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

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II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/2148**of 3 December 2021****on the unresolved objections regarding terms and conditions of the authorisation of the biocidal product family Oxybio in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2021) 8690)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 36(3) thereof,

Whereas:

- (1) On 26 July 2018, the company Intergaz et Services ('the applicant') submitted an application to the competent authorities of a number of Member States, including France, for mutual recognition in parallel in accordance with Article 34 of Regulation (EU) No 528/2012 of the biocidal product family Oxybio of surface disinfectant products containing the active substance hydrogen peroxide in concentrations between 12 and 49 % weight for weight ('the biocidal product family'). Belgium is the reference Member State responsible for the evaluation of the application as referred to in Article 34(1) of Regulation (EU) No 528/2012.
- (2) The biocidal product family comprises products containing hydrogen peroxide in concentrations of 12 %, 30 %, 35 % and 49 %, organised in three sub-families, the technical properties of which are described in three summaries of biocidal product characteristics (meta SPCs), namely meta SPC 1, meta SPC 2 and meta SPC 3. In its assessment report Belgium recommended authorisation only for those products of the biocidal products family which contain hydrogen peroxide in a concentration of 12 %. Those products are covered by meta SPC 1 (Oxybio L12).
- (3) Pursuant to Article 35(2) of Regulation (EU) No 528/2012, France referred objections to the coordination group on 29 September 2020, indicating that the contested product family does not meet the conditions laid down in Article 19(1), point (d), of that Regulation.
- (4) France considered that the determination of the physical hazards of the products in the biocidal product family made by Belgium with regard to the oxidising liquids property, and indicated in the draft summary of the biocidal product characteristics (SPC) pursuant to Article 22(2), point (i), of Regulation (EU) No 528/2012, was not correct. Belgium indicated that specific concentration limits of hydrogen peroxide, as set out in Table 3 of Part 3 of Annex VI to

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾, had been considered for the determination of oxidising property of the biocidal product family and that the lower limit, namely 50 %, was not met by any of the products of the biocidal product family. Hence, Belgium concluded that the products were not to be classified in relation to this property.

- (5) France argued that not classifying the products in relation to the oxidising liquids property is incorrect. France maintained that, as indicated in the Guidance on the Application of the CLP criteria ⁽³⁾ of the European Chemicals Agency ('ECHA Guidance'), the experience in the handling and use of substances or mixtures which shows them to be oxidising is an important factor in considering classification in this hazard class. According to France, the application of the UN Model Regulations on the Transport of Dangerous Goods (UN RTDG Model Regulations) represents such experience and the classification according to these Regulations should be included in the draft SPC. Consequently, France concluded that the correct classification of the products of the biocidal product family covered by the meta SPC 1 (Oxybio L12) should be Oxidising liquid, Packing group III, as set out in the UN RTDG Model Regulations.
- (6) As no agreement was reached in the coordination group, on 10 December 2020 Belgium referred the unresolved objection to the Commission pursuant to Article 36(1) of Regulation (EU) No 528/2012. Belgium provided the Commission with a detailed statement of the matter on which Member States were unable to reach agreement and the reasons for their disagreement. A copy of that statement was forwarded to the Member States concerned and the applicant.
- (7) Article 19(1), point (d), of Regulation (EU) No 528/2012, lays down one of the conditions for granting an authorisation, namely that the physical and chemical properties of the biocidal product have been determined and deemed acceptable for the purposes of the appropriate use and transport of the product.
- (8) Point 2.13.2.1 of Annex I to Regulation (EC) No 1272/2008 provides that an oxidising liquid is to be classified in one of the three categories for this class (Category 1, 2 or 3) using test O.2 in Part III, sub-section 34.4.2 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, in accordance with the criteria laid down in Table 2.13.1 of that Annex.
- (9) Table 3 of Part 3 of Annex VI to Regulation (EC) No 1272/2008 provides in the entry with index number 008-003-00-9 the harmonised classification for hydrogen peroxide solutions in relation to the oxidising liquids property with specific concentration limits, as follows: Oxidising Liquid Category 1 with not less than 70 % hydrogen peroxide and Oxidising Liquid Category 2 with not less than 50 % but no more than 70 % hydrogen peroxide. However, four asterisks '****' accompany those limits, indicating that the correct classification is to be confirmed by testing, as laid down in point 1.2.4 of Part 1 of Annex VI to that Regulation.
- (10) The applicant did not provide any test data in relation to the oxidising liquids property. The applicant considered that the specific concentration limits indicated in Table 3 of Part 3 of Annex VI, to Regulation (EC) No 1272/2008, in the entry with index number 008-003-00-9, were applicable for the classification in relation to the oxidising liquids property and that their application led to the non-classification of the products of the biocidal product family in relation to this property.

