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

## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2019/1876

of 4 November 2019

**approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Roma' (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 <sup>(1)</sup>, 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 'Roma', sent by Italy 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 <sup>(2)</sup>.
- (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 'Roma' (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*.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 233, 11.7.2019, p. 8.

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

Done at Brussels, 4 November 2019.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1877****of 4 November 2019****approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Valle d'Itria' (PGI))**

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 <sup>(1)</sup>, 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 Geographical Indication 'Valle d'Itria', sent by Italy 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 <sup>(2)</sup>.
- (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 'Valle d'Itria' (PGI) 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*.

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

Done at Brussels, 4 November 2019.

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

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 171, 20.5.2019, p. 6.

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1878****of 4 November 2019****approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Vigneti delle Dolomiti'/'Weinberg Dolomiten' (PGI))**

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 <sup>(1)</sup>, 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 Geographical Indication 'Vigneti delle Dolomiti'/'Weinberg Dolomiten', sent by Italy 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 <sup>(2)</sup>.
- (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 'Vigneti delle Dolomiti'/'Weinberg Dolomiten' (PGI) 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*.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 197, 13.6.2019, p. 2.

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

Done at Brussels, 4 November 2019.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1879****of 4 November 2019****approving amendments to the specification for a Protected Designation of Origin or a Protected Geographical Indication ('Vallagarina' (PGI))**

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 <sup>(1)</sup>, 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 Geographical Indication 'Vallagarina', sent by Italy 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 <sup>(2)</sup>.
- (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 'Vallagarina' (PGI) 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*.

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

Done at Brussels, 4 November 2019.

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

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 235, 12.7.2019, p. 9.

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1880****of 4 November 2019****conferring protection under Article 99 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council on the name ‘Vera de Estenas’ (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 <sup>(1)</sup>, and in particular Article 99 thereof,

Whereas:

- (1) Pursuant to Article 97(2) and (3) of Regulation (EU) No 1308/2013, the Commission examined Spain's application to register the name ‘Vera de Estenas’ and published it in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) No statement of objection has been received by the Commission under Article 98 of Regulation (EU) No 1308/2013.
- (3) In accordance with Article 99 of Regulation (EU) No 1308/2013, the name ‘Vera de Estenas’ should be protected and entered in the register referred to in Article 104 of that Regulation.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name ‘Vera de Estenas’ (PDO) is hereby protected.

*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, 4 November 2019.

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

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ C 235, 12.7.2019, p. 24.

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1881****of 8 November 2019****amending Regulation (EU) No 37/2010 to classify the substance diflubenzuron as regards its maximum residue limit****(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 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council <sup>(1)</sup>, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit ('MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is established in a Regulation.
- (2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 <sup>(2)</sup> sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.
- (3) Diflubenzuron is already included in that table as an allowed substance for salmonidae species, applicable to muscle and skin.
- (4) On 7 May 2014, the Commission requested the European Medicines Agency ('EMA') to issue a new opinion on diflubenzuron in accordance with Article 11 of Regulation (EC) No 470/2009, taking into account the genotoxic potential of diflubenzuron's metabolite 4-chloroaniline as well as the results of the more recent evaluations of diflubenzuron as a pesticide, undertaken by the European Food Safety Authority (EFSA) <sup>(3)</sup>, and as a biocide, coordinated by the Joint Research Centre of the Commission <sup>(4)</sup>.
- (5) In its opinion of 7 May 2015, the Committee for Medicinal Products for Veterinary Use ('CVMP') concluded that the genotoxic metabolite has not been confirmed to be present in fish muscle and adopted an opinion noting that further data on 4-chloroaniline formation and depletion in fish muscle was required in order to fully characterise the risk, if any, to the consumer from exposure to diflubenzuron. Publicly available reports about pharmacology of diflubenzuron indicated that in sheep, swine and chicken, 4-chloroaniline has been found as a minor metabolite. Based on that opinion, EMA recommended to amend the existing entry for diflubenzuron in salmonidae species in table 1 of the Annex to Commission Regulation (EU) No 37/2010 and to establish a provisional MRL, pending provision of additional residue data.

<sup>(1)</sup> OJ L 152, 16.6.2009, p. 11.

<sup>(2)</sup> Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

<sup>(3)</sup> EFSA Journal 2012;10(9):2870. Conclusion on the peer review of the pesticide risk assessment of confirmatory data submitted for the active substance Diflubenzuron

<sup>(4)</sup> Diflubenzuron assessment report, available at [http://dissemination.echa.europa.eu/Biocides/ActiveSubstances/0062-18/0062-18\\_Assessment\\_Report.pdf](http://dissemination.echa.europa.eu/Biocides/ActiveSubstances/0062-18/0062-18_Assessment_Report.pdf)

- (6) Having considered the recommendation from EMA, the Commission clarified in March 2017 that Regulation (EC) No 470/2009 only allows the establishment of a provisional MRL in cases where scientific data are incomplete and where there are no grounds for supposing that residues of the substance at the level proposed constitute a hazard to human health. In the case of diflubenzuron there is a possibility that the genotoxic metabolite 4-chloroaniline is present in treated fish at levels that could be hazardous to human health, and consequently the establishment of a provisional MRL was not considered appropriate, according to the Commission. The Commission also highlighted the EFSA 2015 conclusion <sup>(5)</sup> relating to the use of diflubenzuron in plant protection products, indicating that the available data were not sufficient to demonstrate that the representative uses were safe for consumers. For those reasons, the Commission invited the CVMP to revise its opinion of 7 May 2015.
- (7) On 15 March 2018, CVMP adopted its revised opinion on the establishment of maximum residue limits for diflubenzuron <sup>(6)</sup>. Based on that opinion, EMA has recommended that the existing entry for diflubenzuron in salmonidae species in table 1 of the Annex to Commission Regulation (EU) No 37/2010 be amended so that the MRL is reduced. The MRL value is set at 10 µg/kg in order to ensure that consumer exposure to 4-chloroaniline remains at an acceptable level.
- (8) According to Article 5 of Regulation (EC) No 470/2009, EMA is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.
- (9) EMA has considered that the extrapolation of the entry for diflubenzuron to fin fish is not appropriate at this time due to a lack of evidence that the metabolite 4-chloroaniline is not formed in any relevant amount in every species concerned.
- (10) Pursuant to the CVMP opinions and the EMA recommendation, it appears necessary for the protection of human health to reduce the MRL for diflubenzuron from 1 000 µg/kg to 10 µg/kg.
- (11) Regulation (EU) No 37/2010 should therefore be amended accordingly.
- (12) It is appropriate to grant the stakeholders concerned a reasonable period of time to take measures that may be required to comply with the new MRL for diflubenzuron.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The Annex to Regulation (EU) No 37/2010 is amended as set out in 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*.

