and cabin crew members is carried out with regard to operators under their own oversight as well as with regard to operators under the oversight of another Member State or of a third country. Such testing shall be performed by ramp inspectors within the framework of the ramp inspection programme of Subpart RAMP of Annex II.
3. By way of derogation from paragraph 2, Member States may ensure alcohol testing of flight crew and cabin crew members to be carried out by other authorised officials and outside the framework of the ramp inspection programme of Subpart RAMP of Annex II, provided that such alcohol testing meets the same objectives and adheres to the same principles as tests carried out under the framework of Subpart RAMP of Annex II. Results of such alcohol tests shall be included in the centralised database in accordance with point (b) of ARO.RAMP.145.
4. Member States may carry out additional testing for psychoactive substances other than alcohol. In that case, the Member State shall notify the European Aviation Safety Agency ('the Agency') and the Commission.;

- (2) Article 9b is replaced by the following:

'Article 9b

Review

1. The Agency shall conduct a continuous review of the effectiveness of the provisions concerning flight and duty time limitations and rest requirements contained in Annexes II and III. No later than 18 February 2019 the Agency shall produce a first report on the results of this review.

That review shall involve scientific expertise and shall be based on operational data gathered, with the assistance of Member States, on a long-term basis after the date of application of this Regulation.

The review shall assess the impact of at least the following on the alertness of aircrew:

- (a) duties of more than 13 hours at the most favourable times of the day;
- (b) duties of more than 10 hours at less favourable times of the day;
- (c) duties of more than 11 hours for crew members in an unknown state of acclimatisation;

- (d) duties including a high level of sectors (more than 6);
- (e) on-call duties such as standby or reserve followed by flight duties; and
- (f) disruptive schedules.

2. The Agency shall conduct a continuous review of the effectiveness of the provisions concerning support programmes, the psychological assessment of flight crew and the systematic and random testing of psychoactive substances to ensure the medical fitness of flight crew and cabin crew members set out in Annexes II and IV. No later than 14 August 2022, the Agency shall produce a first report on the results of this review.

That review shall involve relevant expertise and shall be based on data gathered, with the assistance of Member States and the Agency, on a long-term basis.’;

- (3) Annexes I, II, IV, VI, VII and VIII are amended in accordance with the Annex to this Regulation.

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*.

It shall apply from 14 August 2020.

However, points 3(f) and 6(b) of the Annex shall apply from 14 August 2018.

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

Done at Brussels, 23 July 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annexes I, II, IV, VI, VII and VIII are amended as follows:

(1) Annex I is amended as follows:

(a) the following point (78a) is inserted:

‘(78a) “misuse of substances” means the use of one or more psychoactive substances by flight crew, cabin crew members and other safety-sensitive personnel in a way that:

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others, and/or
- (b) causes or worsens an occupational, social, mental or physical problem or disorder;’

(b) the following point (98a) is inserted:

‘(98a) “psychoactive substances” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, with the exception of caffeine and tobacco;’

(c) the following point (105a) is inserted:

‘(105a) “safety-sensitive personnel” means persons who might endanger aviation safety if they perform their duties and functions improperly, including flight crew and cabin crew members, aircraft maintenance personnel and air traffic controllers;’

(2) Annex II (Part-ARO) is amended as follows:

(a) the following point ARO.RAMP.106 is inserted:

‘ARO.RAMP.106 Alcohol testing

- (a) The competent authority shall carry out alcohol testing on flight and cabin crew.
- (b) The Agency shall provide competent authorities with a list of Union and third-country operators for the prioritisation of alcohol testing within the ramp inspection programme in accordance with ARO.RAMP.105 based on a risk assessment performed by the Agency, taking into account the robustness and effectiveness of existing psychoactive testing programmes.
- (c) When selecting operators for alcohol testing of flight and cabin crew, the competent authority shall use the list established in accordance with point (b).
- (d) Whenever data concerning alcohol tests is included in the centralised database in accordance with point (b) of point ARO.RAMP.145, the competent authority shall ensure that such data excludes any personal data of the crew member concerned.
- (e) In case of a reasonable cause or suspicion, alcohol tests may be carried out at any time.
- (f) The alcohol testing methodology shall apply recognised quality standards that ensure accurate testing results.
- (g) A flight crew or cabin crew member who refuses to cooperate during tests or who has been identified to be under the influence of alcohol after a positive test shall not be allowed to continue his or her duty;’

(3) Annex IV (Part-CAT) is amended as follows:

(a) in point CAT.GEN.MPA.100, point (c)(1) of is replaced by the following:

‘(1) when under the influence of psychoactive substances or when unfit due to injury, fatigue, medication, sickness or other similar causes;’

(b) point CAT.GEN.MPA.170 is replaced by the following:

‘CAT.GEN.MPA.170 Psychoactive substances

- (a) The operator shall take all reasonable measures to ensure that no person enters or is in an aircraft when under the influence of psychoactive substances to the extent that the safety of the aircraft or its occupants is likely to be endangered.