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ ECHA Guidance on the Application of the CLP Criteria, Guidance to Regulation (EC) No 1272/2008 on classification, labelling and packaging (CLP) of substances and mixtures, Version 5.0, July 2017 https://echa.europa.eu/documents/10162/23036412/clp_en.pdf/58b5dc6d-ac2a-4910-9702-e9e1f5051cc5

- (11) In accordance with the UN RTDG Model Regulations, aqueous solutions with more than 8 % hydrogen peroxide should be classified in division 5.1 (oxidising substances) as follows: Oxidising liquid, Packing group III, with not less than 8 % but not more than 20 % hydrogen peroxide; Oxidising liquid, Packing group II, with not less than 20 % but not more than 60 % hydrogen peroxide; Oxidising liquid, Packing group I, with more than 60 % hydrogen peroxide. The classification in relation to this hazard class is based on the same test as the one required by point 2.13 of Part 2 of Annex I to Regulation (EC) No 1272/2008.
- (12) As provided in section 2.13.5 of the ECHA Guidance, Packing group I, II and III as defined under the UN RTDG Model Regulations for Oxidising liquids correspond directly to Category 1, 2 and 3 for Oxidising liquids, respectively, of Regulation (EC) No 1272/2008.
- (13) Pursuant to point 2.13.4.3 of Part 2 of Annex I to Regulation (EC) No 1272/2008, in the event of divergence between test results and known experience, judgement based on known experience is to take precedence over test results. Corresponding section 2.13.4.3 of the ECHA guidance also indicates that, apart from testing, also experience in the handling and use of substances or mixtures, which shows them to be oxidising, is an important additional factor in considering classification in this hazard class.
- (14) For the carriage of dangerous goods within and between the territories of the Member States, Article 3 of Directive 2008/68/EC of the European Parliament and of the Council (*) imposes the application of Annexes A and B of the European Agreement concerning the International Carriage of Dangerous Goods by Road ('ADR'), of the Annexed Regulations to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways ('ADN'), as well as Articles 3(f), 3(h), 8(1) and 8(3) of the ADN, and of the Annex to the Regulations concerning the International Carriage of Dangerous Goods by Rail ('RID').
- (15) The ADR, ADN and RID are following the UN RTDG Model Regulations and contain the classification of aqueous solutions containing hydrogen peroxide as set out by the UN RTDG Model Regulations. For the purposes of transportation, the products of the biocidal product family covered by meta SPC 1 are therefore to be classified as Oxidising liquid, Packing group III in accordance with ADR, ADN and RID.
- (16) In the absence of test data provided by the applicant it seems appropriate to apply judgement based on known experience in the handling and use of aqueous solutions containing hydrogen peroxide concerning the classification in relation to the oxidising liquids property. In this context, the legislation on the carriage of dangerous goods provides binding criteria on the classification of substances and mixtures, including in relation to oxidising liquids hazard class, that are relevant for the case at hand.
- (17) It is therefore appropriate to indicate in the draft SPC that products containing hydrogen peroxide in a concentration of 12 % are to be classified as Oxidising liquid, Packing group III, in accordance with the UN RTDG Model Regulations, corresponding to Oxidising liquid, Category 3, in accordance with Regulation (EC) No 1272/2008.
- (18) On 8 April 2021, the Commission provided the applicant with the opportunity to provide written comments in accordance with Article 36(2) of Regulation (EU) No 528/2012. The applicant provided comments which the Commission, subsequently, took into account.
- (19) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

(*) Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to the products covered by meta SPC 1 (Oxybio L12) of the biocidal product family identified by the case number BC-SK041671-32 in the Register for Biocidal Products.

Article 2

For the purpose of Article 19(1), point (d), of Regulation (EU) No 528/2012, the hazard classification with regard to the oxidising liquids property of the products referred to in Article 1, shall be Oxidising liquid, Packing group III, in accordance with the UN RTDG Model Regulations, corresponding to Oxidising liquid, Category 3, in accordance with Regulation (EC) No 1272/2008.

