

Official Journal of the European Union

L 286



English edition

Legislation

Volume 62

7 November 2019

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2019/1856 of 31 October 2019 approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Izsáki Arany Sárfehér' (PDO))** 1
- ★ **Commission Regulation (EU) 2019/1857 of 6 November 2019 amending Annex VI to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products ⁽¹⁾** 3
- ★ **Commission Regulation (EU) 2019/1858 of 6 November 2019 amending Annex V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products ⁽¹⁾** 7
- ★ **Commission Implementing Regulation (EU) 2019/1859 of 6 November 2019 laying down rules for the application of Article 10 of Regulation (EU) 2019/1242 of the European Parliament and of the Council as regards the collection of certain data ⁽¹⁾** 10
- ★ **Commission Implementing Regulation (EU) 2019/1860 of 6 November 2019 amending Commission Implementing Regulation (EU) No 1313/2014 imposing a definitive anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009** 13

DECISIONS

- ★ **Commission Implementing Decision (EU) 2019/1861 of 31 October 2019 amending Implementing Decision (EU) 2016/587 in order to clarify whether the scope of that Implementing Decision includes exterior LED lighting fitted to certain not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEV) ⁽¹⁾** 15

⁽¹⁾ Text with EEA relevance.

★ Commission Decision (EU) 2019/1862 of 6 November 2019 laying down internal rules in relation to the provision of information to data subjects and the restrictions of certain of their rights in the context of the processing of personal data by the Commission in the Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing	17
★ Commission Implementing Decision (EU) 2019/1863 of 6 November 2019 amending and correcting Implementing Decision (EU) 2019/436 as regards the withdrawal of references of harmonised standards for machinery from the <i>Official Journal of the European Union</i> ⁽¹⁾	25

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1856

of 31 October 2019

approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Izsáki Arany Sárfehér' (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 99 thereof,

Whereas:

- (1) The Commission has examined the application for the approval of amendments to the specification for the Protected Designation of Origin 'Izsáki Arany Sárfehér', sent by Hungary in accordance with Article 105 of Regulation (EU) No 1308/2013.
- (2) The Commission has published the application for the approval of the amendments to the specification in the *Official Journal of the European Union*, as required by Article 97(3) of Regulation (EU) No 1308/2013 ⁽²⁾.
- (3) No statement of objection has been received by the Commission under Article 98 of Regulation (EU) No 1308/2013.
- (4) The amendments to the specification should therefore be approved in accordance with Article 99 of Regulation (EU) No 1308/2013.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Izsáki Arany Sárfehér' (PDO) are hereby approved.

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*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ C 251, 26.7.2019, p. 7.

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

Done at Brussels, 31 October 2019.

For the Commission
On behalf of the President
Phil HOGAN
Member of the Commission

COMMISSION REGULATION (EU) 2019/1857
of 6 November 2019
amending Annex VI to Regulation (EC) No 1223/2009 of the European Parliament and of the Council
on cosmetic products

(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 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁽¹⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) Titanium dioxide is currently allowed as a UV-filter in cosmetic products, including in the form of nanomaterial. Titanium dioxide (nano) is listed in entry 27a of Annex VI to Regulation (EC) No 1223/2009. It is allowed at a maximum concentration of 25 % in ready for use preparation, except in applications that may lead to exposure of the end user's lungs by inhalation and subject to the characteristics listed in the entry.
- (2) The characteristics listed in entry 27a of Annex VI concern the allowed physico-chemical properties of titanium dioxide (nano) and the substances with which it can be coated.
- (3) The Scientific Committee on Consumer Safety (SCCS) concluded in an opinion of 7 March 2017, corrected on 22 June 2018 ⁽²⁾, that the use of the three forms of titanium dioxide (nano) under assessment, coated with either silica and cetyl phosphate (up to 16 % and 6 %, respectively), alumina and manganese dioxide (up to 7 % and 0,7 %, respectively), or alumina and triethoxycaprylsilane (up to 3 % and 9 %, respectively), can be considered safe for use in cosmetic products intended for application on healthy, intact or sunburnt skin. The SCCS added that this conclusion, however, does not apply to applications that might lead to exposure of the consumer's lungs to the titanium dioxide nanoparticles through the inhalation route (such as powders or sprayable products).
- (4) The SCCS also concluded that the ingredients used in some type of products (e.g. in lipsticks) may be incidentally ingested. The potential harmful effects of manganese dioxide should therefore be taken into account if the manganese dioxide-coated nanomaterials are to be used for applications that could lead to oral ingestion.
- (5) In light of the SCCS opinion and in order to take into account technical and scientific progress, the three combinations of coatings at their respective concentration limits as assessed by the SCCS should be allowed for use with titanium dioxide (nano) as a UV-filter, subject to the other conditions listed in entry 27a of Annex VI to Regulation (EC) No 1223/2009.
- (6) However, there is a potential risk to human health arising from the ingestion of manganese dioxide. Therefore, the combination of coatings alumina and manganese dioxide should not be allowed for use in lip products, as they are ingested to some extent. Moreover, consumers may also apply some face products, such as sunscreens intended for application on the face, on the lips under reasonably foreseeable conditions of use. The application of face products on the lips leads to ingestion of the product to some extent. Therefore, face products containing the combination of coatings alumina and manganese dioxide should bear a warning against the use of these products on the lips.

⁽¹⁾ OJ L 342, 22.12.2009, p. 59.

⁽²⁾ SCCS/1580/16, final version of 7 March 2017, corrigendum of 22 June 2018.

- (7) Regulation (EC) No 1223/2009 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EC) No 1223/2009 is 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*.

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

Done at Brussels, 6 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

Entry 27a of Annex VI to Regulation (EC) No 1223/2009 is replaced by the following entry:

Reference Number	Substance identification				Conditions			Wording of conditions of use and warnings
	Chemical name/ INN/XAN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
27a	Titanium dioxide (*)	Titanium Dioxide (nano)	13463-67-7/1317-70-0/1317-80-2	236-675-5/215-280-1/215-282-2		25 % (**)	Not to be used in applications that may lead to exposure of the end-user's lungs by inhalation. Only nanomaterials having the following characteristics are allowed: — purity ≥ 99 %, — rutile form, or rutile with up to 5 % anatase, with crystalline structure and physical appearance as clusters of spherical, needle, or lanceolate shapes, — median particle size based on number size distribution ≥ 30 nm, — aspect ratio from 1 to 4,5, and volume specific surface area $\leq 460 \text{ m}^2/\text{cm}^3$, — coated with Silica, Hydrated Silica, Alumina, Aluminium Hydroxide, Aluminium Stearate, Stearic Acid, Trimethoxycaprylsilane, Glycerin, Dimethicone, Hydrogen Dimethicone, Simethicone,	For face products containing Titanium Dioxide (nano) coated with the combination Alumina and Manganese Dioxide: Not to be used on the lips.

