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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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I

(Legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2019/1255

of 18 July 2019

amending Protocol No 5 on the Statute of the European Investment Bank

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 308 thereof,

Having regard to the request of the European Investment Bank,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the European Commission ⁽²⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) At its meeting of 11 December 2018, the Board of Directors of the European Investment Bank (the 'Bank') approved a timeline to implement the governance changes which it had laid out at a meeting on 17 July 2018.
- (2) Following a decision of the Board of Governors of the Bank of 22 June 2018, a high-level shareholders' working group was convened to analyse possibilities for certain Member States to subscribe additional capital in the Bank.
- (3) It is appropriate to increase the subscribed capital of Poland by EUR 5 386 000 000 in line with its request.
- (4) It is also appropriate to increase the subscribed capital of Romania by EUR 125 452 381 in line with its request.
- (5) In the context of those increases, the provisions on nomination of alternate members of the Board of Directors of the Bank by groups of Member States acting by common accord should also be amended.
- (6) The Statute of the Bank should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Protocol No 5 on the Statute of the European Investment Bank, annexed to the Treaty on the Functioning of the European Union, is amended as follows:

(1) the first subparagraph of Article 4(1) is amended as follows:

(a) the introductory part is replaced by the following:

‘1. The capital of the Bank shall be EUR 248 795 606 881, subscribed by the Member States as follows;’

⁽¹⁾ Opinion of 17 April 2019 (not yet published in the Official Journal).⁽²⁾ Opinion of 15 May 2019 (not yet published in the Official Journal).

(b) the lines concerning Poland and Romania are replaced by the following:

‘Poland 11 366 679 827’

‘Romania 1 639 379 073’;

(2) the third subparagraph of Article 9(2) is replaced by the following:

‘The alternate directors shall be appointed by the Board of Governors for five years as shown below:

- two alternates nominated by the Federal Republic of Germany,
- two alternates nominated by the French Republic,
- two alternates nominated by the Italian Republic,
- two alternates nominated by common accord of the Kingdom of Spain and the Portuguese Republic,
- three alternates nominated by common accord of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,
- three alternates nominated by common accord of the Republic of Croatia, Hungary and the Republic of Poland,
- four alternates nominated by common accord of the Kingdom of Denmark, the Hellenic Republic, Ireland and Romania,
- six alternates nominated by common accord of the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,
- six alternates nominated by common accord of the Republic of Bulgaria, the Czech Republic, the Republic of Cyprus, the Republic of Malta, the Republic of Slovenia and the Slovak Republic,
- one alternate nominated by the Commission.’.

Article 2

This Decision shall apply from one month after the date on which Council Decision (EU) 2019/654 ⁽³⁾ applies.

Done at Brussels, 18 July 2019.

For the Council
The President
T. TUPPURAINEN

⁽³⁾ Council Decision (EU) 2019/654 of 15 April 2019 amending Protocol No 5 on the Statute of the European Investment Bank (OJ L 110, 25.4.2019, p. 36).

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1256

of 23 July 2019

amending Implementing Regulation (EU) 2015/943 on emergency measures suspending imports of dried beans from Nigeria, as regards extending its period of application**(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 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 lays down the general principles governing food and food safety at Union and national level. It provides for emergency measures to be taken by the Commission, where there is evidence that food imported from a third country is likely to constitute a serious risk to human health.
- (2) Commission Implementing Regulation (EU) 2015/943 ⁽²⁾ suspended the import into the Union of dried beans under CN code 0713 39 00 from Nigeria due to the high number of cases of contamination with an unauthorised active substance dichlorvos at levels largely exceeding the acute reference dose tentatively established by the European Food Safety Authority. Pending the implementation by Nigeria of the appropriate risk-management measures, the prohibition was to apply until 30 June 2016.
- (3) Commission Implementing Regulation (EU) 2016/874 ⁽³⁾ extended the suspension of the import of dried beans from Nigeria until 30 June 2019 and applied it to two additional CN codes, 0713 35 00 and 0713 90 00, due to continued presence of dichlorvos in dried beans imported from Nigeria and the impossibility to achieve in short time compliance with Union food law requirements regarding pesticide residues.
- (4) In February 2018, Nigeria submitted a new action plan and stated that its objective was to control and streamline in particular dried beans, strengthen the legal and regulatory environment and build fundamentals for quality production of dried beans. However, the Commission understands that Nigeria has not yet implemented that action plan, nor granted any budgetary means for its implementation. The stage of implementation by Nigeria of the action plan as regards the integrated pest management and maximum residue levels of pesticides, do not allow the conclusion that Union requirements as regards pesticide residues on the relevant dried beans are met.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2015/943 of 18 June 2015 on emergency measures suspending imports of dried beans from Nigeria and amending Annex I to Regulation (EC) No 669/2009 (OJ L 154, 19.6.2015, p. 8).