- (b) The operator shall develop and implement a policy on the prevention and detection of misuse of psychoactive substances by flight and cabin crew members and by other safety-sensitive personnel under its direct control, in order to ensure that the safety of the aircraft or its occupants is not endangered.
 - (c) Without prejudice to the applicable national legislation on data protection concerning testing of individuals, the operator shall develop and implement an objective, transparent and non-discriminatory procedure for the prevention and detection of cases of misuse of psychoactive substances by its flight and cabin crew and other safety-sensitive personnel.
 - (d) In case of a confirmed positive test result, the operator shall inform its competent authority and the authority responsible for the personnel concerned, such as a medical assessor of the licensing authority.;
- (c) point CAT.GEN.MPA.175 is replaced by the following:

‘CAT.GEN.MPA.175 Endangering safety

- (a) The operator shall take all reasonable measures to ensure that no person recklessly, intentionally or negligently acts or omits to act so as to:
 - (1) endanger an aircraft or person therein; or
 - (2) cause or permit an aircraft to endanger any person or property.
 - (b) The operator shall ensure that flight crew has undergone a psychological assessment before commencing line flying in order to:
 - (1) identify psychological attributes and suitability of the flight crew in respect of the work environment; and
 - (2) reduce the likelihood of negative interference with the safe operation of the aircraft.
 - (c) Considering the size, nature and complexity of the activity of an operator, an operator may replace the psychological assessment referred to in point (b) with an internal assessment of the psychological attributes and suitability of flight crew.;
- (d) the following point CAT.GEN.MPA.215 is inserted:

‘CAT.GEN.MPA.215 Support programme

- (a) The operator shall enable, facilitate and ensure access to a proactive and non-punitive support programme that will assist and support flight crew in recognising, coping with, and overcoming any problem which might negatively affect their ability to safely exercise the privileges of their licence. Such access shall be made available to all flight crew.
 - (b) Without prejudice to applicable national legislation on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the protection of the confidentiality of data shall be a precondition for an effective support programme as it encourages the use of such a programme and ensures its integrity.;
- (e) in point CAT.GEN.NMPA.100, point (b)(1) is replaced by the following:
- ‘(1) when under the influence of psychoactive substances or when unfit due to injury, fatigue, medication, sickness or other similar causes.;;’
- (f) in point CAT.IDE.A.150, the following point (c) is added:
- ‘(c) Turbine-powered aeroplanes for which the individual certificate of airworthiness (CofA) was first issued after 1 January 2019 and having an MCTOM of 5 700 kg or less and an MOPSC of six to nine shall be equipped with a TAWS that meets the requirements for Class B equipment, as specified in an acceptable standard.;;’

(4) Annex VI (Part-NCC) is amended as follows:

- (a) in point NCC.GEN.105, point (e)(2) is replaced by the following:
 - ‘(2) when under the influence of psychoactive substances or for other reasons as referred to in 7.g of Annex IV to Regulation (EC) No 216/2008.;;’

(5) Annex VII (Part-NCO) is amended as follows:

(a) in point NCO.SPEC.115, point (e)(2) is replaced by the following:

‘(2) when under the influence of psychoactive substances or for other reasons as referred to in 7.g of Annex IV to Regulation (EC) No 216/2008.’;

(6) Annex VIII (Part-SPO) is amended as follows:

(a) in point SPO.GEN.105, point (e)(2) is replaced by the following:

‘(2) when under the influence of psychoactive substances or for other reasons as referred to in 7.g of Annex IV to Regulation (EC) No 216/2008.’;

(b) point SPO.IDE.A.130 is replaced by the following:

‘SPO.IDE.A.130 Terrain awareness warning system (TAWS)

(a) Turbine-powered aeroplanes with a maximum certified take-off mass (MCTOM) of more than 5 700 kg or an MOPSC of more than nine shall be equipped with a TAWS that meets the requirements for:

(1) class A equipment, as specified in an acceptable standard, in the case of aeroplanes for which the individual certificate of airworthiness (CofA) was first issued after 1 January 2011; or

(2) class B equipment, as specified in an acceptable standard, in the case of aeroplanes for which the individual CofA was first issued on or before 1 January 2011.