Reference Number	Substance identification				Conditions			Wording of conditions of use and warnings
	Chemical name/ INN/XAN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
							or coated with one of the following combinations: — Silica at a maximum concentration of 16 % and Cetyl Phosphate at a maximum concentration of 6 %, — Alumina at a maximum concentration of 7 % and Manganese Dioxide at a maximum concentration of 0,7 % (not to be used in lip products), — Alumina at a maximum concentration of 3 % and Triethoxycaprylsilane at a maximum concentration of 9 %, — photocatalytic activity $\leq$ 10 % compared to corresponding non-coated or non-doped reference, — nanoparticles are photostable in the final formulation.	

(*) For use as a colorant, see Annex IV, No 143.

(**) In case of combined use of Titanium Dioxide and Titanium Dioxide (nano), the sum shall not exceed the limit given in column g.’

COMMISSION REGULATION (EU) 2019/1858**of 6 November 2019****amending Annex V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council
on cosmetic products****(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 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁽¹⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) The substance 4-(3-ethoxy-4-hydroxyphenyl)butan-2-one (CAS Number 569646-79-3), which has been assigned the name Hydroxyethoxyphenyl Butanone (HEPB) under the International Nomenclature of Cosmetic Ingredients, has the function of preservative and skin conditioning. It is currently not listed in Regulation (EC) No 1223/2009.
- (2) The Scientific Committee on Consumer Safety (SCCS) concluded in its opinion of 7 April 2017 ⁽²⁾ that, under an aggregate exposure scenario, HEPB can be considered safe when used as a preservative in rinse off, oral care and leave-on cosmetic products at a maximum concentration of 0,7 %. The SCCS also concluded that more evidence would be needed to exclude eye irritation.
- (3) Following concerns raised by several Member States on HEPB as a potential eye irritant and additional scientific data submitted to it by the applicant, the SCCS concluded in its opinion of 5 March 2019 ⁽³⁾ that, under an aggregate exposure scenario, the use of HEPB as a preservative in rinse-off, oral care and leave-on cosmetic products at a maximum concentration of 0,7 % is safe with regard to eye irritation.
- (4) In light of the opinions mentioned above and in order to take into account technical and scientific progress, HEPB should be allowed for use as a preservative in rinse off, oral care and leave-on cosmetic products at a maximum concentration of 0,7 % in ready for use preparation.
- (5) Regulation (EC) No 1223/2009 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 1223/2009 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 342, 22.12.2009, p. 59.

⁽²⁾ SCCS (Scientific Committee on Consumer Safety), Opinion on Ethylzingerone — ‘Hydroxyethoxyphenyl Butanone’ (HEPB) — Cosmetics Europe No P98, SCCS/1582/16, 7 April 2017.

⁽³⁾ SCCS (Scientific Committee on Consumer Safety), Opinion on Ethylzingerone — ‘Hydroxyethoxyphenyl Butanone’ (HEPB) — Cosmetics Europe No P98 — Submission II eye irritation, preliminary version of 21 December 2018, final version of 5 March 2019, SCCS/1604/18.

Article 2

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

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

Done at Brussels, 6 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex V to Regulation (EC) No 1223/2009, the following entry is added:

Reference number	Substance Identification				Conditions			Wording of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, Body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
'60	4-(3-ethoxy-4-hydroxyphenyl)butan-2-one	Hydroxyethoxyphenyl Butanone	569646-79-3	933-435-8		0,7 %		

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1859**of 6 November 2019****laying down rules for the application of Article 10 of Regulation (EU) 2019/1242 of the European Parliament and of the Council as regards the collection of certain data****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In order to establish a methodology for assessing the application of the conditions under which the reference CO₂ emissions are determined ('methodology'), it is appropriate that the Commission has access to certain data made available to the manufacturers when operating the simulation tool referred in Article 5(1)(a) of Commission Regulation (EU) 2017/2400 ⁽²⁾, in particular the 'sum exec data file'.
- (2) The sum exec data file would allow the Commission to assess the quantitative impacts on the vehicle CO₂ emissions resulting from the application of the methodology. In particular, the sum exec data files are necessary to determine from adjustments to a vehicle's component data serving as input for the simulation tool the resulting adjustments of the regulatory CO₂ emissions. The sum exec data files are therefore necessary to assess the potential need of corrections on the one hand and if so, to apply the corrections to the vehicle CO₂ emissions on the other hand, on the basis of adjusted component input data to the simulation tool.
- (3) It is therefore appropriate that manufacturers monitor and report to the Commission the sum exec data files for the vehicles simulated during the reporting periods 2019 and 2020. As it may require more effort for manufacturers to report such information for vehicles produced before 1 October 2019, the reporting date for such information should be set at the later reporting date which is 30 September 2021.
- (4) It is important to ensure that the data monitored and reported be robust and reliable. The Commission should therefore have the means to verify and, where necessary, take measures to ensure the final data is correct.
- (5) The Commission should make use of the Business Data Repository managed by the European Environment Agency to facilitate the collection of the data by manufacturers, which should transmit these data together with the data reported pursuant to Regulation (EU) 2018/956 of the European Parliament and of the Council ⁽³⁾.
- (6) In order to ensure the robustness and representativeness of the reference CO₂ emissions as a basis for determining the Union fleet-wide CO₂ emission targets, this Regulation should enter into force within the shortest possible delay following its publication.

⁽¹⁾ OJ L 198, 25.7.2019, p. 202.

⁽²⁾ Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO₂ emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (OJ L 349, 29.12.2017, p. 1).

⁽³⁾ Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles (OJ L 173, 9.7.2018, p. 1).

