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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2022/2099

of 28 October 2022

establishing a fisheries closure for giant red shrimp in GFCM geographical subareas 8, 9, 10 and 11 for vessels flying the flag of Italy and having an overall length equal or superior to 24 meters

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2022/110 ⁽²⁾ lays down fishing opportunities for 2022.
- (2) According to the information received by the Commission, the maximum allowable fishing effort related to giant red shrimp in the General Fisheries Commission for the Mediterranean (GFCM) geographical subareas 8, 9, 10 and 11 and applicable to vessels flying the flag of or registered in Italy having an overall length equal or superior to 24 meters, is deemed to have been reached for 2022.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock group.

HAS ADOPTED THIS REGULATION:

*Article 1***Effort exhaustion**

The maximum allowable fishing effort allocated to Italy for the stock group of giant red shrimp in GFCM geographical subareas 8, 9, 10 and 11 for 2022 referred to in the Annex shall be deemed to be reached from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock group referred to in Article 1 by vessels flying the flag of or registered in Italy and having an overall length equal or superior to 24 meters shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).

*Article 3***Entry into force**

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, 28 October 2022.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	08/TQ110
Member State	Italy
Fishing effort group code	EFF2/MED2_TR4
Stock group	Giant red shrimp in GSAs 8, 9, 10 and 11
Overall length of vessels concerned	≥ 24 m
Closing date	31.7.2022

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2022/2100

of 29 June 2022

amending Directive 2014/40/EU of the European Parliament and of the Council as regards the withdrawal of certain exemptions in respect of heated tobacco products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC ⁽¹⁾, and in particular Articles 7(12) and 11(6) thereof,

Whereas:

- (1) Article 7(1) and (7) of Directive 2014/40/EU prohibits the placing on the market of tobacco products with a characterising flavour and tobacco products containing flavourings in any of their components such as filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned or their smoke intensity.
- (2) Pursuant to Article 7(12) of Directive 2014/40/EU tobacco products other than cigarettes and roll-your-own tobacco are exempted from the prohibitions laid down in paragraphs 1 and 7.
- (3) Article 11(1) of Directive 2014/40/EU allows Member States to exempt tobacco products for smoking other than cigarettes, roll-your-own tobacco and waterpipe tobacco from the obligations to carry the information message laid down in Article 9(2) and the combined health warnings laid down in Article 10.
- (4) A heated tobacco product is a novel tobacco product that is heated to produce an emission containing nicotine and other chemicals, which is then inhaled by user(s) and that, depending on its characteristics, is a smokeless tobacco product or a tobacco product for smoking.
- (5) The Commission established in the Report on the establishment of a substantial change of circumstances for heated tobacco products ⁽²⁾ a substantial change of circumstances regarding heated tobacco products. The Report provides information and statistics on market developments which show that there was an increase of the sales volumes of heated tobacco products by at least 10 % in at least five Member States and that the sales volume of heated tobacco products at retail level exceeded 2,5 % of total sales of tobacco products at Union level.

⁽¹⁾ OJ L 127, 29.4.2014, p. 1.

⁽²⁾ Report from the Commission on the establishment of a substantial change of circumstances for heated tobacco products in line with Directive 2014/40/EU, COM(2022) 279 final.

- (6) In view of that substantial change of circumstances regarding heated tobacco products, Article 7(12) of Directive 2014/40/EU should be amended in order to extend the prohibition of the placing on the market of tobacco products with a characterising flavour or containing flavourings in any of their components such as filters, papers, packages, capsules or any technical features allowing modification of the smell or taste of the tobacco products concerned or their smoke intensity, that already exists for cigarettes and roll-your-own tobacco, to heated tobacco products.
- (7) On the same grounds, Article 11(1) of Directive 2014/40/EU should be amended in order to withdraw the possibility for Member States to grant exemptions for heated tobacco products, in so far as they are tobacco products for smoking, from the obligations to carry the information message laid down in Article 9(2) and the combined health warnings laid down in Article 10.
- (8) Directive 2014/40/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2014/40/EU

Directive 2014/40/EU is amended as follows:

- (1) Article 7(12) is replaced by the following:

‘12. Tobacco products other than cigarettes, roll-your-own tobacco and heated tobacco products shall be exempted from the prohibitions laid down in paragraphs 1 and 7. The Commission shall adopt delegated acts in accordance with Article 27 to withdraw that exemption for a particular product category, if there is a substantial change of circumstances as established in a Commission report.

