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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the date of entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the Republic of Indonesia pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union

The Agreement in the form of an Exchange of Letters between the European Union and the Republic of Indonesia pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union ⁽¹⁾, signed in Brussels on 11 May 2021, entered into force on 20 August 2021.

⁽¹⁾ OJ L 260, 21.7.2021, p. 3.

DECISIONS

COUNCIL DECISION (EU) 2021/1345

of 28 June 2021

authorising the opening of negotiations with Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Regulation (EU) 2018/848 of the European Parliament and the Council ⁽¹⁾ establishes the possibility to grant access to the Union market for organic products coming from third countries that have been recognised under a trade agreement as having a system of production meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity as those of the Union.
- (2) In accordance with Regulation (EU) 2018/848, the recognition for the purposes of equivalence of third countries on the basis of Council Regulation (EC) No 834/2007 ⁽²⁾ will expire on 31 December 2026. Therefore, it is necessary to open negotiations with a view to concluding agreements on trade in organic products with certain third countries concerned.
- (3) In accordance with Regulation (EC) No 834/2007, the Commission established a list of recognised third countries in Annex III to Commission Regulation (EC) No 1235/2008 ⁽³⁾.
- (4) The trade in organic products between the Union and Switzerland is covered by the Agreement between the European Community and the Swiss Confederation on trade in agriculture products ⁽⁴⁾ ('the Agreement with Switzerland'). Switzerland was listed in Annex III to Regulation (EC) No 1235/2008 for transparency reasons. The Agreement with Switzerland provides for a mechanism to update the agreement in the case of changes to the laws and regulations of one of the parties. It is therefore not necessary to open negotiations with Switzerland.
- (5) Chile is recognised as an equivalent third country by means of the Agreement between the European Union and the Republic of Chile on trade in organic products ⁽⁵⁾ ('the Agreement with Chile'). Chile was listed in Annex III to Regulation (EC) No 1235/2008 for clarity reasons. The Agreement with Chile provides for the possibility of adapting the recognition in the case of changes to the laws and regulations of one of the parties. It is therefore not necessary to open negotiations with Chile.

⁽¹⁾ Regulation (EU) 2018/848 of the European Parliament and the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

⁽²⁾ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

⁽³⁾ Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

⁽⁴⁾ OJ L 114, 30.4.2002, p. 132.

⁽⁵⁾ OJ L 331, 14.12.2017, p. 4.

- (6) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, on the one part, and the United Kingdom of Great Britain and Northern Ireland, on the other part ⁽⁶⁾, established the reciprocal recognition of equivalence of the current laws and regulations on organic products and the recognition of the control systems of both parties to the Agreement. Annex 14 to that Agreement, on organic products, provides that, since Regulation (EU) 2018/848 is to apply from 1 January 2022, the equivalency recognition is to be reassessed by each Party by 31 December 2023. It is therefore not necessary to open negotiations with the United Kingdom.
- (7) Therefore, negotiations should be opened with Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products.
- (8) In order to enable the Union to pursue reciprocal relations with third countries concerning trade in organic products, it is appropriate to set out negotiating directives for agreements allowing the Union and the third country concerned to acknowledge the equivalence of their organic production standards and control systems,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to open negotiations with Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

Article 2

The negotiations shall be conducted in consultation with the Special Committee on Agriculture.

Article 3

This Decision is addressed to the Commission.

Done at Luxembourg, 28 June 2021.

For the Council
The President
M. do C. ANTUNES

⁽⁶⁾ OJ L 149, 30.4.2021, p. 10.

RECOMMENDATIONS

COUNCIL RECOMMENDATION (EU) 2021/1346

of 30 August 2021

amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(b) and (e) and Article 292, first and second sentence thereof,

Whereas:

- (1) On 30 June 2020, the Council adopted a Recommendation on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽¹⁾ ('Council Recommendation').
- (2) Since then, the Council adopted Recommendations (EU) 2020/1052 ⁽²⁾, (EU) 2020/1144 ⁽³⁾, (EU) 2020/1186 ⁽⁴⁾, (EU) 2020/1551 ⁽⁵⁾, (EU) 2020/2169 ⁽⁶⁾, (EU) 2021/89 ⁽⁷⁾, (EU) 2021/132 ⁽⁸⁾, (EU) 2021/767 ⁽⁹⁾, (EU) 2021/892 ⁽¹⁰⁾, (EU) 2021/992 ⁽¹¹⁾, (EU) 2021/1085 ⁽¹²⁾ and (EU) 2021/1170 ⁽¹³⁾ amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.
- (3) On 20 May 2021, the Council adopted Recommendation (EU) 2021/816 amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽¹⁴⁾ in order to update the criteria used to assess whether non-essential travel from third countries is safe and should be allowed.
- (4) The Council Recommendation provides that Member States should gradually lift the temporary restriction on non-essential travel to the EU as from 1 July 2020 in a coordinated manner with regard to the residents of the third countries listed in Annex I to the Council Recommendation. Every two weeks, the list of third countries referred to in Annex I should be reviewed, and as the case may be updated, by the Council, after close consultation with the Commission and the relevant EU agencies and services following an overall assessment based on the methodology, criteria and information referred to in the Council Recommendation.
- (5) Discussions have since then taken place within the Council, in close consultation with the Commission and the relevant EU agencies and services, on the review of the list of third countries set out in Annex I to the Council Recommendation and in application of the criteria and methodology laid down in the Council Recommendation, as amended by Recommendation (EU) 2021/816. As a result of these discussions, the list of third countries set out in Annex I should be amended. In particular, Israel, Kosovo, Lebanon, Montenegro, Republic of North Macedonia and United States of America should be removed from the list.