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Monitoring and reporting by manufacturers

1. Manufacturers shall monitor and report to the Commission the comma separated values file of the same name as the job file and with an extension .vsum comprising aggregated results per simulated mission profile and payload condition that is generated by the simulation tool referred to in Article 5(1)(a) of Regulation (EU) 2017/2400 in its graphical user interface (GUI) version ('sum exec data file') for new heavy-duty vehicles with a date of simulation before 1 July 2021 in accordance with this Regulation.
2. They shall monitor the sum exec data file for each new heavy-duty vehicle:
 - (a) with a date of simulation as from 1 October 2019 to 30 June 2020 and report these data at the latest by 30 September 2020;
 - (b) with a date of simulation as from 1 January 2019 to 30 September 2019 and report these data at the latest by 30 September 2021;
 - (c) with a date of simulation as from 1 July 2020 to 30 June 2021 and report these data at the latest by 30 September 2021.
3. The sum exec data files shall be transmitted by the contact point of the manufacturer via electronic data transfer to the Business Data Repository managed by the European Environment Agency ('Agency'). The contact point shall notify the Commission and the Agency when the data are transmitted by email to the addresses referred to in paragraph 5 below.
4. The contact point responsible for uploading the data for each manufacturer shall be the one the manufacturer appointed under Regulation (EU) 2018/956, unless the manufacturer notifies the Commission otherwise by 1 September 2020.
5. Notifications shall be sent to the following addresses: 'EC-CO2-HDV-IMPLEMENTATION@ec.europa.eu' and 'HDV-monitoring@eea.europa.eu'.

Article 2

Verification

1. Manufacturers shall be responsible for the correctness and quality of the data they report pursuant to Article 1(2). They shall inform the Commission without delay of any errors detected in the data reported.
2. The Commission may verify the quality of the data reported pursuant to Article 1(2).
3. Where the Commission is informed of errors in the data or finds, pursuant to its own verification, discrepancies in the data, it shall, where appropriate, take the necessary measures to correct it after consultation of the manufacturer.

*Article 3***Entry into force**

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, 6 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1860**of 6 November 2019**

amending Commission Implementing Regulation (EU) No 1313/2014 imposing a definitive anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) On 29 August 2018, the Commission was contacted by Zhejiang Xinshiji Foods Co., Ltd., requesting a name change.
- (2) Zhejiang Xinshiji Foods Co., Ltd indicated that it changed its name to Zhejiang Juzhou Foods Co., Ltd.
- (3) The Commission examined the information supplied and concluded that the change of name in no way affects the findings of Commission Implementing Regulation (EU) No 1313/2014 ⁽²⁾.
- (4) Additionally, Zhejiang Xinshiji Foods Co., Ltd. notified the Commission that it was no longer related to Hubei Xinshiji Foods Co., Ltd.
- (5) During the original investigation, the Commission found a weighted average dumping margin, expressed as a percentage of the CIF Community frontier price duty unpaid of 136,3 % for Zhejiang Xinshiji Foods Co., Ltd and its related producer Hubei Xinshiji Foods Co ⁽³⁾. Anti-dumping measures of 490,7 EUR/tonne were imposed on Zhejiang Xinshiji Foods Co., Ltd and its related producer Hubei Xinshiji Foods Co., Ltd under TARIC code A888.
- (6) Having assessed the evidence provided to it, the Commission accepted that there was indeed sufficient evidence to no longer deem Zhejiang Xinshiji Foods Co., Ltd. and Hubei Xinshiji Foods Co. related for the purposes of EU anti-dumping law.
- (7) To ensure the effective collection of the anti-dumping duties in place, the Commission considered it was necessary to amend Implementing Regulation (EU) No 1313/2014 accordingly to reflect the individual dumping margins of these two producers. After disclosure to the parties concerned, no comments were received.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 354, 11.12.2014, p. 17.

⁽³⁾ OJ L 350, 30.12.2008, p. 35, recital 23 and OJ L 178, 5.7.2008, p. 19, recital 49.

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Implementing Regulation (EU) No 1313/2014 is replaced by the following:

‘2. The amount of the definitive anti-dumping duty applicable for the products described in paragraph 1 and manufactured by the companies listed below shall be as follows:

Company	EUR/tonne net product weight	TARIC additional code
Yichang Rosen Foods Co., Ltd, Yichang, Zhejiang	531,2	A886
Zhejiang Taizhou Yiguan Food Co. Ltd, Huangyan, Zhejiang	361,4	A887
Zhejiang Juzhou Foods Co., Ltd, Sanmen, Zhejiang	499,9	C528
Hubei Xinshiji Foods Co., Ltd, Dangyang City, Hubei Province	489,7	A888
Cooperating exporting producers not included in the sample as set out in the Annex	499,6	A889
All other companies	531,2	A999’

Article 2

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

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

Done at Brussels, 6 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/1861

of 31 October 2019

amending Implementing Decision (EU) 2016/587 in order to clarify whether the scope of that Implementing Decision includes exterior LED lighting fitted to certain not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEV)

(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 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular Article 12(4) thereof,

Whereas:

- (1) The Commission approved a testing methodology for determining the CO₂ savings from exterior LED lighting fitted on M1 vehicles on 14 April 2016 by Commission Implementation Decision (EU) 2016/587 ⁽²⁾.
- (2) The manufacturers Audi AG, Bayerische Motoren Werke AG, Ford-Werke GmbH, Hyundai Motor Europe Technical Center GmbH, Jaguar Land Rover LTD, Volkswagen AG, FCA Italy S.p.A., Automobiles Citroën Automobiles Peugeot PSA Automobiles SA, Opel Automobile GmbH — PSA and Renault SA (the 'requesters') submitted a request on 17 December 2018 to clarify whether the scope of that Implementing Decision includes exterior LED lighting fitted to not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEV) that comply with point (3) of paragraph 5.3.2 of Annex 8 to Regulation No 101 of the Economic Commission for Europe of the United Nations (UN/ECE) ⁽³⁾ (UN/ECE Regulation No 101).
- (3) The Commission assessed the request in accordance with Article 12 of Regulation (EC) No 443/2009, Commission Implementing Regulation (EU) No 725/2011 ⁽⁴⁾ and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009. It found that, based on the measurement data provided by the requesters, the testing methodology set out in Implementing Decision (EU) 2016/587 should be considered appropriate for determining the CO₂ savings from LED lighting fitted to vehicles belonging to this specific group of NOVC-HEVs.
- (4) It is therefore appropriate to clarify that, for any new applications for certification of CO₂ savings submitted following the entry into force of this Decision, the scope of Implementing Decision (EU) 2016/587 covers internal combustion engine M1 vehicles and NOVC-HEVs that comply with point (3) of paragraph 5.3.2 of Annex 8 to UN/ECE Regulation No 101.
- (5) Implementing Decision (EU) 2016/587 should therefore be amended accordingly,

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2016/587 of 14 April 2016 on the approval of the technology used in efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 101, 16.4.2016, p. 17).