(b) When used in commercial operations, turbine-powered aeroplanes for which the individual CofA was first issued after 1 January 2019 and having an MCTOM of 5 700 kg or less and an MOPSC of six to nine shall be equipped with a TAWS that meets the requirements for class B equipment, as specified in an acceptable standard.’.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1043**of 24 July 2018****concerning the non-renewal of approval of the active substance fenamidone, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Commission Directive 2003/68/EC ⁽²⁾ included fenamidone as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance fenamidone, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 July 2019.
- (4) An application for the renewal of the approval of fenamidone was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 12 February 2015.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 11 February 2016 the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether fenamidone can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009.
- (9) The Authority identified specific concerns. In particular, it was not possible to conclude on the genotoxic potential of fenamidone and no health-based reference values could be set. Consequently, the consumer and non-dietary risk assessments could not be conducted. Furthermore, a high potential for groundwater contamination above the parametric drinking water limit of 0,1 µg/L by a toxicologically relevant metabolite (RPA 412708) was indicated in all pertinent scenarios for crops grown in soils of predominantly pH 7 or above. In addition,

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/68/EC of 11 July 2003 amending Council Directive 91/414/EEC to include trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone and isoxaflutole as active substances (OJ L 177, 16.7.2003, p. 12).

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

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

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

⁽⁶⁾ EFSA (European Food Safety Authority), 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance fenamidone. *EFSA Journal* 2016;14(2):4406, 173 pp. doi:10.2903/j.efsa.2016.4406. Available online: www.efsa.europa.eu

the Authority concluded that the consumer risk assessment for exposure to another groundwater metabolite (RPA 412636) which is also found in food of plant and animal origin could not be finalised. Furthermore, the residue definitions for risk assessment in plant and livestock commodities are not finalised in terms of the inclusion of potentially relevant metabolites. Finally, the Authority concluded that the risk assessment for wild mammals could not be finalised and a high risk to aquatic organisms from exposure to the metabolite acetophenone could not be excluded based on the available information.

- (10) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with the third subparagraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, the Commission invited the applicant to submit comments on the draft renewal report. The applicant submitted its comments, which have been carefully examined.
- (11) However, despite the arguments put forward by the applicant, the concerns regarding the active substance could not be eliminated.
- (12) Consequently, it has not been established with respect to one or more representative uses of at least one plant protection product that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to renew the approval of the active substance fenamidone in accordance with Article 20(1)(b) of that Regulation.
- (13) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (14) Member States should be provided with time to withdraw authorisations for plant protection products containing fenamidone.
- (15) For plant protection products containing fenamidone, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should, at the latest, expire on 14 November 2019.
- (16) Commission Implementing Regulation (EU) 2018/917 ⁽¹⁾ extended the expiry date of fenamidone to 31 July 2019 in order to allow the renewal process to be completed before the expiry of the approval of that substance. However, given that a decision is taken ahead of that extended expiry date, this Regulation should apply as soon as possible.
- (17) This Regulation does not prevent the submission of a further application for the approval of fenamidone pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Non-renewal of approval of active substance

The approval of the active substance fenamidone is not renewed.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 62, on fenamidone, is deleted.

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

*Article 3***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing fenamidone as active substance by 14 February 2019 at the latest.

*Article 4***Grace period**

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire by 14 November 2019 at the latest.

*Article 5***Entry into force**

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

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

Done at Brussels, 24 July 2018.