For the purposes of the first subparagraph, ‘heated tobacco product’ means a novel tobacco product that is heated to produce an emission containing nicotine and other chemicals, which is then inhaled by user(s), and that, depending on its characteristics, is a smokeless tobacco product or a tobacco product for smoking.’;

- (2) Article 11 is amended as follows:

- (a) the heading is replaced by the following:

‘Article 11

‘Labelling of tobacco products for smoking other than cigarettes, roll-your-own tobacco, waterpipe tobacco and heated tobacco products’;

- (b) in paragraph 1, the first subparagraph is replaced by the following:

‘Member States may exempt tobacco products for smoking other than cigarettes, roll-your-own tobacco, waterpipe tobacco and heated tobacco products as defined in Article 7(12), second subparagraph, from the obligations to carry the information message laid down in Article 9(2) and the combined health warnings laid down in Article 10. In that event, and in addition to the general warning provided for Article 9(1), each unit packet and any outside packaging of such products shall carry one of the text warnings listed in Annex I. The general warning specified in Article 9(1) shall include a reference to the cessation services referred to in Article 10(1), point (b).’.

Article 2

Transposition

- 1. Member States shall adopt and publish, by 23 July 2023 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 23 October 2023.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 29 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COUNCIL DECISION (EU) 2022/2101

of 13 October 2022

on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council as regards the conditions for the accession of the Government of the Kingdom of Saudi Arabia to the International Agreement on Olive Oil and Table Olives, 2015

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The International Agreement on Olive Oil and Table Olives, 2015 ('the Agreement') was signed on behalf of the Union in accordance with Council Decision (EU) 2016/1892 ⁽¹⁾ on 18 November 2016, subject to its conclusion at a later date. The Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof.
- (2) The Agreement was concluded on 17 May 2019 by Council Decision (EU) 2019/848 ⁽²⁾.
- (3) Pursuant to Article 29 of the Agreement, the Council of Members of the International Olive Council ('the Council of Members') is to establish the conditions for the accession of a Government to the Agreement.
- (4) The Government of the Kingdom of Saudi Arabia has formally applied to accede to the Agreement. The Council of Members should therefore be invited, during a future session thereof, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, to establish the conditions for the accession of the Kingdom of Saudi Arabia in respect of the participation shares in the International Olive Council and the time limit for the deposit of the instrument of accession.
- (5) Given that the Kingdom of Saudi Arabia is developing its olive sector as regards consumption and intends to develop its production, its accession under certain conditions could reinforce the International Olive Council, in particular as regards the achievement of uniformity in national and international law relating to the characteristics of olive products, in order to prevent any obstacle to trade.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Council of Members, as the decisions to be adopted will have legal effects on the Union by impacting the decisional balance within the Council of Members when decisions are not adopted by consensus in accordance with Article 10(4) of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Council of Members of the International Olive Council during a future session thereof, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, as regards the conditions for the accession of the Government of the Kingdom of Saudi Arabia to the Agreement, is set out in the Annex.

⁽¹⁾ Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2).

⁽²⁾ Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.5.2019, p. 1).

Article 2

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

Done at Luxembourg, 13 October 2022.

For the Council
The President
P. BLAŽEK

ANNEX

The Union shall support the accession of the Government of the Kingdom of Saudi Arabia to the Agreement, during a future session of the Council of Members, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, provided that the participation shares of the Kingdom of Saudi Arabia are calculated according to the formula specified in Article 11 of the Agreement. The Union will support any time limit for the deposit of the instrument of accession that would allow the Kingdom of Saudi Arabia to accede to the Agreement soon. If the deposit of the instrument is delayed, the Union may support, in subsequent decisions to be adopted by the Council of Members, the extension of the period for the deposit of the instrument.