⁽³⁾ Regulation No 101 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of passenger cars powered by an internal combustion engine only, or powered by a hybrid electric power train with regard to the measurement of the emission of carbon dioxide and fuel consumption and/or the measurement of electric energy consumption and electric range, and of categories M 1 and N 1 vehicles powered by an electric power train only with regard to the measurement of electric energy consumption and electric range (OJ L 138, 26.5.2012, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

HAS ADOPTED THIS DECISION:

Article 1

Amendment

The introductory sub-paragraph of paragraph 1 of Article 2 of Implementing Decision (EU) 2016/587 is replaced by the following:

‘1. The manufacturer may apply for the certification of CO₂ savings from one or several exterior LED lighting intended for use in internal combustion engine M1 vehicles or in not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEVs) that comply with point (3) of paragraph 5.3.2 of Annex 8 to Regulation No 101 of the Economic Commission for Europe of the United Nations, provided that the vehicles are fitted with one or a combination of the following LED lights:’.

Article 2

Entry into force

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

Article 1 shall apply to applications for certification submitted in accordance with Article 11 of Implementing Regulation (EU) No 725/2011 following the entry into force of this Decision.

Done at Brussels, 31 October 2019.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

COMMISSION DECISION (EU) 2019/1862**of 6 November 2019**

laying down internal rules in relation to the provision of information to data subjects and the restrictions of certain of their rights in the context of the processing of personal data by the Commission in the Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 249(1) thereof,

Whereas:

- (1) Taking into account international commitments of the Union to ensure the sustainable management of marine biological resources ⁽¹⁾, Council Regulation (EC) No 1005/2008 ⁽²⁾ has established a system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. Commission Regulation (EC) No 1010/2009 ⁽³⁾ lays down detailed rules for the implementation of Regulation (EC) No 1005/2008. The system to prevent, deter and eliminate IUU fishing constitutes an important element of the Union's common fisheries policy ⁽⁴⁾ and as such an important objective of general public interest of the Union and the EU Member States.
- (2) Under Articles 25 to 28 of Regulation (EC) No 1005/2008 the Commission conducts analyses to identify fishing vessels engaged in IUU fishing, and, under Articles 31 to 33 of Regulation (EC) No 1005/2008, it follows procedures to identify non-cooperating third countries in fighting IUU fishing. Under Article 51 of Regulation (EC) No 1005/2008 and Articles 49 and 50 of Regulation (EC) No 1010/2009 the Commission and Member States communicate and exchange information to facilitate the enforcement of Regulation (EC) No 1005/2008 by the Member States. Under Article 51 of Regulation (EC) No 1005/2008 and Article 51 of Regulation (EC) No 1010/2009 they may exchange information relating to IUU fishing with third countries and international organisations. The Commission's analyses and procedures, information exchange with Member States and with third countries or international organisations might focus on fishing vessels, including their owners and, where appropriate, their operators, who may be legal or natural persons, as well as on third countries.
- (3) During the analyses and procedures and for the purpose of mutual assistance under Article 51 of Regulation (EC) No 1005/2008 and Articles 49, 50 and 51 of Regulation (EC) No 1010/2009 in relation to alleged IUU fishing, personal data within the meaning of Article 3(1) of Regulation (EU) 2018/1725 of the European Parliament and the Council ⁽⁵⁾ are inevitably processed. The Commission needs to process such data in order to fulfil the tasks assigned to it as public authority under Regulation (EC) No 1005/2008 and Regulation (EC) No 1010/2009. The analyses and

⁽¹⁾ The Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), has ratified the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (UN Fish Stocks Agreement) and has accepted the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 of the Food and Agriculture Organization of the United Nations (FAO Compliance Agreement). The Union is also a party to the Agreement on Port State Measures (PSMA), approved by the FAO Conference at Thirty-Sixth Session (Rome, 18-23 November 2009) under paragraph 1 of Article XIV FAO Constitution, through Resolution No 12/2009 dated 22 November 2009.

⁽²⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽³⁾ Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 280, 27.10.2009, p. 5).

⁽⁴⁾ See, in particular, Articles 28 and 30 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁵⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

procedures carried out with regard to IUU fishing constitute monitoring, inspection or regulatory functions connected to the exercise of official authority in the cases referred to in Article 25(1)(c), (g) and (h) of Regulation (EU) 2018/1725.

- (4) For the purpose of its analyses and procedures, assistance and information provided to Member States and information exchanged with third countries or organisations with regard to IUU fishing, the Commission processes information acquired or received from legal persons, natural persons, authorities of the Member States (such as the competent national authorities notified to the Commission under Articles 15(2), 17(8), 21(3) and 39(4) of Regulation (EC) No 1005/2008), authorities of third countries, in particular, flag States, and international bodies and organisations, in particular, regional fisheries management organisations and arrangements. During its analyses and procedures, the Commission may also process suitably documented information acquired or received from publicly available sources, from anonymous sources (like informants), or identified sources (like citizens, non-governmental organisations, undertakings in the fishery sector) that require protection of their identity.
- (5) The Commission transmits information and its analyses to competent authorities of the Member States and other authorities and bodies in the context of bilateral or multilateral cooperation with Member States or third country authorities and organisations, in particular regional fisheries management organisations or arrangements, as required under Regulation (EC) No 1005/2008 and Regulation (EC) No 1010/2009 or necessary and appropriate in the context of analyses and procedures. It requests flag States or flag Member States to take action and transmit information about presumed IUU fishing to the owners and, where appropriate, the operators of a vessel to safeguard the rights of defence of the owners and the operators of a vessel and to ensure the efficient and effective application of EU rules to prevent, deter and eliminate IUU fishing.
- (6) Personal data processing activities, within the meaning of Article 3(3) of Regulation (EU) 2018/1725, carried out in the course of analyses and procedures with regard to IUU fishing take place before the Commission formally identifies vessels presumed to be engaged in IUU fishing and starts procedures to place a vessel on the Union IUU vessel list and before the Commission formally identifies third countries that it considers as non-cooperating third countries in fighting IUU. They continue throughout the analyses and procedures, the dialogues held with third countries' authorities and even after the end of the analyses and procedures (for example, for assessing the need to start new analyses and procedures due to new information being provided to the Commission). As regards personal data exchanged with Member States, third countries or international organisations, personal data processing activities are carried out from the time the Commission receives the data, throughout the analyses carried out by Member States, third countries or international organisations, and even thereafter. The data are kept as long as they are necessary to complete analyses and procedures carried out in Member States, third countries, and international organisations. They can, in exceptional cases, be kept thereafter if that is necessary to ensure the fulfilment of Union obligations.
- (7) The categories of personal data processed by the Commission include identification and contact data, professional data and data related to or brought in connection with the subject matter of the analyses or procedure, in particular, data relating to fishing vessels, their geographical location and fishing activities, data relating to vessel owners, masters, and crew members, data relating to persons involved in the processing and marketing of fishery products, and data concerning informants.
- (8) The personal data are stored in a secured electronic or physical environment to prevent unlawful access or transfer of data to persons who do not have a need to know. The personal data are retained in the services competent for maritime affairs and fisheries of the Commission which are in charge of the analyses and procedures and the provision of assistance and information to Member States, third states and international organisations, during the time necessary for the analyses and procedures and analyses by Member States, third states and international organisations to address apparent cases of IUU fishing, follow-up analyses, and the administrative retention period that follows the definitive closure of the file ⁽⁹⁾.