<sup>(5)</sup> EFSA Journal 2015;13(12):4222. Peer review on the review of the approval of the active substance diflubenzuron regarding the metabolite PCA

<sup>(6)</sup> EMA/CVMP/153976/2018 MRL summary opinion Diflubenzuron 16 March 2018.

It shall apply from 10 January 2020.

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

Done at Brussels, 8 November 2019.

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

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## ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the entry for the substance 'diflubenzuron' is replaced by the following:

| Pharmacologically active Substance | Marker residue | Animal Species    | MRLs     | Target Tissues                         | Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009) | Therapeutic Classification                             |
|------------------------------------|----------------|-------------------|----------|----------------------------------------|------------------------------------------------------------------------------|--------------------------------------------------------|
| 'Diflubenzuron                     | Diflubenzuron  | <i>Salmonidae</i> | 10 µg/kg | Muscle and skin in natural proportions | NO ENTRY                                                                     | Antiparasitic agents/<br>Agents against ectoparasites' |

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1882**  
**of 8 November 2019**  
**opening tendering procedures for the amount of aid for private storage of olive oil**

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 <sup>(1)</sup>, and in particular Article 18(2) and points (m) and (o) of the first paragraph of Article 20 thereof,

Whereas:

- (1) Prices for virgin olive oils on the Spanish, Greek and Portuguese markets have remained consistently low and close to reference thresholds established in Article 1a(1)(g) of Council Regulation (EU) No 1370/2013 <sup>(2)</sup> for several months.
- (2) The prospect of a consecutive good harvest in the Union, the accumulation of stocks and current uncertainties in external trade create an imbalance between supply and demand, which in turn exerts a downward pressure on virgin olive oils prices and causes a serious disturbance to large parts of the Union market.
- (3) Spain is the most important olive oil producer of the Union and the price leader. The exceptionally high stocks in Spain therefore risk prolonging and exacerbating the serious disturbance of the Union market for virgin olive oils.
- (4) In order to reduce the current supply-demand imbalance and to alleviate those difficult market conditions, it is appropriate to grant private storage aid for virgin olive oils.
- (5) Commission Delegated Regulation (EU) 2016/1238 <sup>(3)</sup> and Commission Implementing Regulation (EU) 2016/1240 <sup>(4)</sup>, which establish common rules for the implementation of a private storage scheme, should apply to private storage aid for virgin olive oils.
- (6) The amount of aid should be fixed by tendering procedure so as to allow for a flexible operational system. To this end, it is appropriate to provide for several tendering sub-periods.
- (7) To allow different operators to benefit from the measure, each operator should submit a maximum of one tender by category of virgin olive oils for each sub-period.
- (8) For private storage aid to be effective and have a real impact on the market, the aid should be granted for virgin olive oils in bulk. As it is usual in the olive sector to have product in storage, tenders should also be accepted for virgin olive oils already in storage.
- (9) The quantities of virgin olive oils benefiting from private storage aid should not be marketed during a minimum storage period in order to have a real effect on the supply-demand balance of the current year. The minimum storage period should be fixed at 180 days.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p. 12).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 15).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 71).

- (10) For reasons of administrative efficiency and simplification, the tenders should only be eligible for quantities not lower than 50 tonnes.
- (11) In order to prevent uncontrolled price falls, to react swiftly to the difficult market conditions and to ensure efficient management of this measure, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (12) The Committee for the Common Organisation of the Agricultural Markets has not delivered an opinion within the time limit laid down by its chair,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. A separate tendering procedure shall be opened for private storage aid for each of the following categories of virgin olive oils as defined in point (1) of Part VIII of Annex VII to Regulation (EU) No 1308/2013 in accordance with point (b) of the first paragraph of Article 17 of that Regulation:

- (a) extra virgin olive oil;
- (b) virgin olive oil;
- (c) lampante olive oil.

2. Delegated Regulation (EU) 2016/1238 and Implementing Regulation (EU) 2016/1240 shall apply.

#### *Article 2*

1. Tenders shall be submitted during the following sub-periods, each one ending at 12.00 (Brussels time):

- (a) from 21 November 2019 until 26 November 2019;
- (b) from 12 December 2019 until 17 December 2019;
- (c) from 22 January 2020 until 27 January 2020;
- (d) from 20 February 2020 until 25 February 2020.

If the last day of a sub-period is a public holiday, the time limit shall be 12.00 (Brussels time) on the previous working day.

2. For each sub-period, operators shall submit no more than one tender for each of the products referred to in Article 1 (1).
3. The minimum quantity per tender shall be 50 tonnes.
4. The amount of the security referred to in Article 40(b) of Implementing Regulation (EU) 2016/1240 shall be EUR 50 per tonne.
5. The aid shall be granted for the products referred to in Article 1(1) in bulk.
6. Tenders may be submitted for products already in storage.
7. Tenders may be submitted only in Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Portugal and Slovenia.

#### *Article 3*

Member States shall notify the Commission of all the admissible tenders not later than 12.00 (Brussels time) on the day following the last day of each submission sub-period referred to in Article 2(1).

*Article 4*

Private storage aid contracts shall cover a storage period of 180 days.

*Article 5*

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, 8 November 2019.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/1883****of 8 November 2019****amending for the 307th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 5 November 2019, the Sanctions Committee of the United Nations Security Council decided to delete one entry in the list of persons, groups and entities to whom the freezing of funds and economic resources should apply.
- (3) Annex I to Regulation (EC) No 881/2002 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 8 November 2019.

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

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<sup>(1)</sup> OJ L 139 29.5.2002, p. 9.

## ANNEX

In Annex I to Regulation (EC) No 881/2002 the following entry under the heading 'Natural persons' is deleted:

'Mourad Ben Ali Ben Al-Basheer Al-Trabelsi (alias (a) Aboue Chiba Brahim, (b) Arouri Taoufik, (c) Ben Salah Adnan, (d) Sassi Adel, (e) Salam Kamel, (f) Salah Adnan, (g) Arouri Faisel, (h) Bentaib Amour, (i) Adnan Salah, (j) Hasnaoui Mellit, (k) Arouri Taoufik ben Taieb, (l) Abouechiba Brahim, (m) Farid Arouri, (n) Ben Magid, (o) Maci Ssassi, (p) Salah ben Anan, (q) Hasnaui Mellit. Address: Libya Street Number 9, Manzil Tmim, Nabeul, Tunisia. Date of birth: (a) 20.5.1969, (b) 2.9.1966, (c) 2.9.1964, (d) 2.4.1966, (e) 2.2.1963, (f) 4.2.1965, (g) 2.3.1965, (h) 9.2.1965, (i) 1.4.1966, (j) 1972, (k) 9.2.1964, (l) 2.6.1964, (m) 2.6.1966, (n) 2.6.1972. Place of birth: (a) Manzil Tmim, Tunisia; (b) Libya; (c) Tunisia; (d) Algeria; (e) Morocco; (f) Lebanon. Nationality: Tunisian. Passport No: (a) G827238 (Tunisian passport issued on 1.6.1996 which expired on 31.5.2001), (b) 05093588 (National identification). Other information: Mother's name is Mabrukah al-Yazidi. Date of designation referred to in Article 7d(2)(i): 12.11.2003.'