The products referred to in Article 1 meet the condition laid down in Article 19(1), point (d), of Regulation (EU) No 528/2012 provided that they are classified as Oxidising liquid, Packing group III, in accordance with the UN RTDG Model Regulations, corresponding to Oxidising liquid, Category 3, in accordance with Regulation (EC) No 1272/2008.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 December 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2021/2149**of 3 December 2021****on unresolved objections regarding the terms and conditions of the provisional authorisation of a biocidal product containing 5-Chloro-2-methyl-2H-isothiazol-3-one (C(M)IT) referred by France in accordance with Article 36(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2021)8693)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 36(3) thereof,

Whereas:

- (1) On 27 July 2018, the company THOR GmbH ('the applicant') submitted an application for mutual recognition in parallel, in accordance with Article 34 of Regulation (EU) No 528/2012, of a provisional authorisation of a biocidal product, as referred to in Article 55(2) of that Regulation, to the competent authorities of a number of Member States, including Germany. The biocidal product concerned is to be used for the preservation of products during storage and contains as an active substance 5-Chloro-2-methyl-2H-isothiazol-3-one (C(M)IT) ('the biocidal product'). France is the reference Member State responsible for the evaluation of the application as referred to in Article 34(1) of Regulation (EU) No 528/2012.
- (2) Pursuant to Article 35(2) of Regulation (EU) No 528/2012, Germany referred objections to the coordination group on 24 January 2020, indicating that the biocidal product is not expected to meet the conditions laid down in Article 19(1), points (b)(iii) and (b)(iv), of that Regulation. On 27 January 2020, the coordination group secretariat invited the other Member States and the applicant to submit written comments on the referral. The referral was discussed in the coordination group on 9 and 23 March 2020.
- (3) As no agreement was reached by the coordination group, on 11 January 2021 France referred the unresolved objection to the Commission pursuant to Article 36(1) of Regulation (EU) No 528/2012. It thereby provided the Commission with a detailed statement of the matter on which Member States were unable to reach agreement and the reasons for their disagreement. That statement was forwarded to the Member States concerned and to the applicant.
- (4) Germany considers that risk-mitigation measures for treated articles can only be included in an authorisation of a biocidal product if they were laid down in the approval decision of the active substance. As C(M)IT is not yet approved as active substance, Germany considers that the risk-mitigation measures for treated articles proposed by France cannot be included in the authorisation of the biocidal product. Consequently, unacceptable risks remain for use 2 (in-can preservation of paints and coatings), use 3 (preservation of additives used in paper production) and use 7 (preservation of polymer dispersions), described in the application for the provisional authorisation.
- (5) Article 19(1), points (b)(iii) and (b)(iv), of Regulation (EU) No 528/2012 provides that one of the conditions for granting an authorisation is that a biocidal product has no unacceptable effects itself, or as a result of its residues, on the health of humans and animals, and on the environment.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

- (6) Article 58(2) of Regulation (EU) No 528/2012 provides that a treated article is not to be placed on the market unless all active substances contained in the biocidal products that it was treated with or incorporates are included in the list drawn up in accordance with Article 9(2) of that Regulation, for the relevant product-type and use, or in Annex I to that Regulation, and any conditions or restrictions specified therein are met.
- (7) Article 55(2) of Regulation (EU) No 528/2012 allows competent authorities to authorise for a period not exceeding 3 years, a biocidal product containing a new active substance provided that dossiers have been evaluated in accordance with Article 8 of that Regulation, the evaluating competent authority has submitted a recommendation for approval of the new active substance, and the competent authorities which received the application for the provisional authorisation consider that the biocidal product is expected to comply with Article 19(1), points (b), (c) and (d), of that Regulation taking into account the factors set out in Article 19(2) of that Regulation.
- (8) Although C(M)IT is not yet approved, the French evaluating competent authority submitted to the European Chemicals Agency on 18 September 2019 a recommendation for approval of C(M)IT for product-type 6. The draft opinion and the assessment report of the evaluating competent authority were discussed at the meeting of the Biocidal Products Committee of 16 June 2020, and unacceptable risks were identified for the aquatic and terrestrial compartment from use 2 (in-can preservation of paints and coatings) and use 7 (preservation of polymer dispersions) of the representative biocidal product and it was concluded that, in the absence of further studies, only a restriction on the use of articles treated with biocidal products containing C(M)IT to indoor uses would lead to acceptable risks. For use 3 of the representative biocidal product (preservation of additives used in paper production), a safe use of treated articles was identified for all the environmental compartments.
- (9) The Commission considers that the fact that the conditions or restrictions for treated articles can be included only in the approval decision of the active substance should not prevent the possibility to grant a provisional authorisation of a biocidal product pursuant to Article 55(2) of Regulation (EU) No 528/2012, as that derogation is based precisely on the absence of approval of that active substance and is valid until an active substance is approved and as such provisional authorisation may anticipate future conditions or restrictions for treated articles in the approval decision.
- (10) Taking into account all those considerations, the Commission considers that it can be expected that the active substance C(M)IT can be approved and that the approval decision will specify the conditions associated with its use in treated articles, namely a restriction on outdoor use of such articles, and that therefore the biocidal product is expected to meet the conditions laid down in Article 19(1), points (b)(iii) and (b)(iv), of Regulation (EU) No 528/2012 provided that, for use 2 (in-can preservation of paints and coatings) and use 7 (preservation of polymer dispersions), the use of articles treated with the biocidal product is allowed only indoors.
- (11) On 25 June 2021, the Commission provided the applicant with the opportunity to provide written comments in accordance with Article 36(2) of Regulation (EU) No 528/2012.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to the biocidal product identified by the case number BC-DW041712-25 in the Register for Biocidal Products.