⁽⁹⁾ Retention of files in the Commission is regulated by the Common retention list, a regulatory document (the most recent version is SEC (2010)900) in the form of a retention schedule that establishes the retention periods for the different types of Commission files.

- (9) While carrying out its tasks, the Commission is bound to respect the rights of natural persons in relation to the processing of personal data recognised by Article 8(1) of the Charter of Fundamental Rights of the European Union and by Article 16(1) of the Treaty on the Functioning of the European Union (TFEU), and as implemented by Regulation (EU) 2018/1725. At the same time, the Commission has specific obligations under Regulation (EC) No 1005/2008 to prevent, deter and eliminate IUU fishing, which requires the Commission to conduct analyses and follow procedures, while respecting rules of confidentiality and professional secrecy ⁽⁷⁾ as well as the rights of defence of natural or legal persons subject to analyses and procedures ⁽⁸⁾.
- (10) In certain circumstances, it is necessary to reconcile the rights of data subjects pursuant to Regulation (EU) 2018/1725 with the needs to carry out analyses and procedures with regard to IUU fishing, as well as with full respect for fundamental rights and freedoms of other data subjects. To that effect, Article 25 of Regulation (EU) 2018/1725 provides the Commission with a possibility to restrict the application of Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725, as well as Article 4 thereof, insofar as its provisions correspond to the rights and obligations provided for in Articles 14 to 17, 19 and 20 of that Regulation.
- (11) The Union's common fisheries policy requires that the Commission effectively and efficiently applies the Union rules to prevent, deter and eliminate IUU fishing. In order to do so, while respecting the standards of protection of personal data under Regulation (EU) 2018/1725, it is necessary to adopt internal rules under which the Commission may restrict data subjects' rights in accordance with Article 25 of Regulation (EU) 2018/1725.
- (12) These internal rules should cover all processing operations carried out by the Commission in the performance of its powers and obligations under Regulation (EC) No 1005/2008 and Regulation (EC) No 1010/2009. These rules should apply to processing operations carried out in the entire course of analyses and procedures with regard to IUU fishing, from the time when the Commission receives the personal data that might be relevant for the identification of fishing vessels engaged in IUU fishing or the identification of non-cooperating third countries, throughout the analyses and procedures and dialogues held with third countries' authorities, and even thereafter, once vessels or third countries have formally been identified under Articles 27 or 33 of Regulation (EC) No 1005/2008 if that is necessary for follow-up analyses or to ensure the fulfilment of Union obligations.
- (13) These internal rules should no longer apply to processing operations relating to personal data that have been disclosed to data subjects in accordance with Article 26(2)(d) or (3)(d) and Article 27(6)(a) of Regulation (EC) No 1005/2008. As regards processing operations carried out in view of assistance provided to Member States and information exchanged with third countries and organisations, these rules should apply from the time the Commission receives the personal data that it subsequently provides to Member States, third countries or international organisation until and throughout the analyses and proceedings by the Member States, third countries or international organisation to address the cases of apparent IUU fishing, and even thereafter, if that is necessary for follow-up analyses and if that is necessary to ensure the fulfilment of Union obligations.
- (14) In order to comply with Articles 14, 15 and 16 of Regulation (EU) 2018/1725, the Commission should inform all individuals of its activities involving processing of their personal data and of their rights in a transparent and coherent manner in the form of the data protection notices published on the Commission's website. Where relevant, the Commission should adduce additional safeguards to ensure that the data subjects are informed individually in an appropriate format.
- (15) Without prejudice to Articles 14(5) and 16(5) of Regulation (EU) 2018/1725, the Commission has the possibility, on the basis of Article 25 of that Regulation, to restrict the provision of information to data subjects about the processing of their personal data and the application of their other rights in order to protect the Commission's powers to conduct analyses and procedures under Regulation (EC) No 1005/2008. In this respect, it may be necessary that the Commission restrict the application of those rights and obligations pursuant to Article 25(1)(c) and (g) of that Regulation, where the purpose of its monitoring, inspection or regulatory functions in relation to the effective implementation of Union's common fisheries policy would be jeopardised.

⁽⁷⁾ See, in particular, Article 339 of the TFEU.

⁽⁸⁾ Implementation of the rights of data subjects under Regulation (EU) 2018/1725 and compliance with the obligations of data controllers under that Regulation does not affect the Commission's handling of the rights of defence of persons subject to the proceedings. The integrity and authenticity of evidence on file collected in the course of analyses and procedures can therefore not be compromised by modifying documents as they were received or collected in line with the applicable procedural rules in the field.