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# DECISIONS

**COUNCIL DECISION (CFSP) 2019/1884**  
**of 8 November 2019**  
**amending Decision (CFSP) 2016/2382**  
**establishing a European Security and Defence College (ESDC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1), 42(4) and 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 21 December 2016, the Council adopted Decision (CFSP) 2016/2382 <sup>(1)</sup>.
- (2) A new financial reference amount for the period from 1 January 2020 to 31 December 2020 should be established.
- (3) Decision (CFSP) 2016/2382 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 16(2) of Decision (CFSP) 2016/2382 is replaced by the following:

‘2. The financial reference amount intended to cover the expenditure of the ESDC during the period from 1 January 2020 to 31 December 2020 shall be EUR 1 893 598.

The financial reference amount intended to cover the expenditure of the ESDC for subsequent periods shall be decided by the Council.’

*Article 2*

**Entry into force**

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

Done at Brussels, 8 November 2019.

*For the Council*  
*The President*  
M. LINTILÄ

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<sup>(1)</sup> Council Decision (CFSP) 2016/2382 of 21 December 2016 establishing a European Security and Defence College (ESDC) and repealing Decision 2013/189/CFSP (OJ L 352, 23.12.2016, p. 60).

**COMMISSION IMPLEMENTING DECISION (EU) 2019/1885****of 6 November 2019****laying down rules for the calculation, verification and reporting of data on landfill of municipal waste in accordance with Council Directive 1999/31/EC and repealing Commission Decision 2000/738/EC***(notified under document C(2019) 7874)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste <sup>(1)</sup>, and in particular Articles 5a(4) and 15(5) thereof,

Whereas:

- (1) Member States are to report the amount of landfilled municipal waste in order to demonstrate that the targets laid down in Directive 1999/31/EC are met. The rules for the calculation of those targets should ensure that the data provided by all Member States is valid and comparable.
- (2) In order to ensure that the calculation reflects the real extent of landfilling, the amount of waste reported as landfilled should include all municipal waste disposed in landfills referred to in point (b) and (c) of Article 5a(1) of Directive 1999/31/EC and no corrections for its moisture content should be made. In certain cases, treated municipal waste accepted and deposited in landfills, such as stabilised biodegradable municipal waste, contributes to ensuring compliance with the requirements laid down in point 5 of Annex I to Directive 1999/31/EC on measures to minimise nuisances and hazards arising from the landfill. Since such municipal waste is actually deposited in the landfill, it should be included in the amount of municipal waste reported as landfilled and should not be assigned to recovery operations.
- (3) As the landfill targets for municipal waste laid down in Directive 1999/31/EC concern the same waste stream as the recycling targets for municipal waste laid down in Directive 2008/98/EC of the European Parliament and of the Council <sup>(2)</sup>, the calculation rules for municipal waste reported as landfilled should be consistent with the calculation rules for recycling of municipal waste set out in Directive 2008/98/EC and in Commission Implementing Decision (EU) 2019/1004 <sup>(3)</sup>.

Therefore, in a situation where municipal waste is shipped from a Member State to another Member State or to a third country for the purpose of recycling or other recovery in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council <sup>(4)</sup>, the amount of waste which is removed in the country of destination in the course of preliminary treatment before municipal waste enters the recycling operation and which is subsequently landfilled should be included in the amount of municipal waste reported as landfilled by the Member State where the municipal waste was collected.

<sup>(1)</sup> OJ L 182, 16.7.1999, p. 1.

<sup>(2)</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

<sup>(3)</sup> Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012) 2384 (OJ L 163, 20.6.2019, p. 66).

<sup>(4)</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

- (4) In accordance with Article 5a(1)(c) of Directive 1999/31/EC, the amount of municipal waste that enters incineration disposal operations in order to be subsequently landfilled is to be reported as landfilled. In order to ensure that the amount of municipal waste reported as landfilled does not include fractions of municipal waste that are subject to incineration disposal operations but are not actually landfilled, materials originating from municipal waste which are subsequently recovered from the waste resulting from incineration disposal operations should be deducted from the input to incineration disposal operations.
- (5) Article 11a of Directive 2008/98/EC lays down a specific rule as regards the calculation of the amount of municipal waste that is prepared for re-use, which excludes all waste that is removed as a result of checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing. Where such removed waste is subsequently landfilled, it should be included in the amount of municipal waste reported as landfilled in order to avoid that it is neither reported as prepared for re-use nor as landfilled and to ensure that the data on municipal waste is coherent and reflects the real extent of landfilling.
- (6) In accordance with Article 4(1) of Implementing Decision (EU) 2019/1004, waste removed during the recycling of municipal bio-waste is not to be included in the recycling rates for municipal waste. Where such removed waste is subsequently landfilled, it should be included in the amount of municipal waste reported as landfilled in order to avoid that it is neither reported as recycled nor as landfilled and to ensure that the data on municipal waste is coherent and reflects the real extent of landfilling.
- (7) In accordance with Article 5a(1)(d) of Directive 1999/31/EC, the amount of waste produced during recycling operations of municipal waste which is subsequently landfilled is not to be reported as landfilled. To ensure consistency with the calculation points for recycling of municipal waste established in Implementing Decision (EU) 2019/1004, it is necessary to specify that waste produced during recycling operations refers to waste produced in the course of reprocessing which takes place after those calculation points.
- (8) Member States are to report data on the implementation of paragraphs 2, 5 and 6 of Article 5 of Directive 1999/31/EC in the format established by the Commission. The data is to be accompanied by a quality check report. The format should ensure that the reported information provides a sufficient basis for verifying and monitoring the attainment of the targets set out in paragraphs 2, 5 and 6 of Article 5 of that Directive.
- (9) For the purpose of the reporting of data on the attainment of the landfill targets for biodegradable municipal waste laid down in Article 5(2) of Directive 1999/31/EC, Member States have been using the format established in Commission Decision 2000/738/EC <sup>(\*)</sup>. Since the provisions of that Decision related to the submission of reports on the implementation of Directive 1999/31/EC have become obsolete, that Decision should be repealed. In order to ensure continuity, transitional provisions should be adopted as regards the deadline for reporting of data concerning the implementation of Article 5(2) of Directive 1999/31/EC for reference years 2016 and 2017.
- (10) The rules for the calculation, verification and reporting of data concerning the implementation of paragraphs 5 and 6 of Article 5 of Directive 1999/31/EC are closely linked to the rules setting out the formats for the reporting of those data and of the data concerning the implementation of Article 5(2) of that Directive. In order to ensure coherence between those rules and facilitate the access to them, both sets of rules should be laid down in a single Decision.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC,

<sup>(\*)</sup> Commission Decision 2000/738/EC of 17 November 2000 concerning a questionnaire for Member States reports on the implementation of Directive 1999/31/EC on the landfill of waste (OJ L 298, 25.11.2000, p. 24).