COUNCIL DECISION (EU) 2022/2102**of 13 October 2022****on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council as regards the conditions for the accession of the Government of the Republic of Azerbaijan to the International Agreement on Olive Oil and Table Olives, 2015**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The International Agreement on Olive Oil and Table Olives, 2015 ('the Agreement') was signed on behalf of the Union in accordance with Council Decision (EU) 2016/1892 ⁽¹⁾ on 18 November 2016, subject to its conclusion at a later date. The Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof.
- (2) The Agreement was concluded on 17 May 2019 by Council Decision (EU) 2019/848 ⁽²⁾.
- (3) Pursuant to Article 29 of the Agreement, the Council of Members of the International Olive Council ('the Council of Members') is to establish the conditions for the accession of a Government to the Agreement.
- (4) The Government of the Republic of Azerbaijan has formally applied to accede to the Agreement. The Council of Members should therefore be invited, during a future session thereof, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, to establish the conditions for the accession of the Republic of Azerbaijan, in respect of the participation shares in the International Olive Council and the time limit for the deposit of the instrument of accession.
- (5) Given that the Republic of Azerbaijan is developing its olive sector as regards consumption and intends to develop its production, its accession under certain conditions could reinforce the International Olive Council, in particular as regards the achievement of uniformity in national and international law relating to the characteristics of olive products in order to prevent any obstacle to trade.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Council of Members, as the decisions to be adopted will have legal effects on the Union by impacting the decisional balance within the Council of Members when decisions are not adopted by consensus in accordance with Article 10(4) of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Council of Members of the International Olive Council during a future session thereof, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, as regards the conditions for the accession of the Government of the Republic of Azerbaijan to the Agreement, is set out in the Annex.

⁽¹⁾ Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2).

⁽²⁾ Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.5.2019, p. 1).

Article 2

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

Done at Luxembourg, 13 October 2022.

For the Council

The President

P. BLAŽEK

ANNEX

The Union shall support the accession of the Government of the Republic of Azerbaijan to the Agreement, during a future session of the Council of Members, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, provided that the participation shares of the Republic of Azerbaijan are calculated according to the formula specified in Article 11 of the Agreement. The Union will support any time limit for the deposit of the instrument of accession that would allow the Republic of Azerbaijan to accede to the Agreement soon. If the deposit of the instrument is delayed, the Union may support, in subsequent decisions to be adopted by the Council of Members, the extension of the period for the deposit of the instrument.

COUNCIL DECISION (EU) 2022/2103**of 13 October 2022****on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council as regards the elimination of the category ordinary virgin olive oil from Annex B of the International Agreement on Olive Oil and Table Olives, 2015**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The International Agreement on Olive Oil and Table Olives, 2015 ('the Agreement') was signed on behalf of the Union in accordance with Council Decision (EU) 2016/1892 ⁽¹⁾ on 18 November 2016, subject to its conclusion at a later date. The Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof.
- (2) The Agreement was concluded on 17 May 2019 by Council Decision (EU) 2019/848 ⁽²⁾.
- (3) Pursuant to Article 7(1) of the Agreement, the Council of Members of the International Olive Council ('the Council of Members') is to adopt decisions that modify the Agreement.
- (4) During its 116th session to be held between 28 November and 2 December 2022, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, the Council of Members is to adopt a decision eliminating the category 'ordinary virgin olive oil' from Annex B of the Agreement.
- (5) The decision will become binding under international law in accordance with Article 20(1) of the Agreement. It is therefore appropriate to establish the position to be taken on the Union's behalf in the Council of Members, as the decision to be adopted will have legal effects on the Union.
- (6) As the 'ordinary virgin olive oil' category does not exist in Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽³⁾, the decision of the Council of Members should be supported.
- (7) The position set out in this Decision should be taken on behalf of the Union at the 116th session of the Council of Members, or within the framework of a procedure for adoption of decisions by the Council of Members by exchange of correspondence, pursuant to Article 10(6) of the Agreement. The procedure for adoption by exchange of correspondence should be initiated before the next regular session of the Council of Members in November 2022,

⁽¹⁾ Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2).

⁽²⁾ Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.5.2019, p. 1).

⁽³⁾ 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 (OJ L 347, 20.12.2013, p. 671).

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Council of Members of the International Olive Council during its 116th session to be held between 28 November and 2 December 2022, or within the framework of a procedure for adoption of decisions by the Council of Members by an exchange of correspondence to be initiated before its next regular session in November 2022, is to support the elimination of the category 'ordinary virgin olive oil' from Annex B of the International Agreement on Olive Oil and Table Olives as from 1 January 2026.

Article 2

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

Done at Luxembourg, 13 October 2022.

For the Council
The President
P. BLAŽEK

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