- (16) In addition, in order to maintain effective cooperation it may be necessary for the Commission to restrict the application of data subjects' rights in order to protect processing operations of other Union institutions, bodies, offices and agencies or of Member States' authorities. The Commission may do so in a situation where the purpose of such a restriction by another Union institution, body, office or agency or of a Member State authority would be jeopardised were the Commission not to apply an equivalent restriction in respect of the same personal data. To that effect, the Commission should consult those institutions, bodies, offices, agencies, and authorities on the relevant grounds for imposing restrictions and the necessity and proportionality of the restrictions.
- (17) The Commission may also have to restrict the provision of information to data subjects and the application of other rights of data subjects in relation to personal data received from third countries or international organisations, in order to cooperate with those countries or organisations and thus safeguard an important objective of general public interest of the Union, as referred to in Article 25(1)(c) of Regulation (EU) 2018/1725. However, in some circumstances the interest of fundamental rights of the data subject may override the interest of international cooperation.
- (18) In addition, the Commission may have to restrict the provision of information to data subjects and the application of other rights of data subjects in relation to personal data received from anonymous or identified sources (like informants) that require protection of their rights and freedoms, pursuant to Article 25(1)(h) of Regulation (EU) 2018/1725.
- (19) The Commission has therefore identified the grounds listed in Article 25(1)(c), (g) and (h) of Regulation (EU) 2018/1725 as grounds for restrictions that may be necessary to apply to data processing operations carried out in the framework of the Commission's analyses and procedures with regards to IUU fishing.
- (20) Any restriction, applied on the basis of this Decision, should be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects.
- (21) The Commission should handle all restrictions in a transparent manner and register each application in the corresponding record system.
- (22) The controller is the Commission, acting through its service competent for maritime affairs and fisheries, which is in charge of analyses and procedures carried out with regard to IUU fishing and of providing assistance to Member States and information to third countries and international organisations concerning instances of alleged IUU fishing.
- (23) Pursuant to Article 25(8) of Regulation (EU) 2018/1725, controllers may defer or refrain from providing information on the reasons for the application of a restriction to the data subject if providing that information would in any way compromise the purpose of the restriction. This is, in particular, the case of restrictions provided for in Articles 16 and 35 of that Regulation.
- (24) The Commission should regularly review the restrictions imposed in order to ensure that the data subject's rights to be informed in accordance with Articles 16 and 35 of Regulation (EU) 2018/1725 are restricted only as long as such restrictions are necessary to allow the Commission to conduct analyses and procedures with regard to IUU fishing.
- (25) Where other rights of data subjects are restricted, the controller should assess on a case-by-case basis whether the communication of the restriction would compromise its purpose.
- (26) The Data Protection Officer of the Commission should carry out an independent review of the application of restrictions, with a view to ensuring compliance with this Decision.
- (27) This Decision is adopted for the purposes of Article 25 of Regulation (EU) 2018/1725 and should enter into force on the third day of its publication in the *Official Journal of the European Union* to immediately allow the Commission to restrict the application of certain rights and obligations in accordance with Article 25 of Regulation (EU) 2018/1725 in order not to jeopardise analyses and procedures to address cases of IUU fishing.
- (28) The European Data Protection Supervisor has been consulted and delivered his opinion on 17 July 2019,

HAS ADOPTED THIS DECISION:

Article 1

Subject-matter and scope

1. This Decision lays down the rules to be followed by the Commission when informing the data subjects of the processing of their data in accordance with Articles 14, 15 and 16 of Regulation (EU) 2018/1725 in the framework of the Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.
2. It also lays down the conditions under which the Commission may restrict the application of Articles 4, 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725, in accordance with Article 25(1)(c), (g) and (h) thereof, in the framework of that system.
3. This Decision applies to the processing of personal data by the Commission for the purpose of or in relation to the activities carried out to fulfil the Commission's tasks of conducting analyses and procedures and mutual assistance in relation to alleged IUU fishing pursuant to Regulations (EC) No 1005/2008 and (EC) No 1010/2009.

This Decision does not apply to the processing of personal data by the Commission that have been disclosed to owner and, where appropriate, the operator of the fishing vessel in accordance with Article 26(2)(d) or (3)(d) and Article 27(6)(a) of Regulation (EC) No 1005/2008.

This Decision applies to the following categories of personal data:

- (a) identification and contact data;
- (b) professional data;
- (c) activities of or relating to a vessel, its position and movements, fishing activity or a fishing-related activity;
- (d) data relating to vessel owners and operators (position or role), masters, and crew members;
- (e) data relating to persons involved in the movement, storage, processing and marketing of fishery products across the supply chain;
- (f) data concerning informants;
- (g) all other data related to the subject matter of the relevant analyses and procedures.

Article 2

Applicable exceptions and restrictions

1. Where the Commission exercises its duties with respect to the data subjects' rights pursuant to Regulation (EU) 2018/1725, it shall consider whether any of the exceptions laid down in that Regulation apply.
2. Where the exercise of the rights and obligations provided for in Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725 in relation to personal data processed by the Commission would jeopardise the purpose of the Commission's analyses and procedures with regard to IUU fishing, including by revealing its tools and methods, or would adversely affect the rights and freedoms of other data subjects, the Commission may restrict the application of:
 - (a) Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725; and
 - (b) the principle of transparency laid down in Article 4(1)(a) of that Regulation insofar as its provisions correspond to the rights and obligations provided for in Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725.
3. The Commission may restrict the rights and obligations referred to in paragraph 2 of this Article in relation to personal data obtained from other Union institutions, bodies, agencies and offices, competent authorities of Member States or third countries, international organisations or anonymous or identified sources in the following circumstances:

- (a) where the exercise of those rights and obligations in respect of the personal data obtained from another Union institution, body, agency or office could be restricted by that other Union institution, body, agency or office on the basis of legal acts referred to in Article 25 of Regulation (EU) 2018/1725, or in accordance with Chapter IX of that Regulation; with Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽⁹⁾ or with Council Regulation (EU) 2017/1939 ⁽¹⁰⁾;
- (b) where the exercise of those rights and obligations in respect of the personal data obtained from a competent authority of a Member State could be restricted by competent authorities of that Member State on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽¹¹⁾ or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council ⁽¹²⁾;
- (c) where the exercise of those rights and obligations could jeopardise the Commission's cooperation with third countries or international organisations with regard to IUU fishing.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, the Commission shall consult the relevant Union institutions, bodies, agencies or competent authorities of the Member States unless it is clear to the Commission that the application of a restriction is provided for by one of the acts referred to in those points.

Point (c) of the first subparagraph shall not apply where the interest of the Commission to cooperate with third countries or international organisations is overridden by the interests or fundamental rights and freedom of the data subject.

4. Paragraphs 1, 2 and 3 shall be without prejudice to

- (a) the application of other Commission decisions laying down internal rules concerning the provision of information to data subjects and the restrictions of certain rights under Article 25 of Regulation (EU) 2018/1725;
- (b) Article 23 of the Rules of Procedure of the Commission.

Paragraphs 2 and 3 shall apply subject to Articles 3 and 7 of this Decision.

5. Any restriction of the application of rights and obligations, referred to in paragraph 2 of this Article, shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects.

Article 3

Provision of information to data subjects

1. The Commission shall publish on its website data protection notices that inform all data subjects of its activities involving processing of their personal data for the purposes of analyses and procedures with regard to IUU fishing. Where relevant, the Commission shall ensure that the data subjects are informed individually in an appropriate format.
2. Where the Commission restricts, wholly or partly, the provision of information to data subjects whose data are processed for the purposes of analyses and procedures with regard to IUU fishing, it shall record and register the reasons for the restriction in accordance with Article 6.

⁽⁹⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

⁽¹⁰⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽¹¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽¹²⁾ 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 (OJ L 119, 4.5.2016, p. 89).