HAS ADOPTED THIS DECISION:

#### *Article 1*

#### **Definition**

For the purposes of this Decision, 'amount' means mass measured in tonnes.

#### *Article 2*

#### **Calculation of municipal waste reported as landfilled pursuant to Article 5a of Directive 1999/31/EC**

1. The amount of municipal waste reported as landfilled shall include all municipal waste referred to in point (b) and (c) of Article 5a(1) of Directive 1999/31/EC that is deposited in landfills, including where depositing treated municipal waste in landfills ensures compliance with point 5 of Annex I to Directive 1999/31/EC.

The amount of municipal waste reported as landfilled shall not be corrected by deducting its moisture content.

2. For the purpose of Article 5a(1)(b) of Directive 1999/31/EC, where municipal waste is shipped to another Member State or exported from the Union to a third country for the purpose of recycling or other recovery in accordance with Regulation (EC) No 1013/2006, the amount of waste which results from treatment operations carried out prior to recycling or other recovery, and which is subsequently landfilled or enters incineration disposal operations in order to be subsequently landfilled in the country of destination shall be included in the amount of municipal waste reported as landfilled by the Member State in which the municipal waste was collected.

3. For the purpose of Article 5a(1)(c) of Directive 1999/31/EC, the amount of municipal waste that enters incineration disposal operations in order to be subsequently landfilled shall be the amount of municipal waste that enters facilities for incineration operations classified as D10 in accordance with Annex I to Directive 2008/98/EC after deduction of materials originating from municipal waste that are subsequently recovered from waste resulting from such incineration disposal operations.

The amount of materials to be deducted shall be calculated by taking into account the share of municipal waste in all waste entering the facility and, where appropriate, the composition of wastes other than municipal waste entering the facility.

4. For the purpose of Article 5a(1)(d) of Directive 1999/31/EC, the following shall apply:

- (a) waste that results from checking, cleaning and repairing operations to prepare municipal waste for re-use and that is subsequently landfilled shall be included in the amount of municipal waste reported as landfilled. Member States may deduct from the amount of municipal waste reported as landfilled parts of products or of components of products that are removed during repairing operations to prepare municipal waste for re-use;
- (b) materials which are mechanically removed during or after aerobic or anaerobic treatment of municipal bio-waste and which are subsequently landfilled shall be included in the amount of municipal waste reported as landfilled;
- (c) waste produced during recycling operations of municipal waste shall be waste which is produced during recycling operations that municipal waste undergoes after the calculation point as defined in Articles 3 and 4 of Implementing Decision (EU) 2019/1004.

#### *Article 3*

#### **Reporting of data**

1. Member States shall report the data and submit the quality check report concerning the implementation of Article 5(2) of Directive 1999/31/EC in the format laid down in Annex I.

2. Member States shall report the data and submit the quality check report concerning the implementation of Article 5(5) and (6) of Directive 1999/31/EC in the format laid down in Annex II.

3. The Commission shall publish the data reported by Member States unless as regards information included in the quality check reports a Member State provides a justified request to withhold the publication of certain data.

#### *Article 4*

#### **Repeal**

Decision 2000/738/EC is repealed.

#### *Article 5*

#### **Transitional provision**

The data concerning the implementation of Article 5(2) of Directive 1999/31/EC for reference years 2016 and 2017 shall be reported to the Commission by 31 December 2019.

#### *Article 6*

#### **Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2019.

*For the Commission*  
Karmenu VELLA  
*Member of the Commission*

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## ANNEX I

**FORMAT FOR REPORTING OF DATA ON THE LANDFILLING OF BIODEGRADABLE MUNICIPAL WASTE  
REFERRED TO IN ARTICLE 3(1)**

**1. Format for the reporting of data**

|                                                                                                                                                                                                                                                                                                |     |                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------|
| Biodegradable municipal waste produced in 1995, or the latest year before 1995 for which standardised Eurostat data is available, or the year set out in the respective Treaty of Accession for Member States joining the EU after the adoption of Council Directive 1999/31/EC <sup>(1)</sup> |     | Biodegradable municipal waste deposited in landfills in the reference year |
| Year                                                                                                                                                                                                                                                                                           | (t) | (t)                                                                        |
|                                                                                                                                                                                                                                                                                                |     |                                                                            |

<sup>(1)</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

**2. Format for the quality check report accompanying the data**

**I. General information**

1. Member State:
2. Organisation submitting the data and the description:
3. Contact person/contact details:
4. Reference year:
5. Delivery date/version:
6. Link to data publication by the Member State (if any):

**II. Information on landfilling of biodegradable municipal waste**

1. Description of the organisation of the data collection, the sources of data and the methodology used

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2. Description of types of waste classified at national level as biodegradable municipal waste

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3. Description of any estimates used to cover gaps in the data

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4. Explanation of significant differences from previous reference year's data

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5. Description of main issues affecting the accuracy of data

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## ANNEX II

**FORMAT FOR REPORTING OF DATA ON MUNICIPAL WASTE REFERRED TO IN ARTICLE 3(2)****1. Format for the reporting of data**

| Municipal waste generation<br>(t) | Landfilling <sup>(1)</sup><br>(t) | Incineration disposal <sup>(2)</sup><br>(t) | Material recovery of waste<br>from incineration disposal<br>(t) |
|-----------------------------------|-----------------------------------|---------------------------------------------|-----------------------------------------------------------------|
|                                   |                                   |                                             |                                                                 |

<sup>(1)</sup> This column does not include waste entering incineration disposal operations in order to be subsequently landfilled.

<sup>(2)</sup> Incineration disposal refers to operations carried out by facilities classified as D10 in Annex I to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

For the purpose of calculating whether the targets laid down in paragraphs 5 and 6 of Article 5 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1) have been attained, the sum of municipal waste subject to landfilling and municipal waste subject to incineration disposal operations in order to be subsequently landfilled after deduction of materials subsequently recovered from waste resulting from such incineration disposal operations, is divided by the amount of generated municipal waste.