For the Commission

The President

Jean-Claude JUNCKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/1044

of 23 July 2018

amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States

(notified under document C(2018) 4795)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ⁽⁵⁾ in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ⁽⁶⁾ in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times, mainly to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC.
- (6) The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2018/894 ⁽¹⁾, following the notification by Bulgaria of a new outbreak of highly pathogenic avian influenza of subtype H5N8 in a poultry holding in the Dobrich region of that Member State. Bulgaria also notified the Commission that it had duly taken the necessary measures required in accordance with Directive 2005/94/EC following that new outbreak, including the establishment of protection and surveillance zones around the infected poultry holding.
- (7) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2018/894, Bulgaria has notified the Commission of a further outbreak of highly pathogenic avian influenza of subtype H5 in a poultry holding again in the Dobrich region of that Member State.
- (8) Bulgaria has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following that new outbreak, including the establishment of protection and surveillance zones around the infected poultry holding in that Member State.
- (9) The Commission has examined those measures in collaboration with Bulgaria, and the Commission is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority of Bulgaria, are at a sufficient distance to the poultry holding where the new outbreak was confirmed.
- (10) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria, the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the new outbreak of highly pathogenic avian influenza in that Member State.
- (11) Implementing Decision (EU) 2017/247 should therefore be updated to take account of the up-to-date epidemiological situation in Bulgaria, as regards highly pathogenic avian influenza. In particular, the newly established protection and surveillance zones in Bulgaria, now subject to restrictions in accordance with Directive 2005/94/EC, should be listed in the Annex to Implementing Decision (EU) 2017/247.
- (12) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalisation at Union level in order to include the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the new outbreak of highly pathogenic avian influenza in that Member State, and the duration of the restrictions applicable therein.
- (13) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (14) 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

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Commission Implementing Decision (EU) 2018/894 of 21 June 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 159, 22.6.2018, p. 37).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 July 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) in Part A, the entry for Bulgaria is replaced by the following:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Dobrich region:	
Municipality of Dobrich — Donchevo — Bogdan — Opanets	21.7.2018
Municipality of Dobrich: — Miladinovtsi — Lovtchantsi	29.7.2018'

(2) in Part B, the entry for Bulgaria is replaced by the following:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Dobrich Region:	
Municipality of Dobrich: — Stefanovo	18.6.2018 to 30.7.2018
Municipality of Dobrich: — Miladinovtsi — Lovtchantsi	30.7.2018 to 7.8.2018
Municipality of Dobrich: — Donchevo — Bogdan — Opanets	22.7.2018 to 30.7.2018
Municipality of Dobrich: — Stefanovo — Branishte — Dobrich — Draganovo — Novo Botevo — Odrintsi — Plachidol — Vedrina — Vrachantsi	30.7.2018

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Municipality of Dobrich: — Karapelit — Polkovnik Ivanovo — Smolnitsa — Malka Smolnitsa — Samuilovo — Zlatia — Kozloduitsi — Medovo — Geshanovo — Enevo — Orlova Mogila — Dolina — Tyanovo	7.8.2018'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 2/2018 OF THE EU-UKRAINE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION

of 14 May 2018

**on recalculating the schedule of export duty elimination and safeguard measures for export
duties set set out in Annexes I-C and I-D to Chapter 1 of Title IV of the Association Agreement
[2018/1045]**

THE ASSOCIATION COMMITTEE IN TRADE CONFIGURATION,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, signed in Brussels on 27 June 2014,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including provisions on the elimination of customs duties, and related Annexes I-C to I-D to Chapter 1 of Title IV of the Agreement are applied provisionally as of 1 January 2016.
- (2) Annex I-C to Chapter 1 of Title IV of the Agreement, setting out the schedules of export duty elimination of Ukraine, establishes that the recalculation of the table is needed in order to maintain the relative preference, (same proportion), compared to the WTO-bound export duty rates applicable for each period in case the trade-related provisions of the Agreement enter into force after 15 May 2014.
- (3) Annex I-D to Chapter 1 of Title IV of the Agreement, setting out safeguard measures in the form of a surcharge to be applied to the export duty for specific goods, also establishes that the recalculation of the table is needed in order to maintain the relative preference, (same proportion), compared to the WTO-bound export duty rates applicable for each period in case the trade-related provisions of the Agreement enter into force after 15 May 2014.
- (4) A technical amendment in Annex I-C to Chapter 1 of Title IV of the Agreement is required to tariff code 1207 99 97 00 to reflect the correct description as per United Commodities Classifier (UKTZED) of Ukraine.
- (5) Article 463(3) of the Agreement provides that the Association Council may update or amend the Annexes to the Agreement.
- (6) Article 465(2) of the Agreement specifies that the Association Council may delegate any of its powers, including the power to take binding decisions, to the Association Committee. Under Article 465(4) of the Agreement, that Committee is to meet in a specific configuration to address all issues related to the Title IV (Trade and Trade-Related matters) of the Agreement.
- (7) The EU-Ukraine Association Council empowered the Association Committee in Trade configuration (the 'Trade Committee') by Decision No 3/2014 of 15 December 2014 to update or amend certain trade-related annexes, including Annexes I-C and I-D to Chapter 1 of Title IV of the Agreement.
- (8) It is therefore appropriate for the Trade Committee to adopt a decision recalculating the schedule of export duty elimination set out in Annex I-C and I-D to Chapter 1 of Title IV of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex I-C to Chapter 1 of Title IV of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and Ukraine, of the other part, is hereby replaced by the Annex set out in Appendix 1 to this Decision.