*Article 4***Right of access by data subject, right of erasure and right to restriction of processing**

1. Where the Commission restricts, wholly or partly, the right of access to personal data by data subjects, the right of erasure, or the right to restriction of processing as referred to respectively in Articles 17, 19 and 20 of Regulation (EU) 2018/1725, it shall inform the data subject concerned, in its reply to the request for access, erasure or restriction of processing,
 - (a) of the restriction applied and of the principal reasons thereof; and
 - (b) of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union.
2. The provision of information concerning the reasons for the restriction referred to in paragraph 1 may be deferred, omitted or denied for as long as it would undermine the purpose of the restriction.
3. The Commission shall record and register the reasons for the restriction in accordance with Article 6 of this Decision.
4. Where the right of access is wholly or partly restricted, the data subject is entitled to exercise his or her right of access, in accordance with Article 25(6), (7) and (8) of Regulation (EU) 2018/1725. The data subject may submit a complaint to the European Data Protection Supervisor where he or she considers that his or her rights have been unlawfully denied or restricted.

*Article 5***Communication of personal data breaches to data subjects**

Where the Commission restricts the communication of a personal data breach to the data subject, as referred to in Article 35 of Regulation (EU) 2018/1725, it shall record and register the reasons for the restriction in accordance with Article 6 of this Decision.

*Article 6***Recording and registering of restrictions**

1. The Commission shall record the reasons for any restriction applied pursuant to this Decision, including an assessment of the necessity and proportionality of the restriction, taking into account the relevant elements set out in Article 25(2) of Regulation (EU) 2018/1725.
2. The record shall state how the exercise of a right by the relevant data subject would jeopardise the purpose of the Commission's analyses and procedures with regard to IUU fishing, or of restrictions applied pursuant to Article 2(2) or (3) of this Decision, or would adversely affect the rights and freedoms of other data subjects.
3. The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

*Article 7***Duration of restrictions**

1. Restrictions referred to in Articles 3, 4 and 5 shall continue to apply as long as the reasons justifying them remain applicable.
2. Where the reasons for a restriction referred to in Article 3 or 5 no longer apply, the Commission shall lift the restriction and provide the principal reasons for the restriction to the data subject. At the same time, the Commission shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy in the Court of Justice of the European Union.
3. The Commission shall review the application of the restrictions referred to in Articles 3 and 5 one year after adoption and at the closure of the relevant Commission analyses and procedures carried out with regard to IUU fishing. Thereafter, the Commission shall monitor the need to maintain any restriction.

*Article 8***Review by the Data Protection Officer of the Commission**

1. The Data Protection Officer of the Commission shall be informed, without undue delay, whenever data subjects' rights are restricted in accordance with this Decision. Upon request, the Data Protection Officer shall be provided with access to the record and any documents containing underlying factual and legal elements.
2. The Data Protection Officer may request a review of the restriction. The Data Protection Officer shall be informed about the outcome of the requested review.
3. The Commission shall document the involvement of the Data Protection Officer in each case where the application of rights and obligations referred to in Article 2(2) of this Decision is restricted.

*Article 9***Entry into force**

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

Done at Brussels, 6 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2019/1863**of 6 November 2019****amending and correcting Implementing Decision (EU) 2019/436 as regards the withdrawal of references of harmonised standards for machinery from the *Official Journal of the European Union*****(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 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(6) thereof,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽²⁾, and in particular Article 7(3) and Article 10 thereof,

Whereas:

- (1) In accordance with Article 7 of Directive 2006/42/EC machinery manufactured in conformity with a harmonised standard, the references to which have been published in the *Official Journal of the European Union*, is to be presumed to comply with the essential health and safety requirements covered by such a harmonised standard.
- (2) The Commission by Implementing Decision (EU) 2019/436 ⁽³⁾ published in the *Official Journal of the European Union* references of harmonised standards conferring a presumption of conformity with corresponding requirements of Directive 2006/42/EC.
- (3) The Commission by Implementing Decision (EU) 2019/436 withdrew references of several harmonised standards from the *Official Journal of the European Union* as of 19 March 2019.
- (4) In order to give manufacturers more time to prepare for application of the new standards, revised standards and amendments to standards references of which were published by Implementing Decision (EU) 2019/436, it is necessary to extend the dates of withdrawal of references of several standards that were withdrawn by that Decision.
- (5) The reference of harmonised standard EN 1870-13:2007+A2:2012 for woodworking machines was published in the *Official Journal of the European Union* on 5 June 2012. The reference of a new harmonised standard EN ISO 19085-2:2017 covering the same products was, published on 9 March 2018 in the *Official Journal of the European Union* by Commission Communication 2018/C 092/01.. Given that superseded harmonised standard EN 1870-13:2007+A2:2012 has become obsolete. However, no date of cessation of presumption of conformity in the *Official Journal of the European Union* was provided for harmonised standard EN 1870-13:2007+A2:2012. Harmonised standard EN 1870-13:2007+A2:2012 should therefore be it is appropriate to withdrawn that standard from the *Official Journal of European Union*. In order to give manufacturers sufficient time to prepare for application of the standard EN ISO 19085-2:2017, it is necessary to defer the withdrawal of the reference of standard EN 1870-13:2007+A2:2012.
- (6) Implementing Decision (EU) 2019/436 should therefore be amended accordingly.

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.

⁽²⁾ OJ L 157, 9.6.2006, p. 24.

⁽³⁾ Commission Implementing Decision (EU) 2019/436 of 18 March 2019 on the harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council (OJ L 75, 19.3.2019, p. 108).

- (7) Recital 14 of Implementing Decision (EU) 2019/436 erroneously states that harmonised standard EN ISO 12100:2010 should be withdrawn. For reasons of clarity that error should be corrected, deleting the reference to harmonised standard EN ISO 12100:2010 from that recital.
- (8) Implementing Decision (EU) 2019/436 withdrew references of several harmonised standards from the *Official Journal of the European Union* as of 19 March 2019. Given that the date of withdrawal will be extended, this Decision should enter into force on the day of its publication. It is also appropriate to provide that the amendment extending the dates of withdrawal set in Implementing Decision (EU) 2019/436 applies from 19 March 2019,

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Implementing Decision (EU) 2019/436

Annex III to Implementing Decision (EU) 2019/436 is replaced by the text in the Annex to this Decision.

Article 2

Correction to Implementing Decision (EU) 2019/436

Recital (14) of Implementing Decision (EU) 2019/436 is replaced by the following:

- ‘(14) The references of Harmonised standards EN 786:1996+A2:2009, EN 61496-1:2013 and EN ISO 11200:2014 should be withdrawn from the *Official Journal of the European Union* as they no longer satisfy the requirements which they aim to cover and which are set out in Directive 2006/42/EC.’.