**2. Format for the quality check report accompanying the data****I. General information**

1. Member State:
2. Organisation submitting the data and the description:
3. Contact person/contact details:
4. Reference year:
5. Delivery date/version:
6. Link to data publication by the Member State (if any):

**II. Information on landfilling of municipal waste**

1. Description of the entities involved in the data collection

| Name of institution            | Description of key responsibilities |
|--------------------------------|-------------------------------------|
| <i>Add rows as appropriate</i> |                                     |

2. Description of methods used

- 2.1. General description of data collection on landfilling of municipal waste, including the sources of data (administrative data; surveys; electronic registry; data from waste operators; data from municipalities)

- 2.2. Description of the methodology used to include waste resulting from treatment operations prior to recycling or other recovery of municipal waste and subsequently landfilled

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2.2.1. Description of the approach to ensure traceability of municipal waste when it undergoes treatment, including the use of codes related to municipal waste generation (such as those in chapter 20 in the list of waste established by Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3) and codes related to waste from waste treatment (such as those in chapter 19 in the list of waste established by that Decision)

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2.3. Description of the approach to include waste resulting from treatment operations prior to recycling or other recovery of municipal waste and subsequently landfilled outside the Member State

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2.4. Description of data collection on municipal waste entering incineration disposal operations in order to be subsequently landfilled, including the methodology used to calculate materials originating from municipal waste that are recovered from waste resulting from incineration disposal operations

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2.5. Description of any estimates used to cover gaps in the data on landfilled municipal waste

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2.6. Differences from previous reference year's data

Significant methodological changes in the calculation method used for the current reference year, if any (in particular retrospective revisions, their nature and whether a break in the series has to be flagged for a certain year)

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Explanation detailing the causes of the tonnage difference where municipal waste subject to landfilling or incineration disposal operations in order to be subsequently landfilled shows greater than a 10 % variation from the data submitted for the previous reference year

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3. Accuracy of the data

3.1. Description of main issues affecting the accuracy of data on landfilling of municipal waste

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3.2. Description of the scope and validity of surveys to collect data on landfilling of municipal waste

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4. Confidentiality

Justification to withhold the publication of specific parts of this report where that is requested.

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5. Main national websites, reference documents and publications

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**COMMISSION IMPLEMENTING DECISION (EU) 2019/1886****of 7 November 2019****amending Commission Decision 2010/346/EU as regards the regionalisation of Romania for the application of the protective measures with regard to equine infectious anaemia***(notified under document C(2019) 7873)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 10(4) thereof,

Whereas:

- (1) Equine infectious anaemia ("EIA") is a viral disease affecting only animals of the family *Equidae*. The incubation period is normally one to three weeks, but may be as long as three months. Infected equidae remain infectious for life and can potentially transmit the infection to other equidae. Infection with EIA tends to become inapparent if death does not result from one of the acute clinical attacks during viraemia, and thus the likelihood of transmission is substantially increased. Local transmission occurs by the transfer of blood from an infected equine animal via interrupted feeding of bloodsucking horseflies and *in utero* to the foetus. The main means of the long distance spread of the disease is the movement of infected animals, their semen, ova and embryos, and the use of contaminated needles or infusion of blood products containing the virus.
- (2) EIA is a compulsorily notifiable disease in accordance with Annex I to Council Directive 2009/156/EC <sup>(2)</sup>. In addition, Council Directive 82/894/EEC <sup>(3)</sup> provides that outbreaks of EIA are to be notified to the Commission and other Member States through the Animal Disease Notification System ("ADNS").
- (3) Unlike the animal health situation in other Member States, EIA is endemic in certain parts of Romania and the national eradication programme is not yet completed. For that reason, Commission Decision 2010/346/EU <sup>(4)</sup> provided for protective measures with regard to equine infectious anaemia in Romania.
- (4) However, at the June 2019 meeting of the Standing Committee on Plants, Animals, Food and Feed the competent authorities of Romania have presented to the other Member States and the Commission a situation report which has shown that in general, progress has been made in eradicating the disease and certain parts of Romania have remained free of the disease for more than 12 months or the prevalence of the disease has remained within limits observed regionally in other Member States. It is therefore appropriate to define the part of the territory of Romania in respect of which the protective measures laid down in Decision 2010/346/EU are to be applied.
- (5) The Annex to Decision 2010/346/EU should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2010/346/EU is replaced by the Annex to this Decision.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.<sup>(2)</sup> Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1).<sup>(3)</sup> Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community (OJ L 378, 31.12.1982, p. 58).<sup>(4)</sup> Commission Decision 2010/346/EU of 18 June 2010 on protective measures with regard to equine infectious anaemia in Romania (OJ L 155, 22.6.2010, p. 48).

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 7 November 2019.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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## ANNEX

## ‘ANNEX

Regions as referred to in Article 1(1)(a):

| Member State | Region         | Remark |
|--------------|----------------|--------|
| Romania      | Bihor          |        |
|              | Satu Mare      |        |
|              | Maramureş      |        |
|              | Bistriţ-Năsăud |        |
|              | Sălaj          |        |
|              | Cluj           |        |
|              | Mureş          |        |
|              | Harghita       |        |
|              | Alba           |        |
|              | Sibiu          |        |
|              | Braşov         |        |
|              | Hunedora       |        |
|              | Caraş-Severin  |        |
|              | Gorj           |        |
|              | Vâlcea         |        |
|              | Tulcea’        |        |

**COMMISSION IMPLEMENTING DECISION (EU) 2019/1887****of 7 November 2019****amending Implementing Decision 2014/709/EU as regards the availability and timeliness of information on the list of approved establishments***(notified under document C(2019) 7899)***(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 <sup>(1)</sup>, and in particular Article 9(4) thereof,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption <sup>(3)</sup>, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU <sup>(4)</sup> lays down animal health control measures in relation to African swine fever in the Member States or areas thereof listed in the Annex thereto (the Member States concerned). That Implementing Decision provides for prohibitions on the dispatch of consignments of domestic pigs and pig products, as well as consignments of feral pigs and feral pig products from the areas listed in the Annex thereto. It also lays down other rules aimed at preventing the spread of African swine fever, including information requirements for Member States. The animal health control measures laid down in Implementing Decision 2014/709/EU apply in parallel to those laid down in Council Directive 2002/60/EC <sup>(5)</sup>, and are intended to combat the spread of African swine fever particularly at Union level.
- (2) Implementing Decision 2014/709/EU also provides for derogations from the prohibition on the dispatch of fresh pig meat and of certain pig meat preparations and pig meat products consisting of or containing such meat from the areas listed in Parts II, III or IV of the Annex to that Implementing Decision, to other Member States and to third countries.
- (3) Certain derogations are possible only if the pigs from which the products in question are derived comply with requirements of Article 11 of Implementing Decision 2014/709/EU, the slaughterhouses, cutting plants and meat processing establishments comply with the conditions for approval laid down in Article 12 thereof, and the products in question are produced and processed in compliance with the specific process and certification as required in accordance with Article 13 thereof.