Article 2

The biocidal product referred to in Article 1 of this Decision is expected to meet the conditions laid down in Article 19(1), points (b)(iii) and (b)(iv), of Regulation (EU) No 528/2012, provided that the provisional authorisations granted by Member States stipulate both of the following conditions:

- (a) for use 2 (in-can preservation of paints and coatings) and use 7 (preservation of polymer dispersions), as described in the application for the mutual recognition, articles treated with the biocidal product can only be used indoors;
- (b) the person responsible for the placing on the market of such treated articles ensure that the label of such treated articles provides the following instruction 'Indoor use only'.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 December 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

RECOMMENDATIONS

COUNCIL RECOMMENDATION (EU) 2021/2150

of 2 December 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⁾, (EU) 2021/1170 ⁽¹³⁾, (EU) 2021/1346 ⁽¹⁴⁾, (EU) 2021/1459 ⁽¹⁵⁾, (EU) 2021/1712 ⁽¹⁶⁾, (EU) 2021/1782 ⁽¹⁷⁾, (EU) 2021/1896 ⁽¹⁸⁾, (EU) 2021/1945 ⁽¹⁹⁾ and (EU) 2021/2022 ⁽²⁰⁾ 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 ⁽²¹⁾ 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 2 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.

⁽¹⁾ OJ L 2081, 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 1651, 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 306, 31.8.2021, p. 4.

⁽¹⁵⁾ OJ L 320, 10.9.2021, p. 1.

⁽¹⁶⁾ OJ L 341, 24.9.2021, p. 1.

⁽¹⁷⁾ OJ L 360, 11.10.2021, p. 128.

⁽¹⁸⁾ OJ L 388, 3.11.2021, p. 1.

⁽¹⁹⁾ OJ L 397, 10.11.2021, p. 28.

⁽²⁰⁾ OJ L 413, 19.11.2021, p. 37.

⁽²¹⁾ OJ L 182, 21.5.2021, p. 1.

- (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, Jordan and Namibia should be removed from the list.
- (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 2 December 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 6 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 ⁽²²⁾; 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 ⁽²³⁾.
- (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 ⁽²⁴⁾ read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽²⁵⁾.
- (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

⁽²²⁾ 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).

⁽²³⁾ OJ L 176, 10.7.1999, p. 31.

⁽²⁴⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁵⁾ 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).

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 ⁽²⁶⁾ read in conjunction with Article 3 of Decision 2011/350/EU ⁽²⁷⁾,

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, (EU) 2021/1170, (EU) 2021/1346, (EU) 2021/1459, (EU) 2021/1712, (EU) 2021/1782, (EU) 2021/1896, (EU) 2021/1945 and (EU) 2021/2022, 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 2 December 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. ARGENTINA
2. AUSTRALIA
3. BAHRAIN
4. CANADA
5. CHILE
6. COLOMBIA
7. INDONESIA
8. KUWAIT
9. NEW ZEALAND
10. PERU
11. QATAR
12. RWANDA
13. SAUDI ARABIA
14. SOUTH KOREA
15. UNITED ARAB EMIRATES
16. URUGUAY
17. CHINA (*)

⁽²⁶⁾ OJ L 160, 18.6.2011, p. 21.

⁽²⁷⁾ 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).

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, 2 December 2021.

For the Council
The President
J. VRTOVEC

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