Article 2

Annex I-D to Chapter 1 of Title IV of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and Ukraine, of the other part, is hereby replaced by the Annex set out in Appendix 2 to this Decision.

Article 3

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

Done at Brussels, 14 May 2018.

For the Association Committee in Trade Configuration

The Chair

Nataliya MYKOLSKA

The Secretaries

For Ukraine

Oleksiy ROZHKOV

For the EU

Christian Frigaard RASMUSSEN

APPENDIX 1

‘ANNEX I-C

SCHEDULES OF EXPORT DUTY ELIMINATION

Duties expressed in % unless otherwise specified.

Livestock and hide raw materials

HS code	Description	EIF (2016 ⁽¹⁾)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
	Live bovine animals of domestic species, except pure-bred breeding animals:												
0102 90 05 00	Domestic species of a weight not exceeding 80 kg	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 21 00	Domestic species of a weight exceeding 80 kg but not exceeding 160 kg for slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 29 00	Domestic species of a weight exceeding 80 kg but not exceeding 160 kg not slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 41 00	Domestic species of a weight exceeding 160 kg but not exceeding 300 kg for slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 49 00	Domestic species of a weight exceeding 160 kg but not exceeding 300 kg not slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 51 00	Heifers (female bovines that have never calved) of a weight exceeding 300 kg for slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	

HS code	Description	EIF (2016 ⁽¹⁾)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
0102 90 59 00	Heifers (female bovines that have never calved) of a weight exceeding 300 kg not slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 61 00	Cows of a weight exceeding 300 kg for slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 69 00	Cows of a weight exceeding 300 kg not slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 71 00	Domestic species except heifers and cows of a weight exceeding 300 kg for slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 79 00	Domestic species except heifers and cows of a weight exceeding 300 kg not slaughter	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0102 90 90 00	Not domestic bovines	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
	Live sheep:												
0104 10 10 00	Pure-bred breeding animals	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0104 10 30 00	Lambs (up to a year old)	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
0104 10 80 00	Other live sheep except pure-bred breeding animals and lambs (up to a year old)	8,0	7,2	6,4	5,6	4,8	4,0	3,2	2,4	1,6	0,8	0,0	
4101	Raw hides and skins of bovine (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split	11	9,84	8,70	7,95	7,14	6,25	5,0	3,75	2,5	1,25	0,0	see Annex I-D

HS code	Description	EIF (2016 ⁽¹⁾)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
4102	Raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not with wool on or split, other than those excluded by note 1(c) to this chapter	11	9,84	8,70	7,95	7,14	6,25	5,0	3,75	2,5	1,25	0,0	see Annex I-D
4103 90	Other raw hides and skins (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split, other than those excluded by note 1(b) or 1(c) to this chapter except of reptiles and swine	11	9,84	8,70	7,95	7,14	6,25	5,0	3,75	2,5	1,25	0,0	see Annex I-D

(1) Hereinafter, 2016 is shown for informative purpose and exclusively to indicate the moment of entry into force (EIF) of the Agreement and conformity of the data in the table with agreed level of export duties.

Seeds of some types of oil-yielding crops

HS code	Description	EIF (2016)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
1204 00	Linseed, whether or not broken	9,1	8,2	7,3	6,4	5,5	4,5	3,6	2,7	1,8	0,9	0,0	
1206 00	Sunflower seeds, whether or not broken	9,1	8,2	7,3	6,4	5,5	4,5	3,6	2,7	1,8	0,9	0,0	see Annex I-D
1207 99 97 00	False flax seeds (<i>Camelina</i> spp.)	9,1	8,2	7,3	6,4	5,5	4,5	3,6	2,7	1,8	0,9	0,0	

Alloyed ferrous metal scrap, nonferrous metal scrap and semi-manufactured goods of them

HS code	Description	EIF (2016)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
7202 99 80 00	Ferrochrome nickel and other fer-roalloys	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
7204 21	Waste and scrap of stainless steel	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7204 29 00 00	Waste and scrap of alloyed steel, other	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7204 50 00 00	Waste in ingots (charge ingots) for remelt, of alloyed steel	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7218 10 00 00	Stainless steel in form of ingots and in other primary forms	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7401 00 00 00	Copper mattes; cement copper (precipitated copper)	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7402 00 00 00	Unrefined copper; copper anodes for electrolytic refining	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7403 12 00 00	Cast bars for manufacture of wire (wire bars) of refined copper	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7403 13 00 00	Refined copper billets	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7403 19 00 00	Refined copper, other	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7403 21 00 00	Copper-zinc base alloys (brass)	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7403 22 00 00	Copper-tin base alloys (bronze)	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D

HS code	Description	EIF (2016)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
7403 29 00 00	Other copper alloys (other than master alloys of heading 7405); copper and nickel alloys (cupro-nickels), or copper, nickel and zinc alloys (nickel silver)	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7404 00	Copper waste and scrap	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7405 00 00 00	Master alloys of copper	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7406	Copper powders and flakes	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7419 99 10 00	Copper wire grates and meshes	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
7415 29 00 00	Other copper goods without threads, except for washers (including spring washers)	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
7415 39 00 00	Other copper goods with threads (except for screws, for wood, other screws, bolts and nuts)	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
7418 19 90 00	Table, kitchen or other household articles and parts thereof, of copper (except for pot scourers and scouring or polishing pads, gloves and the like and cooking or heating apparatus of a kind used for domestic purposes, non-electric, and parts thereof)	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7419	Other articles of copper	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7503 00	Nickel waste and scrap	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D

HS code	Description	EIF (2016)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
7602 00	Aluminum waste and scrap	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7802 00 00 00	Lead waste and scrap	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
7902 00 00 00	Zinc waste and scrap	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
8002 00 00 00	Tin waste and scrap	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
8101 97 00 00	Tungsten waste and scrap	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
8105 30 00 00	Waste and scrap of cobalt and of articles thereof	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	
8108 30 00 00	Waste and scrap of titanium and of articles thereof	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	1,0	0,0	see Annex I-D
8113 00 40 00	Waste and scrap of cermets and of articles thereof	13,64	10,0	9,0	8,0	7,0	6,0	5,0	4,0	3,0	2,0	0,0	

Waste products and scrap of ferrous metals

HS code	Description	EIF (2016)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
7204 10 00 00	Waste and scrap of cast iron	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 30 00 00	Waste and scrap of tinned iron or steel	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 41 10 00	Turnings, shavings, chips, milling waste, sawdust and filings	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 41 91 00	Trimblings and stampings in bundles	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	

HS code	Description	EIF (2016)	EIF + 1 (2017)	EIF + 2 (2018)	EIF + 3 (2019)	EIF + 4 (2020)	EIF + 5 (2021)	EIF + 6 (2022)	EIF + 7 (2023)	EIF + 8 (2024)	EIF + 9 (2025)	EIF + 10 (2026)	Safeguard measures
7204 41 99 00	Trimmings and stampings in not bundles	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 49 10 00	waste and scrap ferrous metals, fragmentised (shredded)	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 49 30 00	Waste and scrap ferrous metals in bundles	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 49 90 00	Waste and scrap ferrous metals sorted and non-sorted	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	
7204 50 00 00	Waste in bars (charge bars) for melting ferrous metals except alloyed steel	9,5 euro per tonne	9,5 euro per tonne	7,5 euro per tonne	7,5 euro per tonne	5 euro per tonne	5 euro per tonne	3 euro per tonne	3 euro per tonne	0,0	0,0	0,0	

APPENDIX 2

'ANNEX I-D

SAFEGUARD MEASURES FOR EXPORT DUTIES

1. During the fifteen (15) years following the entry into force (EIF) of the Agreement, Ukraine may apply a safeguard measure in the form of a surcharge to the export duty on the goods listed in Annex I-D to Chapter 1 of Title IV of the Agreement, consistent with paragraphs 1 to 11, if during any 1-year period following the EIF the cumulative volume of exports from Ukraine to EU under each listed Ukrainian customs code exceeds a trigger level, as set out in its Schedule included in Annex I-D to Chapter 1 of Title IV on Trade and Trade-Related Matters of the Association Agreement.
2. The surcharge Ukraine may apply under paragraph 1 shall be set according to its Schedule included in Annex I-D to Chapter 1 of Title IV of the Agreement and can only be applied for the remainder of the period as defined in paragraph 1.
3. Ukraine shall apply any safeguard measure in a transparent manner. For this purpose, Ukraine shall as soon as possible provide written notification to the EU of its intention to apply such a measure and provide all the pertinent information including the volume (in tons) of domestic production or collection of materials, and the volume of exports to the Union and to the world. Ukraine shall invite the Union for consultations as far in advance of taking such measure as practicable in order to discuss this information. No measure shall be taken within 30 working days after the invitation for consultations.
4. Ukraine shall ensure that the statistics that are used as evidence for such measures are reliable, adequate and publicly accessible in a timely manner. Ukraine shall provide without delay quarterly statistics on volumes (in tons) of exports to the Union and to the world.
5. The implementation and operation of Article 31 of this Agreement and related Annexes may be the subject of discussion and review in the Trade Committee referred to in Article 465 of this Agreement.
6. Any supplies of the goods in question which were en route on the basis of a contract made before the surcharge is imposed under paragraphs 1, 2 and 3, shall be exempted from any such surcharge.
7. This Annex sets out: those originating goods that may be subject to safeguard measures under Article 31 of this Agreement, the trigger levels for applying such measures defined for each of the Ukrainian customs code quoted, and the maximum surcharge to export duty that may be applied each 1-year period for each such good in addition to export duty. All duties are expressed in % unless otherwise specified; EIF refers to the 12-month period following the date of entry into force of the Agreement; EIF + 1 refers to the 12-month period beginning on the first anniversary of entry into force of the Agreement; and so on until EIF + 15.
8. For the hide raw materials as covered below:

Coverage: the hide raw materials falling within the following Ukrainian customs codes: 4101, 4102, 4103 90.

Year (WTO)	2016 ⁽¹⁾	2017	2018	2019	2020	2021
Ukraine WTO commitment	22,0	21,0	20,0	20,0	20,0	20,0
Year (Agreement)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	11,00	9,84	8,70	7,95	7,14	6,25
Trigger Level (tonne)	300,0	315,0	330,0	345,0	360,0	375,0
Maximum surcharge	0,00	0,66	1,30	2,05	2,86	3,75

⁽¹⁾ Hereinafter, 2016 is shown for informative purpose and exclusively to indicate the moment of entry into force of the Agreement and conformity of the data in the table with agreed level of export duties.

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	20,0	20,0	20,0	20,0	20,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	5,0	3,75	2,50	1,25	0,0
Trigger Level (tonne)	390,0	405,0	420,0	435,0	450,0
Maximum surcharge	5,0	6,25	7,5	8,75	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	20,0	20,0	20,0	20,0	20,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	450,0	450,0	450,0	450,0	450,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

9. For the sunflower seeds, whether or not broken as covered below:

Coverage: the sunflower seeds, whether or not broken falling within the following Ukrainian customs codes: 1206 00.

Year (WTO)	2016	2017	2018	2019	2020	2021
Ukraine WTO commitment	11,0	10,0	10,0	10,0	10,0	10,0
Year (Agreement)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	9,1	8,2	7,3	6,4	5,5	4,5
Trigger Level (tonne)	100 000,0	100 000,0	100 000,0	100 000,0	100 000,0	100 000,0
Maximum surcharge	0,9	1,8	2,7	3,6	4,5	5,5

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	10,0	10,0	10,0	10,0	10,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	3,6	2,7	1,8	0,9	0,0
Trigger Level (tonne)	100 000,0	100 000,0	100 000,0	100 000,0	100 000,0
Maximum surcharge	6,4	7,3	8,2	9,1	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	10,0	10,0	10,0	10,0	10,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	100 000,0	100 000,0	100 000,0	100 000,0	100 000,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

10. For the alloyed ferrous metal scrap, nonferrous metal scrap and semi-manufactured goods of them as covered below:

Coverage: the waste and scrap of alloyed steel falling within the following Ukrainian customs codes: 7204 21, 7204 29 00 00, 7204 50 00 00.

Year (WTO)	2016	2017	2018	2019	2020	2021
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	10,0	9,0	8,0	7,0	6,0	5,0
Trigger Level (tonne)	4 000,0	4 200,0	4 400,0	4 600,0	4 800,0	5 000,0
Maximum surcharge	0,0	1,0	2,0	3,0	4,0	5,0

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	4,0	3,0	2,0	1,0	0,0
Trigger Level (tonne)	5 200,0	5 400,0	5 600,0	5 800,0	6 000,0
Maximum surcharge	6,0	7,0	8,0	9,0	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	6 000,0	6 000,0	6 000,0	6 000,0	6 000,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

Coverage: the stainless steel in form of ingots and in other primary forms falling within the following Ukrainian customs codes: 7218 10 00 00.

Year (WTO)	2016	2017	2018	2019	2020	2021
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	10,0	9,0	8,0	7,0	6,0	5,0
Trigger Level (tonne)	2 000,0	2 100,0	2 200,0	2 300,0	2 400,0	2 500,0
Maximum surcharge	0,0	1,0	2,0	3,0	4,0	5,0

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	4,0	3,0	2,0	1,0	0,0
Trigger Level (tonne)	2 600,0	2 700,0	2 800,0	2 900,0	3 000,0
Maximum surcharge	6,0	7,0	8,0	9,0	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	3 000,0	3 000,0	3 000,0	3 000,0	3 000,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

Coverage: the copper falling within the following Ukrainian customs codes: 7401 00 00 00, 7402 00 00 00, 7403 12 00 00, 7403 13 00 00, 7403 19 00 00.

Year (WTO)	2016	2017	2018	2019	2020	2021
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	10,0	9,0	8,0	7,0	6,0	5,0
Trigger Level (tonne)	200,0	210,0	220,0	230,0	240,0	250,0
Maximum surcharge	0,0	1,0	2,0	3,0	4,0	5,0

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	4,0	3,0	2,0	1,0	0,0
Trigger Level (tonne)	260,0	270,0	280,0	290,0	300,0
Maximum surcharge	6,0	7,0	8,0	9,0	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	300,0	300,0	300,0	300,0	300,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

Coverage: the copper falling within the following Ukrainian customs codes: 7403 21 00 00, 7403 22 00 00, 7403 29 00 00.

Year (WTO)	2016	2017	2018	2019	2020	2021
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0	15,0
Year (FTA)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	10,0	9,0	8,0	7,0	6,0	5,0
Trigger Level (tonne)	4 000,0	4 200,0	4 400,0	4 600,0	4 800,0	5 000,0
Maximum surcharge	0,0	1,0	2,0	3,0	4,0	5,0

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	4,0	3,0	2,0	1,0	0,0
Trigger Level (tonne)	5 200,0	5 400,0	5 600,0	5 800,0	6 000,0
Maximum surcharge	6,0	7,0	8,0	9,0	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	6 000,0	6 000,0	6 000,0	6 000,0	6 000,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

Coverage: the alloyed ferrous metal scrap, nonferrous metal scrap and semi-manufactured goods of them falling within the following Ukrainian customs codes: 7404 00, 7405 00 00 00, 7406, 7418 19 90 00, 7419, 7503 00, 7602 00, 7802 00 00 00, 7902 00 00 00, 8108 30 00 00.

Year (WTO)	2016	2017	2018	2019	2020	2021
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF	EIF + 1	EIF + 2	EIF + 3	EIF + 4	EIF + 5
Ukraine export duty to EU	10,0	9,0	8,0	7,0	6,0	5,0
Trigger Level (tonne)	200,0	210,0	220,0	230,0	240,0	250,0
Maximum surcharge	0,0	1,0	2,0	3,0	4,0	5,0

Year (WTO)	2022	2023	2024	2025	2026
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 6	EIF + 7	EIF + 8	EIF + 9	EIF + 10
Ukraine export duty to EU	4,0	3,0	2,0	1,0	0,0
Trigger Level (tonne)	260,0	270,0	280,0	290,0	300,0
Maximum surcharge	6,0	7,0	8,0	9,0	10,0

Year (WTO)	2027	2028	2029	2030	2031
Ukraine WTO commitment	15,0	15,0	15,0	15,0	15,0
Year (Agreement)	EIF + 11	EIF + 12	EIF + 13	EIF + 14	EIF + 15
Ukraine export duty to EU	0,0	0,0	0,0	0,0	0,0
Trigger Level (tonne)	300,0	300,0	300,0	300,0	300,0
Maximum surcharge	8,0	6,0	4,0	2,0	0,0

11. For the five years following the end of the transitional period, i.e., between EIF + 10 and EIF + 15, the safeguard mechanism will continue to be available. The maximum surcharge value will decrease linearly from its value specified at EIF + 10 to 0 at EIF + 15.'