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(3)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(4)</sup> Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

<sup>(5)</sup> Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

- (4) Article 14 of Implementing Decision 2014/709/EU currently requires that Member States communicate to the Commission and to other Member States, every six months from the date of Implementing Decision 2014/709/EU, the updated list of approved establishments referred to in Article 12 and any relevant information on the application of Articles 11, 12 and 13 of that act. To optimise the need of transparency towards other Member States and third countries and streamline the information exchange, Member States should have the responsibility of regularly updating the list of approved establishments as referred to in Article 12 and any relevant information referred to in Articles 11, 12 and 13 of Implementing Decision 2014/709/EU. Additionally, Member States should make this information timely, publicly and easily available to other Member States and to third countries. Articles 14 of that Implementing Decision should therefore be amended accordingly.
- (5) 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*

Article 14 of Implementing Decision 2014/709/EU is replaced by the following:

*'Article 14*

**Information concerning Articles 11, 12 and 13**

The Member States shall draw up and keep updated a list of establishments approved in accordance with Article 12 (list of approved establishments) and make it available to the Commission, to the other Member States and to the public.

The Member States shall immediately inform the Commission and the other Member States of:

- (a) any change to their list of approved establishments;
- and
- (b) any relevant information on the application of Articles 11, 12 and 13.'

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 7 November 2019.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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# RECOMMENDATIONS

## COMMISSION RECOMMENDATION (EU) 2019/1888

of 7 November 2019

### on the monitoring of the presence of acrylamide in certain foods

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Commission Regulation (EU) 2017/2158 <sup>(1)</sup> introduces specific obligations for operators which produce and place on the market certain foodstuffs to establish a programme for own sampling and analysis of the levels of acrylamide in the foodstuffs and apply specific mitigation measures in view of achieving levels of acrylamide as low as reasonably achievable below the benchmark levels established by that Regulation.
- (2) Regulation (EC) No 882/2004 of the European Parliament and of the Council <sup>(2)</sup> establishes the obligation for competent authorities to perform official controls to verify compliance with rules aiming, in particular, (a) at preventing, eliminating or reducing to acceptable levels risks to humans and animals, either directly or through the environment and (b) guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information. Official controls should be carried out also to verify compliance with obligations established in accordance with Regulation (EU) 2017/2158.
- (3) It is acknowledged that there are insufficient data available on the presence of acrylamide in certain foods referred to in Article 1(2) of Regulation (EU) 2017/2158, despite the obligations laid down in Article 4 of that Regulation and the results of official controls carried out. There are insufficient data available on the presence of acrylamide also in foods not falling within the scope of Regulation (EU) 2017/2158, but which might contain significant levels of acrylamide and/or could be relevant contributors to the dietary exposure to acrylamide.
- (4) To ensure a high level of human health protection, it is therefore appropriate that competent authorities and food business operators, within their sphere of competence, without prejudice to the obligations established by Regulation (EU) 2017/2158 and on the basis of Regulation (EC) No 882/2004, monitor the presence of acrylamide in such food in view of the adoption of possible risk management measures, which should complement those already provided by Regulation (EU) 2017/2158.
- (5) In view of guiding the competent authorities and food business operators as regards the foods to be monitored a non-exhaustive list of food categories/foods is established.
- (6) With the adoption of Regulation (EU) 2017/2158 and this Recommendation, Commission Recommendations 2010/307/EU <sup>(3)</sup> and 2013/647/EU <sup>(4)</sup> become obsolete and should therefore be repealed,

<sup>(1)</sup> Commission Regulation (EU) 2017/2158 of 20 November 2017 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food (OJ L 304, 21.11.2017, p. 24).

<sup>(2)</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165 30.4.2004, p. 1).

<sup>(3)</sup> Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food (OJ L 137, 3.6.2010, p. 4).

<sup>(4)</sup> Commission Recommendation 2013/647/EU of 8 November 2013 on investigations into the levels of acrylamide in food (OJ L 301, 12.11.2013, p. 15).

HAS ADOPTED THIS RECOMMENDATION:

- (1) Without prejudice to obligations set out on the basis of Regulation (EC) No 882/2004, competent authorities in the Member States should monitor regularly the presence of acrylamide and its levels in food, in particular in the food listed in the Annex.

Without prejudice to obligations set out in Regulation (EU) 2017/2158, food business operators should monitor regularly the presence of acrylamide and its levels in food, in particular in the food listed in the Annex.

- (2) Member States and food business operators should transmit to the European Food Safety Authority (EFSA) by 1 October of each year, the data collected during the previous year through their monitoring activities for compilation into one database, in line with the requirements of EFSA's Guidance on Standard Sample Description (SSD) for Food and Feed and the additional EFSA's specific reporting requirements <sup>(5)</sup>.

- (3) In order to ensure that the samples are representative, Member States should follow the sampling procedures laid down in part B of the Annex to Commission Regulation (EC) No 333/2007 <sup>(6)</sup>.

The sampling procedure applied by the food business operator may deviate from the provisions of Regulation (EC) No 333/2007 but should remain representative for the lot.

- (4) Member States should carry out the analysis of acrylamide in accordance with the criteria laid down in Regulation (EC) No 333/2007.

Food business operators should ensure that the analysis of acrylamide is carried out in accordance with the requirements and criteria provided for in Annex III to Regulation (EU) 2017/2158.

- (5) Recommendations 2010/307/EU and 2013/647/EU are hereby repealed.

Done at Brussels, 7 November 2019.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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<sup>(5)</sup> <http://www.efsa.europa.eu/en/consultations/call/180307>

<sup>(6)</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29).