⁽³⁾ Commission Implementing Regulation (EU) 2016/874 of 1 June 2016 amending Implementing Regulation (EU) 2015/943 on emergency measures suspending imports of dried beans from Nigeria (OJ L 145, 2.6.2016, p. 18).

- (5) The duration of the imports suspension should therefore be extended for an additional period of three years, to allow Nigeria to implement the appropriate risk management measures and provide the required guarantees.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 of Implementing Regulation (EU) 2015/943 is replaced by the following:

'Article 5

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

It shall apply until 30 June 2022.'

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, 23 July 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2019/1257
of 23 July 2019
correcting the Bulgarian language version of Regulation (EC) No 1223/2009 of the European
Parliament and of the Council on cosmetic products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁽¹⁾, and in particular Article 31(1) thereof,

Whereas:

- (1) The Bulgarian language version of Regulation (EC) No 1223/2009 contains an error in entry 12, the table, column (i), the first sentence of Annex III of that Regulation, which was introduced by Commission Regulation (EU) No 1197/2013 ⁽²⁾ as regards the conditions of use and warnings concerning the substances.
- (2) The Bulgarian language version of Regulation (EC) No 1223/2009 should therefore be corrected accordingly. The other language versions are not affected.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

Article 1

(does not concern the English language)

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, 23 July 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 342, 22.12.2009, p. 59.

⁽²⁾ Commission Regulation (EU) No 1197/2013 of 25 November 2013 amending Annex III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products (OJ L 315, 26.11.2013, p. 34).

DIRECTIVES

COMMISSION DIRECTIVE (EU) 2019/1258

of 23 July 2019

amending, for the purpose of its adaptation to technical progress, the Annex to Council Directive 80/181/EEC as regards the definitions of SI base units

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control ⁽¹⁾, in particular Article 16 thereof,

Whereas:

- (1) Council Directive 80/181/EEC ⁽²⁾ defines the units of measurement to be used in the Union thus enabling to express measurements and indications of quantity in line with the International System of Units (SI), adopted by the General Conference on Weights and Measures (CGPM) set up by the Metre Convention signed in Paris on 20 May 1875.
- (2) Directive 2009/34/EC sets out the general framework for the adoption of separate Directives concerning, amongst others, measuring instruments and their technical requirements, units of measurement and the harmonisation of methods of measurement and metrological control. Article 16 of that Directive envisages that the Commission may amend the annexes to the separate Directives referred to in its Article 1 for the purpose of adaptation to technical progress, including Chapter I of the Annex to Directive 80/181/EEC.
- (3) The CGPM decided, at its 24th meeting in 2011, on a new way of defining the SI based on a set of seven defining constants drawn from the fundamental constants of physics and other constants of nature. This decision was confirmed at the 25th meeting of the CGPM in 2014.
- (4) On the 26th meeting of the CGPM in 2018, new definitions of the SI base units were adopted. The new definitions are based on the new principle of fixed numerical values of the defining constants and will be effective as from 20 May 2019. The new definitions are expected to improve the long-term stability and reliability of the SI base units as well as the accuracy and clarity of measurements.
- (5) The new definitions adopted by the CGPM reflect the latest developments in measurement science and standards. In order to adapt the definitions of the SI base units set out in Directive 80/181/EEC to technical progress and thus contribute to the uniform implementation of the SI, it is necessary to align them with the new definitions.
- (6) Directive 80/181/EEC should therefore be amended accordingly.
- (7) It is necessary to ensure that the new legislation applies as from the same date for all Member States, independently of the date of transposition, so that uniform implementation of Directive 80/181/EEC is in place.
- (8) The measures provided for in this Directive are in accordance with the opinion of the Committee for Adjustment to Technical Progress of the Directives referred to in Article 16 of Directive 2009/34/EC,

⁽¹⁾ OJ L 106, 28.4.2009, p. 7.

⁽²⁾ Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC (OJ L 39, 15.2.1980, p. 40).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendment

The Annex to Directive 80/181/EEC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 13 May 2020 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 13 June 2020.

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*.

This Directive is addressed to the Member States.

Done at Brussels, 23 July 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

In the Annex, Chapter I, Section 1.1 is replaced by the following:

‘1.1. SI base units

Quantity	Unit	
	Name	Symbol
Time	second	s
Length	metre	m
Mass	kilogram	kg
Electric current	ampere	A
Thermodynamic temperature	kelvin	K
Amount of substance	mole	mol
Luminous intensity	candela	cd

Definitions of SI base units:

Unit of time

The second, symbol s, is the SI unit of time. It is defined by taking the fixed numerical value of the caesium frequency $\Delta\nu_{\text{Cs}}$, the unperturbed ground-state hyperfine transition frequency of the caesium 133 atom, to be 9 192 631 770 when expressed in the unit Hz, which is equal to s^{-1} .

Unit of length

The metre, symbol m, is the SI unit of length. It is defined by taking the fixed numerical value of the speed of light in vacuum c to be 299 792 458 when expressed in the unit m/s, where the second is defined in terms of $\Delta\nu_{\text{Cs}}$.

Unit of mass

The kilogram, symbol kg, is the SI unit of mass. It is defined by taking the fixed numerical value of the Planck constant h to be $6,626\,070\,15 \times 10^{-34}$ when expressed in the unit J s, which is equal to $\text{kg m}^2 \text{s}^{-1}$, where the metre and the second are defined in terms of c and $\Delta\nu_{\text{Cs}}$.

Unit of electric current

The ampere, symbol A, is the SI unit of electric current. It is defined by taking the fixed numerical value of the elementary charge e to be $1,602\,176\,634 \times 10^{-19}$ when expressed in the unit C, which is equal to A s, where the second is defined in terms of $\Delta\nu_{\text{Cs}}$.

Unit of thermodynamic temperature

The kelvin, symbol K, is the SI unit of thermodynamic temperature. It is defined by taking the fixed numerical value of the Boltzmann constant k to be $1,380\,649 \times 10^{-23}$ when expressed in the unit J K^{-1} , which is equal to $\text{kg m}^2 \text{s}^{-2} \text{K}^{-1}$, where the kilogram, metre and second are defined in terms of h , c and $\Delta\nu_{\text{Cs}}$.

Unit of amount of substance

The mole, symbol mol, is the SI unit of amount of substance. One mole contains exactly $6,022\,140\,76 \times 10^{23}$ elementary entities. This number is the fixed numerical value of the Avogadro constant, N_{A} , when expressed in the unit mol^{-1} and is called the Avogadro number.

The amount of substance, symbol n , of a system is a measure of the number of specified elementary entities. An elementary entity may be an atom, a molecule, an ion, an electron, any other particle or specified group of particles.

Unit of luminous intensity

The candela, symbol cd, is the SI unit of luminous intensity in a given direction. It is defined by taking the fixed numerical value of the luminous efficacy of monochromatic radiation of frequency 540×10^{12} Hz, K_{cd} , to be 683 when expressed in the unit lm W^{-1} , which is equal to cd sr W^{-1} , or $\text{cd sr kg}^{-1} \text{ m}^{-2} \text{ s}^3$, where the kilogram, metre and second are defined in terms of h , c and $\Delta\nu_{\text{Cs}}$.

1.1.1. Special name and symbol of the SI derived unit of temperature for expressing Celsius temperature

Quantity	Unit	
	Name	Symbol
Celsius temperature	degree Celsius	°C

Celsius temperature t is defined as the difference $t = T - T_0$ between the two thermodynamic temperatures T and T_0 where $T_0 = 273,15$ K. An interval or difference of temperature may be expressed either in kelvins or in degrees Celsius. The unit “degree Celsius” is equal to the unit “kelvin”.

RULES OF PROCEDURE

EUROPEAN CHEMICALS AGENCY DECISION

of 20 June 2019

on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Chemicals Agency

THE MANAGEMENT BOARD OF THE EUROPEAN CHEMICALS AGENCY (hereafter 'the Agency')

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 ⁽¹⁾, and in particular Article 25 thereof,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽²⁾, and in particular to Article 78 thereof,

Having regard to the opinion of the EDPS of 14 May 2019 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules,

After consulting the Staff Committee,

Whereas:

- (1) The Agency carries out its activities in accordance with Regulation (EC) No 1907/2006.
- (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 ECHA 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 prevention, 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.
- (6) 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).

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ OJ L 396, 30.12.2006, p. 1.

- (7) The Agency, represented by its Executive Director, acts as the data controller irrespective of further delegations of the controller role within the Agency to reflect operational responsibilities for specific personal data processing operations.
- (8) 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 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.
- (9) 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).
- (10) 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.
- (11) 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.
- (12) 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) 2018/1725.
- (13) 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 and freedoms of other persons related to its investigations or other procedures.
- (14) The Agency may thus restrict the information for the purpose of protecting the investigation and the rights and freedoms of other data subjects.
- (15) 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.
- (16) 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) 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 prevention, 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 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

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 authorized staff;
 - (b) all electronic data shall be stored in a secure IT application according to the Agency's security standards, as well as in specific electronic folders accessible only to authorised staff. Appropriate levels of access shall be granted individually;
 - (c) the databases shall be password-protected under a single sign-on system and 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) 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/or the intranet of 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 undermining the effectiveness 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) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in point (a);
 - (d) the protection of the data subject or the rights and freedoms of others.

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 ⁽³⁾, 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 ⁽⁴⁾;
- (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.

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.

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 a restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. It shall be documented in every case through an internal assessment note for accountability purposes.

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 undermine the effectiveness 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

Restrictions to the right of information

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;

⁽³⁾ 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).

⁽⁴⁾ 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).

- (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 on the intranet 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

Restrictions to the right of access

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).

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.

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

Restrictions to the right to 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

Restrictions to the right to communication of a personal data breach and to the 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) (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. 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 Helsinki, 20 June 2019.

For the European Chemicals Agency
Sharon McGUINNESS
Chairperson of the Management Board

CORRIGENDA**Corrigendum to Council Regulation (EU) 2017/2454 of 5 December 2017 amending Regulation (EU) No 904/2010 on administrative cooperation and combating fraud in the field of value added tax**

(Official Journal of the European Union L 348 of 29 December 2017)

On page 3, point (7)(b) of Article 1, new Article 47c(1):

- for:* '1. Member States shall provide that the information provided by the taxable person making use of the special scheme in Section 4 of Chapter 6 of Title XII of Directive 2006/112/EC or his intermediary, to the Member State of identification when his activities commence pursuant to Article 369p(1), (2) and (2a) of that Directive shall be submitted by electronic means. Any changes in this information provided pursuant to Article 369p(3) of Directive 2006/112/EC shall also be submitted by electronic means.'
- read:* '1. Member States shall provide that the information provided by the taxable person making use of the special scheme in Section 4 of Chapter 6 of Title XII of Directive 2006/112/EC or his intermediary, to the Member State of identification when his activities commence pursuant to Article 369p(1), (2) and (3) of that Directive shall be submitted by electronic means. Any changes in this information provided pursuant to Article 369p(4) of Directive 2006/112/EC shall also be submitted by electronic means.'
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