⁽¹⁾ OJ L 208 I, 1.7.2020, p. 1.

⁽²⁾ OJ L 230, 17.7.2020, p. 26.

⁽³⁾ OJ L 248, 31.7.2020, p. 26.

⁽⁴⁾ OJ L 261, 11.8.2020, p. 83.

⁽⁵⁾ OJ L 354, 26.10.2020, p. 19.

⁽⁶⁾ OJ L 431, 21.12.2020, p. 75.

⁽⁷⁾ OJ L 33, 29.1.2021, p. 1.

⁽⁸⁾ OJ L 41, 4.2.2021, p. 1.

⁽⁹⁾ OJ L 165 I, 11.5.2021, p. 66.

⁽¹⁰⁾ OJ L 198, 4.6.2021, p. 1.

⁽¹¹⁾ OJ L 221, 21.6.2021, p. 12.

⁽¹²⁾ OJ L 235, 2.7.2021, p. 27.

⁽¹³⁾ OJ L 255, 16.7.2021, p. 3.

⁽¹⁴⁾ OJ L 182, 21.5.2021, p. 1.

- (6) Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Member States should therefore ensure that measures taken at the external borders are coordinated in order to ensure a well-functioning Schengen area. To that end, as of 30 August 2021, Member States should continue lifting the temporary restriction on non-essential travel into the EU in a coordinated manner with regard to the residents of the third countries, Special Administrative Regions *and other entities and territorial authorities* listed in Annex I of the Council Recommendation as amended by this Recommendation.
- (7) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Recommendation and is not bound by it or subject to its application. Given that this Recommendation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of the said Protocol, decide within a period of six months after the Council has decided on this Recommendation whether it will implement it.
- (8) This Recommendation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽¹⁵⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (9) As regards Iceland and Norway, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC ⁽¹⁶⁾.
- (10) As regards Switzerland, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC ⁽¹⁷⁾ read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽¹⁸⁾.
- (11) As regards Liechtenstein, this Recommendation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* which fall within the area referred to in Article 1 point A, of Decision 1999/437/EC ⁽¹⁹⁾ read in conjunction with Article 3 of Decision 2011/350/EU ⁽²⁰⁾,

⁽¹⁵⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽¹⁶⁾ OJ L 176, 10.7.1999, p. 31.

⁽¹⁷⁾ OJ L 53, 27.2.2008, p. 52.

⁽¹⁸⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽¹⁹⁾ OJ L 160, 18.6.2011, p. 21.

⁽²⁰⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAS ADOPTED THIS RECOMMENDATION:

Council Recommendation (EU) 2020/912, as amended by Recommendations (EU) 2020/1052, (EU) 2020/1144, (EU) 2020/1186, (EU) 2020/1551, (EU) 2020/2169, (EU) 2021/89, (EU) 2021/132, (EU) 2021/767, (EU) 2021/816, (EU) 2021/892, (EU) 2021/992, (EU) 2021/1085 and (EU) 2021/1170, on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction is amended as follows:

(1) First paragraph of point 1 of the Council Recommendation is replaced by the following:

‘1. As from 30 August 2021, Member States should gradually lift the temporary restriction on non-essential travel to the EU in a coordinated manner with regard to the residents of the third countries listed in Annex I.’

(2) Annex I to the Recommendation is replaced by the following:

‘ANNEX I

Third countries, Special Administrative Regions and other entities and territorial authorities whose residents should not be affected by temporary external borders restriction on non-essential travel into the EU:

I. STATES

1. ALBANIA
2. ARMENIA
3. AUSTRALIA
4. AZERBAIJAN
5. BOSNIA AND HERZEGOVINA
6. BRUNEI DARUSSALAM
7. CANADA
8. JAPAN
9. JORDAN
10. NEW ZEALAND
11. QATAR
12. REPUBLIC OF MOLDOVA
13. SAUDI ARABIA
14. SERBIA
15. SINGAPORE
16. SOUTH KOREA
17. UKRAINE
18. CHINA (*)

II. SPECIAL ADMINISTRATIVE REGIONS OF THE PEOPLE'S REPUBLIC OF CHINA

Hong Kong SAR

Macao SAR

III. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATE

Taiwan.

(*) subject to confirmation of reciprocity'

Done at Brussels, 30 August 2021.

*For the Council**The President*G. DOVŽAN

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