## ANNEX

## NON-EXHAUSTIVE LIST OF FOOD FOR MONITORING OF THE PRESENCE OF ACRYLAMIDE

**Potato products**

- Rösti
- Croquettes, pommes duchesse, pommes noisettes, ...
- Potato casserole (and vegetable casserole)
- Potato and meat meal
- Potato and cheese meal

**Bakery products**

- Rolls (hamburger rolls, whole wheat rolls, milk rolls, ...)
- Pita bread, Mexican tortillas
- Croissants
- Doughnuts
- Speciality bread (such as pumpernickel bread, ciabatta with olives, onion bread, ...)
- Pancakes
- Crisp cookies from thin strip of dough and deep fried
- Churros

**Cereal products**

- Rice crackers
- Maize crackers
- Cereal snacks (such as extruded maize and/or wheat products)
- Honey roasted muesli

**Other**

- Vegetable crisps/fries
  - Roasted nuts
  - Roasted oilseeds
  - Dried fruits
  - Roasted cocoa beans and derived cocoa products
  - Olives in brine
  - Coffee substitutes not based on chicory or cereals
  - Fudge, caramel, nougat, ...
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# RULES OF PROCEDURE

## DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING

of 5 August 2019

### laying down internal rules concerning the restriction of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of CEPOL

THE MANAGEMENT BOARD,

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

Having regard to 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 <sup>(1)</sup>, and in particular Article 25 thereof,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA <sup>(2)</sup>,

Having regard to the opinion of the EDPS of 20 June 2019 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules <sup>(3)</sup>,

Whereas:

- (1) CEPOL carries out its activities in accordance with Regulation (EU) 2015/2219.
- (2) In accordance with Article 25(1) of Regulation (EU) 2018/1725 restrictions of the application of Articles 14 to 22, 35 and 36, as well as Article 4 of that Regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 should be based on internal rules to be adopted by the Agency, where these are not based on legal acts adopted on the basis of the Treaties.
- (3) These internal rules, including its provisions on the assessment of the necessity and proportionality of a restriction, should not apply where a legal act adopted on the basis of the Treaties provides for a restriction of data subject rights.
- (4) Where the Agency performs its duties with respect to data subject's rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
- (5) Within the framework of its administrative functioning, the Agency may conduct administrative inquiries, disciplinary proceedings, carry out preliminary activities related to cases of potential irregularities reported to OLAF, process whistleblowing cases, process (formal and informal) procedures of harassment, process internal and external complaints, conduct internal audits, carry out investigations by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and internal (IT) security investigations. In addition, the Agency may handle requests for access to the medical file of the staff members.

<sup>(1)</sup> OJ L 295, 21.11.2018, p. 39.

<sup>(2)</sup> OJ L 319, 4.12.2015, p. 1.

<sup>(3)</sup> [https://edps.europa.eu/sites/edp/files/publication/18-12-20\\_guidance\\_on\\_article\\_25\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/18-12-20_guidance_on_article_25_en.pdf)

The Agency processes several categories of personal data, including hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).

- (6) The Agency, represented by its Executive Director, acts as the data controller irrespective of further delegations of the controller role within Agency to reflect operational responsibilities for specific personal data processing operations.
- (7) The personal data are stored securely in an electronic environment or on paper preventing unlawful access or transfer of data to persons who do not have a need to know. The medical files are stored by the external service provider used by the Agency. The personal data processed are retained for no longer than necessary and appropriate for the purposes for which the data are processed for the period specified in the data protection notices, privacy statements or records of the Agency.
- (8) The internal rules should apply to all processing operations carried out by the Agency in the performance of administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, whistleblowing procedures, (formal and informal) procedures for cases of harassment, processing internal and external complaints, internal audits, the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, (IT) security investigations handled internally or with external involvement (e.g. CERT-EU), as well as in the handling of requests for access to own medical file.
- (9) They should apply to processing operations carried out prior to the opening of the procedures referred to above, during these procedures and during the monitoring of the follow-up to the outcome of these procedures. It should also include assistance and cooperation provided by the Agency to national authorities and international organisations outside of its administrative investigations.
- (10) In the cases where these internal rules apply the Agency has to give justifications explaining why the restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.
- (11) Within this framework the Agency is bound to respect, to the maximum extent possible, the fundamental rights of the data subjects during the above procedures, in particular, those relating to the right of provision of information, access and rectification, right to erasure, restriction of processing, right of communication of a personal data breach to the data subject or confidentiality of communication as enshrined in Regulation (EU) No 2018/1725.
- (12) However, the Agency may be obliged to restrict the information to data subject and other data subject's rights to protect, in particular, its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons related to its investigations or other procedures.
- (13) The Agency may thus restrict the information for the purpose of protecting the investigation and the fundamental rights and freedoms of other data subjects.
- (14) The Agency should periodically monitor that the conditions that justify the restriction apply and lift the restriction as far as they do no longer apply.
- (15) The Controller should inform the Data Protection Officer at the moment of deferral and during the revisions,

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### **Subject-matter and scope**

1. This Decision lays down rules relating to the conditions under which the Agency in the framework of its procedures set out paragraph 2 may restrict the application of the rights enshrined in Articles 14 to 21, 35 and 36, as well as Article 4 thereof, following Article 25 of the Regulation (EU) No 2018/1725.
2. Within the framework of the administrative functioning of the Agency, this Decision applies to the processing operations on personal data by the Office for the purposes of: conducting administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, processing whistleblowing cases, (formal and informal) procedures of harassment, processing internal and external complaints, conducting internal audits, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, (IT) security investigations handled internally or with external involvement (e.g. CERT-EU), as well as the handling of requests for access to own medical file.
3. The categories of data concerned are hard data ('objective' data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or soft data ('subjective' data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).
4. Where the Agency performs its duties with respect to data subject's rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.
5. Subject to the conditions set out in this Decision, the restrictions may apply to the following rights: provision of information to data subjects, right of access, rectification, erasure, restriction of processing, communication of a personal data breach to the data subject or confidentiality of communication.

#### *Article 2*

##### **Specification of the controller and safeguards**

1. The safeguards in place to avoid data breaches, leakages or unauthorised disclosure are the following:
  - (a) Paper documents shall be kept in secured cupboards and only accessible to authorised staff;
  - (b) All electronic data shall be stored according to the Agency's practice, as well as in specific electronic folders accessible only to authorised staff. Appropriate levels of access shall be granted individually;
  - (c) The IT environment of the Agency is accessible via a single sign-on system connected automatically to the user's ID and password. Replacing users is strictly prohibited. E-records shall be held securely to safeguard the confidentiality and privacy of the data therein;
  - (d) The external service provider storing the medical files is bound by specific contractual clauses on confidentiality and processing of personal data;
  - (e) All persons having access to the data are bound by the obligation of confidentiality.
2. The controller of the processing operations is the Agency, represented by its Executive Director, who may delegate the function of the controller. Data subjects shall be informed of the delegated controller by way of the data protection notices or records published on the website and circulated internally in the Agency.

3. The retention period of the personal data referred to in Article 1(3) shall be no longer than necessary and appropriate for the purposes for which the data are processed. It shall in any event not be longer than the retention period specified in the data protection notices, privacy statements or records referred to in Article 5(1).

4. Where the Agency considers to apply a restriction, the risk to the rights and freedoms of the data subject shall be weighed, in particular, against the risk to the rights and freedoms of other data subjects and the risk of cancelling the effect of the Agency's investigations or procedures for example by destroying evidence. The risks to the rights and freedoms of the data subject concern primarily, but are not limited to, reputational risks and risks to the right of defence and the right to be heard.

### Article 3

#### Restrictions

1. Any restriction shall only be applied by the Agency to safeguard:

- (a) the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- (b) the internal security of Union institutions and bodies, including of their electronic communications networks;
- (c) the protection of judicial independence and judicial proceedings;
- (d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
- (e) the protection of the data subject or the rights and freedoms of others;
- (f) the enforcement of civil law claims.

2. As a specific application of the purposes described in paragraph 1 above, the Agency may apply restrictions in relation to personal data exchanged with Commission services or other Union institutions, bodies, agencies and offices, competent authorities of Member States or third countries or international organisations, in the following circumstances:

- (a) where the exercise of those rights and obligations could be restricted by Commission services or other Union institutions, bodies, agencies and offices on the basis of other acts provided for in Article 25 of Regulation (EU) 2018/1725 or in accordance with Chapter IX of that Regulation or with the founding acts of other Union institutions, bodies, agencies and offices;
- (b) where the exercise of those rights and obligations could be restricted by competent authorities of Member States on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>(4)</sup>, 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 <sup>(5)</sup>;
- (c) where the exercise of those rights and obligations could jeopardise the Agency's cooperation with third countries or international organisations in the conduct of its tasks.
- (d) Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, the Agency shall consult the relevant Commission services, Union institutions, bodies, agencies, offices or the competent authorities of Member States unless it is clear to the Agency that the application of a restriction is provided for by one of the acts referred to in those points.

<sup>(4)</sup> 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).

<sup>(5)</sup> 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).

3. Any restriction shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects and respect the essence of the fundamental rights and freedoms in a democratic society.
4. If the application of restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.
5. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

#### *Article 4*

##### **Review by the Data Protection Officer**

1. The Agency shall, without undue delay, inform the Data Protection Officer of the Agency ('the DPO') whenever the controller restricts the application of data subjects' rights, or extends the restriction, in accordance with this Decision. The controller shall provide the DPO access to the record containing the assessment of the necessity and proportionality of the restriction and document the date of informing the DPO in the record.
2. The DPO may request the controller in writing to review the application of the restrictions. The controller shall inform the DPO in writing about the outcome of the requested review.
3. The controller shall inform the DPO when the restriction has been lifted.

#### *Article 5*

##### **Provision of information to data subject**

1. In duly justified cases and under the conditions stipulated in this decision, the right to information may be restricted by the controller in the context of the following processing operations:
  - (a) the performance of administrative inquiries and disciplinary proceedings;
  - (b) preliminary activities related to cases of potential irregularities reported to OLAF;
  - (c) whistleblowing procedures;
  - (d) (formal and informal) procedures for cases of harassment;
  - (e) processing internal and external complaints;
  - (f) internal audits;
  - (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
  - (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);

The Agency shall include in the data protection notices, privacy statements or records in the sense of Article 31 of Regulation (EU) 2018/1725, published on its website and/or circulated internally informing data subjects of their rights in the framework of a given procedure, information relating to the potential restriction of these rights. The information shall cover which rights may be restricted, the reasons and the potential duration.

2. Without prejudice to the provisions of paragraph 3, the Agency, where proportionate, shall also inform individually all data subjects, which are considered persons concerned in the specific processing operation, of their rights concerning present or future restrictions without undue delay and in a written form.

3. Where the Agency restricts, wholly or partly, the provision of information to the data subjects referred to in paragraph 2, it shall record the reasons for the restriction, the legal ground in accordance with Article 3 of this Decision, including an assessment of the necessity and proportionality of the restriction.

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.

4. The restriction referred to in paragraph 3 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, the Agency shall provide information to the data subject on the principal reasons on which the application of a restriction is based. At the same time, the Agency shall inform the data subject of the right 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.

The Agency shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry, procedure or investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months.

#### *Article 6*

#### **Right of access by data subject**

1. In duly justified cases and under the conditions stipulated in this decision, the right to access may be restricted by the controller in the context of the following processing operations, where necessary and proportionate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
- (i) Handling of requests for access to own medical file.

Where data subjects request access to their personal data processed in the context of one or more specific cases or to a particular processing operation, in accordance with Article 17 of Regulation (EU) 2018/1725, the Agency shall limit its assessment of the request to such personal data only.

2. Where the Agency restricts, wholly or partly, the right of access, referred to in Article 17 of Regulation (EU) 2018/1725, it shall take the following steps:

- (a) it shall inform the data subject concerned, in its reply to the request, of the restriction applied and of the principal reasons thereof, and 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;
- (b) it shall document in an internal assessment note the reasons for the restriction, including an assessment of the necessity, proportionality of the restriction and its duration.

Restrictions imposed in relation to access to own medical file shall only concern requests for direct access in relation to personal medical data of psychological or psychiatric nature, where access to such data is likely to represent a risk for the data subject's health. This restriction shall be proportionate to what is strictly necessary to protect the data subject. Access to such information shall be given to a doctor of the data subject's choice.

The provision of information referred to in point (a) may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725.

The Agency shall review the application of the restriction every six months from its adoption and at the closure of the relevant investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months.

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*

### **Right of rectification, erasure and restriction of processing**

1. In duly justified cases and under the conditions stipulated in this decision, the right to rectification, erasure and restriction may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) (formal and informal) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) internal audits;
- (g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. Where the Agency restricts, wholly or partly, the application of the right to rectification, erasure and restriction of processing referred to in Articles 18, 19(1) and 20(1) of Regulation (EU) 2018/1725, it shall take the steps set out in Article 6(2) of this Decision and register the record in accordance with Article 6(3) thereof.

#### *Article 8*

### **Communication of a personal data breach to the data subject and confidentiality of electronic communications**

1. In duly justified cases and under the conditions stipulated in this decision, the right to the communication of a personal data breach may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) processing internal and external complaints;
- (e) internal audits;
- (f) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (g) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

2. In duly justified cases and under the conditions stipulated in this decision, the right to confidentiality of electronic communications may be restricted by the controller in the context of the following processing operations, where necessary and appropriate:

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) formal procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

3. Where the Agency restricts the communication of a personal data breach to the data subject or the confidentiality of electronic communications referred to in Articles 35 and 36 of Regulation (EU) 2018/1725, it shall record and register the reasons for the restriction in accordance with Article 5(3) of this decision. Article 5(4) of this Decision shall apply.

#### *Article 9*

#### **Entry into force**

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

Done at Tampere, on 5 August 2019.

*For the Management Board*  
Kimmo HIMBERG  
*Chair of the Management Board*

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