Article 3

Entry into force and application

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

Article 1 shall apply from 19 March 2019.

Done at Brussels, 6 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

‘ANNEX III

No	Reference of standard	Date of withdrawal	Type
1.	EN 1037:1995+A1:2008 Safety of machinery — Prevention of unexpected start-up	19 September 2020	B
2.	EN 474-1:2006+A4:2013 Earth-moving machinery — Safety — Part 1: General requirements Notice: This publication does not concern clause 5.8.1 Visibility — Operator's field of view of this standard, the application of which does not confer a presumption of conformity to the essential health and safety requirements 1.2.2 and 3.2.1 of Annex I to Directive 2006/42/EC.	19 September 2020	C
3.	EN 1853:1999+A1:2009 Agricultural machinery — Trailers with tipping body – Safety	19 September 2020	C
4.	EN 1870-6:2002+A1:2009 Safety of woodworking machines — Circular sawing machines — Part 6: Circular sawing machines for firewood and dual purpose circular sawing machines for firewood/circular saw benches, with manual loading and/or unloading	19 September 2020	C
5.	EN ISO 4254-5:2009 Agricultural machinery — Safety — Part 5: Power-driven soil-working machines (ISO 4254-5:2008)	19 September 2020	C
6.	EN ISO 4254-7:2009 Agricultural machinery — Safety — Part 7: Combine harvesters, forage harvesters and cotton harvesters (ISO 4254-7:2008)	19 September 2020	C
7.	EN 14017:2005+A2:2009 Agricultural and forestry machinery — Solid fertilizer distributors – Safety	19 September 2020	C
8.	EN ISO 5395-1:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 1: Terminology and common tests (ISO 5395-1:2013)	19 September 2020	C
9.	EN ISO 5395-3:2013 Garden equipment — Safety requirements for combustion-engine-powered lawnmowers — Part 3: Ride-on lawnmowers with seated operator (ISO 5395-3:2013) EN ISO 5395-3:2013/A1:2017	19 September 2020	C
10.	EN 12013:2000+A1:2008 Plastics and rubber machines — Internal mixers — Safety requirements	19 September 2020	C
11.	EN 12999:2011+A1:2012 Cranes — Loader cranes	19 September 2020	C
12.	EN 13001-3-1:2012+A1:2013 Cranes — General Design — Part 3-1: Limit States and proof competence of steel structure	19 September 2020	C
13.	EN 13135:2013 Cranes — Safety — Design — Requirements for equipment	19 September 2020	C
14.	EN 13684:2004+A3:2009 Garden equipment — Pedestrian controlled lawn aerators and scarifiers – Safety	19 September 2020	C

No	Reference of standard	Date of withdrawal	Type
15.	EN 15895:2011 Cartridge operated hand-held tools — Safety requirements — Fixing and hard marking tools	19 September 2020	C
16.	EN 692:2005+A1:2009 Machine tools — Mechanical presses — Safety	19 September 2021	C
17.	EN 693:2001+A2:2011 Machine tools — Safety — Hydraulic presse	19 March 2021	C
18.	EN 13736:2003+A1:2009 Safety of machine tools — Pneumatic presses	19 September 2021	C
19.	EN 848-1:2007+A2:2012 Safety of woodworking machines — One side moulding machines with rotating tool — Part 1: Single spindle vertical moulding machines	19 September 2020	C
20.	EN 1710:2005+A1:2008 Equipment and components intended for use in potentially explosive atmospheres in underground mines	19 September 2020	C
21.	EN 50569:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric spin extractors	12 January 2021	C
22.	EN 50570:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric tumble dryers	12 January 2021	C
23.	EN 50571:2013 Household and similar electrical appliances — Safety — Particular requirements for commercial electric washing machines	12 January 2021	C
24.	EN 50636-2-107:2015 Safety of household and similar appliances — Part 2-107: Particular requirements for robotic battery powered electrical lawnmowers (IEC 60335-2-107:2012 Modified)	12 January 2020	C
25.	EN 60335-1:2012 Household and similar electrical appliances — Safety — Part 1: General requirements (IEC 60335-1:2010 Modified) EN 60335-1:2012/A11:2014	3 May 2020	C
26.	EN 60745-2-1:2010 Hand-held motor-operated electric tools — Safety — Part 2-1: Particular requirements for drills and impact drills (IEC 60745-2-1:2003 Modified + A1:2008)	19 January 2022	C
27.	EN 60745-2-17:2010 Hand-held motor-operated electric tools — Safety — Part 2-17: Particular requirements for routers and trimmers (IEC 60745-2-17:2010 Modified)	15 December 2021	C
28.	EN 62841-3-1:2014 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-1: Particular requirements for transportable table saws (IEC 62841-3-1:2014, modified)	19 October 2019	C

No	Reference of standard	Date of withdrawal	Type
29.	EN 61029-2-4:2011 Safety of transportable motor-operated electric tools — Part 2-4: Particular requirements for bench grinders (IEC 61029-2-4:1993 Modified + A1:2001 Modified)	24 June 2020	C
30.	EN 62841-3-6:2014 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-6: Particular requirements for transportable diamond drills with liquid system (IEC 62841-3-6:2014, modified)	19 October 2019	C
31.	EN 62841-3-9:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-9: Particular requirements for transportable mitre saws (IEC 62841-3-9:2014 Modified)	15 November 2019	C
32.	EN 62841-3-10:2015 Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery — Safety — Part 3-10: Particular requirements for transportable cut-off machines (IEC 62841-3-10:2015 Modified)	19 October 2019	C
33.	EN 13241:2003+A2:2016 Industrial, commercial, garage doors and gates — Product standard, performance characteristics	19 September 2020	C
34.	EN 786:1996+A2:2009 Garden equipment — Electrically powered walk- behind and hand-held lawn trimmers and lawn edge trimmers — Mechanical safety	19 September 2020	C
35.	EN 1870-14:2007+A2:2012 Safety of woodworking machines — Circular sawing machines — Part 14: Vertical panel sawing machines	19 September 2020	C
36.	EN 61496-1:2013 Safety of machinery — Electro-sensitive protective equipment — Part 1: General requirements and tests	19 September 2020	C
37.	EN ISO 11200:2014 Acoustics — Noise emitted by machinery and equipment — Guidelines for the use of basic standards for the determination of emission sound pressure levels at a work station and at other specified positions	19 September 2020	B
38.	EN 1870-13:2007+A2:2012 Safety of woodworking machines — Circular sawing machines — Part 13: Horizontal beam panel sawing machines	19 September 2020	C'

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN