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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2020/499

of 3 April 2020

correcting certain language versions of Regulation (EC) No 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) The Bulgarian, Croatian and Lithuanian language versions of Commission Regulation (EC) No 124/2009 ⁽²⁾ contain an error in the Annex, in the header of the third column of the table, as regards the maximum content of substances in foodstuffs.
- (2) The Bulgarian, Croatian and Lithuanian language versions of Regulation (EC) No 124/2009 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 Plants, Animals, Food and Feed,

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, 3 April 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ Commission Regulation (EC) No 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed (OJ L 40, 11.2.2009, p. 7).

COMMISSION IMPLEMENTING REGULATION (EU) 2020/500**of 6 April 2020****authorising the placing on the market of partially defatted chia seed (*Salvia hispanica*) powders as novel foods under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EU) 2015/2283 provides that only novel foods authorised and included in the Union list may be placed on the market within the Union.
- (2) Pursuant to Article 8 of Regulation (EU) 2015/2283, Commission Implementing Regulation (EU) 2017/2470 ⁽²⁾ establishing a Union list of authorised novel foods was adopted.
- (3) Pursuant to Article 12 of Regulation (EU) 2015/2283, the Commission is to submit a draft implementing act authorising the placing on the Union market of a novel food and on the update of the Union list.
- (4) On 18 April 2018, the company Access Business Group International LLC ('the applicant') submitted a request to the Commission to place partially defatted chia seed (*Salvia hispanica*) powder on the Union market as novel food in accordance with Article 10(1) of Regulation (EU) 2015/2283. The applicant requested for the chia seed (*Salvia hispanica*) powder to be used in a number of food categories for the general population as follows: unflavoured fermented milk products, including natural unflavoured buttermilk (excluding sterilised buttermilk) non-heat-treated after fermentation; unflavoured fermented milk products, heat-treated after fermentation; flavoured fermented milk products including heat-treated products; confectionery; fruit and vegetable juices; fruit and vegetable nectars and similar products; flavoured drinks; food supplements as defined in Directive 2002/46/EC of the European Parliament and of the Council ⁽³⁾, excluding food supplements for infants and young children; pasta.
- (5) On 16 July 2018, the applicant submitted a request to the Commission to place another partially defatted chia (*Salvia hispanica*) seed powder on the Union market as novel food in accordance with Article 10(1) of Regulation (EU) 2015/2283. The applicant requested for the chia seed (*Salvia hispanica*) powder to be used in a number of food categories for the general population as follows: confectionery; fruit and vegetable juices; fruit and vegetable nectars and similar products; flavoured drinks; food supplements as defined in Directive 2002/46/EC, excluding food supplements for infants and young children; pasta.
- (6) The two applications to the Commission concern the authorisation of two different partially defatted chia seed (*Salvia hispanica*) powders as a novel food. Both chia seed (*Salvia hispanica*) powders are partially defatted, obtained by pressing and grinding of the whole chia seeds (*Salvia hispanica*). Main differences between the two powders are particle sizes and the content of some macronutrients. The powder with high protein content has a particle size below 130 µm and protein content of at least 40 %, while the powder with high fibre content has a particle size below 400 µm and dietary fibre content of at least 50 %. The proposed uses of both powders are also similar.

⁽¹⁾ OJ L 327, 11.12.2015, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2470 of 20 December 2017 establishing the Union list of novel foods in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ L 351, 30.12.2017, p. 72).

⁽³⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

- (7) In accordance with Article 10(3) of Regulation (EU) 2015/2283, the Commission consulted the European Food Safety Authority ('Authority') on 22 June 2018 and 22 October 2018 respectively, asking it to provide a scientific opinion by carrying out an assessment for chia seed (*Salvia hispanica*) powders as novel foods. Taking into consideration the similarities between the two types of partially defatted chia seed (*Salvia hispanica*) powders, their safety assessment by the Authority was merged.
- (8) On 15 May 2019, the Authority adopted the scientific opinion 'Safety of chia seeds (*Salvia hispanica* L.) powders, as novel foods, pursuant to Regulation (EU) 2015/2283' ⁽⁴⁾. That opinion is in line with the requirements of Article 11 of Regulation (EU) 2015/2283.
- (9) In that opinion, the Authority concluded that partially defatted chia seed (*Salvia hispanica*) powders are safe under the assessed conditions of use. Therefore, the opinion of the Authority gives sufficient grounds to establish that partially defatted chia seed (*Salvia hispanica*) powders, under the assessed uses and use levels, when used in unflavoured fermented milk products, including natural unflavoured buttermilk (excluding sterilised buttermilk) non-heat-treated after fermentation; unflavoured fermented milk products, heat-treated after fermentation; flavoured fermented milk products including heat-treated products; confectionery; fruit and vegetable juices; fruit and vegetable nectars and similar products; flavoured drinks; food supplements as defined in Directive 2002/46/EC, excluding food supplements for infants and young children, comply with Article 12(1) of Regulation (EU) 2015/2283.
- (10) In its scientific opinion, 'Safety of chia seeds (*Salvia hispanica* L.) as a novel food for extended uses pursuant to Regulation (EU) 2015/2283' ⁽⁵⁾ the Authority considered one study which pointed to the possible formation of acrylamide when chia seeds (*Salvia hispanica*) are used in foods, requiring heat treatment at or above 120 °C in their manufacture, processing or preparation. The Authority considered that this study is also applicable to the assessment of the chia seed (*Salvia hispanica*) powders, since they only differ from chia seeds (*Salvia hispanica*) already included in the Union list as regards defatting, a treatment which is neutral with regard to the formation of acrylamide.
- (11) The Authority noted that the food 'pasta' may be subject to heat treatment to temperatures above 120 °C and potentially could represent a relevant source of acrylamide, while other proposed food categories do not present safety concerns in relation to possible formation of acrylamide.
- (12) In the opinion on safety of chia seed (*Salvia hispanica* L.) powders, the Authority considered that additional information is needed from the applicant and/or from the public domain, to address the potential for acrylamide formation when foods containing chia seed (*Salvia hispanica*) powders undergo heat treatment at or above 120 °C. In accordance with Article 11(4) of Regulation (EU) 2015/2283 the Authority has requested additional information from the applicant relating to potential formation of process contaminants which may be formed during processing and production of a food (at the level of the manufacturer) and/or when a food with added chia seed (*Salvia hispanica*) powders is subjected to cooking (heat treatment at consumer level). The period set for the provision of the additional information was set for the 13 May 2019. Although the applicant provided additional information by the set deadline, the Authority concluded that the information provided is not sufficient to address potential formation of acrylamide in pasta at temperatures above 120 °C which could potentially represent a relevant source of acrylamide at consumer level.
- (13) In the absence of information on the potential formation of acrylamide in 'pasta', if subject to such heat treatment, the Authority deferred the evaluation of chia seeds powder in pasta to when the additional information becomes available. It follows, that the Commission, at this stage, does not dispose of the opinion of the Authority necessary pursuant to Article 12(1)(a) and (c) of Regulation (EU) 2015/2283 for the approval of the use of chia seed (*Salvia hispanica*) powders in pasta that may be subject to heat-treatment at or above 120 °C. Therefore, a further decision about such use will be taken after the publication of the relevant opinion of the Authority.

⁽⁴⁾ EFSA Journal 2019;17(6):5716.

⁽⁵⁾ EFSA Journal 2019;17(4):5657.

- (14) The opinion of the Authority also identified two case reports from the available scientific literature, which linked the consumption of chia seeds (*Salvia hispanica*) to allergic reactions and concluded on this basis that allergic reactions upon consumption of chia seeds may occur. Furthermore, the Authority considers that the allergenic potential of chia seed (*Salvia hispanica*) powders is similar to that of chia seeds (*Salvia hispanica*) because the manufacturing steps employed in the production of the powders are not expected to modify the allergenic potential of the chia seeds (*Salvia hispanica*). Considering that, to date, only those two allergy cases have been reported and, in light of the widespread consumption of chia seeds (*Salvia hispanica*) and their presence on the Union and global market for many years, no specific labelling requirements concerning potential allergic reactions upon consumption of chia seed (*Salvia hispanica*) powders should be included in the Union list of authorised novel foods, until further scientific evidence on the allergenic potential of chia seeds (*Salvia hispanica*) is obtained and assessed by the Authority.
- (15) 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

1. Partially defatted chia seed (*Salvia hispanica*) powders as specified in the Annex to this Regulation shall be included in the Union list of authorised novel foods established in Implementing Regulation (EU) 2017/2470.
2. The entry in the Union list referred to in paragraph 1 shall include the conditions of use and labelling requirements laid down in the Annex.

Article 2

The Annex to Implementing Regulation (EU) 2017/2470 is amended in accordance with the Annex to this Regulation.

Article 3

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, 6 April 2020.

For the Commission
The President
Ursula VON DER LEYEN

The Annex to Implementing Regulation (EU) 2017/2470 is amended as follows:

(1) in Table 1 (Authorised novel foods), the following entry is inserted in alphabetical order:

Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements
Partially defatted chia seed (<i>Salvia hispanica</i>) powders	<i>Specified food category</i>	<i>Maximum levels</i>	The designation of the novel food on the labelling of the foodstuffs containing it shall be “Partially defatted chia seed (<i>Salvia hispanica</i>) powder”	
	Powder with high protein content			
	Unflavoured fermented milk products, including natural unflavoured buttermilk (excluding sterilised buttermilk) non-heat-treated after fermentation	0,7 %		
	Unflavoured fermented milk products, heat-treated after fermentation	0,7 %		
	Flavoured fermented milk products including heat-treated products	0,7 %		
	Confectionery	10 %		
	Fruit juices as defined by Directive 2001/112/EC (*) and vegetable juices	2,5 %		
	Fruit nectars as defined by Directive 2001/112/EC and vegetable nectars and similar products	2,5 %		
	Flavoured drinks	3 %		
	Food supplements as defined in Directive 2002/46/EC excluding food supplements for infants and young children	7,5 g/day		
	Powder with high fibre content			
	Confectionery	4 %		

Authorised novel food	Conditions under which the novel food may be used		Additional specific labelling requirements	Other requirements
	Fruit juices as defined by Directive 2001/112/EC and vegetable juices	2,5 %		
	Fruit nectars as defined by Directive 2001/112/EC and vegetable nectars and similar products	4 %		
	Flavoured drinks	4 %		
	Food supplements as defined in Directive 2002/46/EC excluding food supplements for infants and young children	12 g/day		

(*) Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption (OJ L 10, 12.1.2002, p. 58).'

(2) in Table 2 (Specifications), the following entry is inserted in alphabetical order:

Authorised Novel Food	Specification		
Partially defatted chia seed (<i>Salvia hispanica</i>) powders	Description/Definition: The novel foods are partially defatted chia seed (<i>Salvia hispanica</i>) powders obtained by pressing and grinding of the whole seeds of <i>Salvia hispanica</i> L.		
	Physical-sensorial: Foreign matter: 0,1 %		
		Powder with high protein content	Powder with high fibre content
	Particle size	≤ 130 µm	≤ 400 µm
	Chemical composition:		
		<i>Salvia hispanica</i> powder with high protein content	<i>Salvia hispanica</i> powder with high fibre content
	Moisture	≤ 9,0 %	≤ 9,0 %
	Protein	≥ 40,0 %	≥ 24,0 %
	Fat	≤ 17 %	≤ 12 %
	Fibre	≤ 30 %	≥ 50 %

Authorised Novel Food	Specification
	Microbiological criteria: Total plate count: ≤ 10 000 CFU/g Yeasts: ≤ 500 CFU/g Moulds: ≤ 500 CFU/g <i>Staphylococcus aureus</i>: ≤ 10 CFU/g Coliforms: < 100 MPN/g Enterobacteriaceae: ≤ 100 CFU/g <i>Bacillus cereus</i>: ≤ 50 CFU/g <i>Escherichia coli</i>: < 10 MPN/g <i>Listeria monocytogenes</i>: Absence/g <i>Salmonella</i> spp.: Absence in 25 g Contaminants: Arsenic: ≤ 0,1 ppm Cadmium: ≤ 0,1 ppm Lead: ≤ 0,1 ppm Mercury: ≤ 0,1 ppm Total aflatoxins: ≤ 4 ppb Ochratoxin A: ≤ 1 ppb'

COMMISSION IMPLEMENTING REGULATION (EU) 2020/501**of 6 April 2020**

derogating from Implementing Regulation (EU) No 809/2014 as regards the final date of submission of the single application, aid applications or payment claims, the final date for notification of amendments to the single application or payment claim and the final date for applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme for the year 2020

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular point (b) of the first paragraph of Article 78 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 809/2014 ⁽²⁾ provides for the final date of submission of the single application, aid applications or payment claims, for the final date for notification of amendments to the single application or payment claim and for the final date for submission of applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme.
- (2) Due to the current situation resulting from the pandemic caused by COVID-19 and the extensive movement restrictions put in place in the Member States exceptional administrative difficulties have been encountered in all Member States.
- (3) That situation has affected the possibility of beneficiaries to submit the single application, aid applications or payment claims and applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme within the time limits provided for in Articles 13(1) and 22(1) of Implementing Regulation (EU) No 809/2014.
- (4) In view of that situation, it is appropriate to provide for a derogation from Articles 13(1) and 22(1) of Implementing Regulation (EU) No 809/2014 which enables Member States to fix for the year 2020 a final date of submission of the single application, aid applications or payment claims and a final date for submission of applications for allocation of payment entitlements or the increase of the value of payments entitlements under the basic payment scheme that are later than those provided for in those Articles. Since the dates and periods referred to in Articles 11(4), 15(2) and (2a) of Implementing Regulation (EU) No 809/2014 are linked to the final date provided for in Article 13(1) of that Regulation, a similar derogation should be provided for the notification of the results of preliminary checks and of amendments to the single application or payment claim.
- (5) Since those derogations should cover the single application, aid applications and payment claims, amendments to the single application or payment claim and applications for allocation of payment entitlements for the year 2020, it is appropriate that this Regulation applies to applications and payment claims relating to the year 2020.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments and the Committee for Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the first subparagraph of Article 13(1) of Implementing Regulation (EU) No 809/2014, for the year 2020, the final dates to be fixed by Member States by which the single application, aid applications or payment claims have to be submitted shall not be later than 15 June. However, for Estonia, Latvia, Lithuania, Finland and Sweden those dates shall not be later than 15 July.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

Article 2

By way of derogation from first subparagraph of Article 15(2) of Implementing Regulation (EU) No 809/2014, for the year 2020 Member States may decide that the amendments made to the single application or payment claim in accordance with Article 15(1) of Implementing Regulation (EU) No 809/2014 are to be notified to the competent authority by 30 June. However, Estonia, Latvia, Lithuania, Finland and Sweden may decide that those amendments are to be notified by 30 July.

Article 3

The derogations provided for in Articles 1 and 2 shall also apply in the Member States concerned for the purpose of calculating the period of 26 and 9 calendar days, respectively, after the final date of submission of the single application, aid application or payment claims and the final date for notification of amendments as referred to in Articles 11(4) and 15 (2a) of Implementing Regulation (EU) No 809/2014.

Article 4

By way of derogation from Article 22(1) of Implementing Regulation (EU) No 809/2014, for the year 2020, the date to be fixed by Member States for the submission of applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme shall not be later than 15 June. However, for Estonia, Latvia, Lithuania, Finland and Sweden that date shall not be later than 15 July.

Article 5

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

It shall apply to applications and payment claims relating to the year 2020.

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

Done at Brussels, 6 April 2020.

For the Commission

The President

Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/502**of 6 April 2020****on certain commercial policy measures concerning certain products originating in the United States of America**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) On 24 January 2020 the United States of America ("United States") adopted safeguard measures in the form of a tariff increase on imports of certain derivative aluminium products and certain derivative steel products, effective from 8 February 2020, with an unlimited duration.
- (2) Notwithstanding the United States' characterisation of these measures as security measures, they are in essence safeguard measures. They consist of remedial action that disturbs the balance of concessions and obligations resulting from the Agreement Establishing the World Trade Organization ("WTO") and restricts imports for the purpose of protecting domestic industry against foreign competition, for the sake of that industry's commercial prosperity. The security exceptions of the General Agreement on Tariffs and Trade 1994 ("GATT 1994") do not apply to or justify such safeguard measures, and have no bearing on the right of rebalancing under the relevant provisions of the WTO Agreement.
- (3) The WTO Agreement on Safeguards provides for the right of any exporting Member affected by a safeguard measure to suspend the application of substantially equivalent obligations under the GATT 1994 to the trade of the WTO Member applying the safeguard measure, provided that no satisfactory solution is reached in consultations between those Members and that the WTO Council for Trade in Goods does not disapprove.
- (4) Consultations between the United States and the Union as envisaged in Articles 8 and 12.3 of the WTO Agreement on Safeguards did not result in any satisfactory solution ⁽²⁾.
- (5) The suspension by the Union of substantially equivalent concessions or other obligations should take effect following the expiration of 30 days after its notification to the Council for Trade in Goods, unless the Council for Trade in Goods disapproves.
- (6) The WTO Agreement allows for the right of suspension to be exercised (a) immediately, provided that the safeguard measure has not been taken as a result of an absolute increase in imports, or does not conform to the relevant provisions of the WTO Agreement, or (b) after the expiry of a period of three years as from the application of the safeguard measure.
- (7) The United States' safeguard measures are capable of having a considerable negative economic impact on the Union industries concerned. They would significantly limit Union exports of the relevant derivative aluminium products and the relevant derivative steel products to the United States. The affected Union imports of the relevant derivative aluminium and steel products into the United States are worth nearly EUR 40 million in 2019.

⁽¹⁾ Regulation (EU) No 654/2014 of the European Parliament and of the Council of 15 May 2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (OJ L 189, 27.6.2014, p. 50).

⁽²⁾ Consultations were requested by the Union on 6 March 2020. Agreement has not been reached and the 30 days period for consultations referred to in Article 8 of the WTO Safeguards Agreement has expired.

- (8) Therefore, a suspension of trade concessions in the form of an increase in customs duties on selected products originating in the United States imported into the Union, which reflect and do not exceed the amount that would result from the application of the United States' duties to the imports of the relevant derivative aluminium products and the relevant derivative steel products from the Union into the United States, represents an appropriate suspension of the application of substantially equivalent trade concessions in line with the WTO Agreement on Safeguards.
- (9) The Commission exercises the right to rebalance concessions in the trade relations with third countries on the basis of Article 4(1) of Regulation (EU) No 654/2014. The appropriate action takes the form of commercial policy measures, which should consist of the suspension of tariff concessions and the imposition of new or increased customs duties.
- (10) In designing and selecting these measures, the Commission has applied objective criteria in accordance with Article 4(2)(c) and Article 4(3) of Regulation (EU) No 654/2014, including as relevant the proportionality of any measures, their potential to provide relief to the Union industries affected by the safeguard measures, and the aim of minimising negative economic impact on the Union. In line with Article 9 of Regulation (EU) No 654/2014, the Commission has provided an opportunity for stakeholders to express their views and submit information regarding the relevant Union's economic interests ⁽³⁾.
- (11) Accordingly, the Commission has ensured that the additional customs duties are proportionate to the effect of the United States' safeguard measures and not excessive, as described in recitals (8), (16) and (18).
- (12) Furthermore, the selected measures have the potential to provide some relief to the Union steel and aluminium industries affected by the United States' safeguard measures.
- (13) Finally, these measures concern imports of products originating in the United States on which the Union is not substantially dependent for its supply. This approach avoids as much as possible a negative impact on the various actors on the Union market, including consumers.
- (14) Reflecting the timing requirements described in recital (6), and absent disapproval by the Council for Trade in Goods as referred to in recital (5), the additional customs duties should apply in two stages.
- (15) At the first stage, an *ad valorem* duty of 20 % and 7 % on imports of the products specified in Article 1(2)(a), should be applied from 8 May 2020 and until the United States ceases to apply its safeguard measures to products from the Union.
- (16) The total amount of *ad valorem* duties at the first stage reflects the United States' tariff increase of 10 % and 25 % on imports of bumper stampings of aluminium, comprising parts and accessories of the motor vehicles of headings 8701 to 8705, and bumper stampings of steel, comprising parts and accessories of the motor vehicles of headings 8701 to 8705 (both described in HTS ⁽⁴⁾ code 8708 10 30), and body stampings of aluminium for tractors suitable for agricultural use and body stampings of steel for tractors suitable for agricultural use (both described in HTS code 8708 29 21) ⁽⁵⁾ from the Union into the United States (EUR 19 million total value of Union imports into the United States in 2019). These are the products for which the United States' safeguard measures have not been taken as a result of an absolute increase in imports.
- (17) At the second stage, a further additional *ad valorem* duty of 4,4 % on imports of the product specified in Article 1(2)(b), should be applied as from 8 February 2023 or upon the adoption by, or notification to, the WTO Dispute Settlement Body of a ruling that the United States' safeguard measures are inconsistent with the relevant provisions of the WTO Agreement, if that is earlier, until the United States' safeguard measures cease to apply.

⁽³⁾ https://trade.ec.europa.eu/consultations/index.cfm?consul_id=264

⁽⁴⁾ The Harmonised Tariff Schedule of the United States' codes as referred to in Proclamation 9980 of January 24, 2020, Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States, Federal Register vol. 85, no. 19, January 29, 2020 and the Annexes to it (<https://www.whitehouse.gov/presidential-actions/proclamation-adjusting-imports-derivative-aluminum-articles-derivative-steel-articles-united-states/>).

⁽⁵⁾ Products referred to by Proclamation 9980 of January 24, 2020, Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States, Federal Register vol. 85, no. 19, January 29, 2020 and the Annexes to it (<https://www.whitehouse.gov/presidential-actions/proclamation-adjusting-imports-derivative-aluminum-articles-derivative-steel-articles-united-states/>).

- (18) The total amount of *ad valorem* duties at the second stage reflects the United States' tariff increase of 10 % and 25 % on imports of the rest of the relevant products from the Union into the United States ⁽⁶⁾ (EUR 21 million total value of Union imports into the United States in 2019). These are the products for which the United States' safeguard measures may have been taken as a result of an absolute increase in imports.
- (19) The Commission may amend this Regulation to account for any modification of or amendment to the United States' safeguard measures, including through product or company exclusion.
- (20) This Regulation is without prejudice to the question of the consistency of the United States' safeguard measures with the relevant provisions of the WTO Agreement.
- (21) In light of the applicable WTO time limits, it is appropriate that this act should enter into force on the day on which it is published in the *Official Journal of the European Union*.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Trade Barriers Committee, established by Regulation (EU) 2015/1843 of the European Parliament and of the Council ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Commission shall immediately, and in any event no later than 7 April 2020, give written notice to the WTO Council for Trade in Goods that, absent disapproval by the Council for Trade in Goods, the Union suspends, from 8 May 2020, the application to the trade of the United States of import duty concessions under the GATT 1994 in respect of the products listed in paragraph 2.

2. As a consequence, the Union shall apply additional customs duties on imports into the Union of the products listed below and originating in the United States, as follows:

- (a) At the first stage, additional *ad valorem* duties of 20 % and 7 % shall be applied from 8 May 2020 on imports of the products specified as follows:

CN code ⁽¹⁾	Additional ad valorem duty
9613 80 00	20 %
3926 30 00	7 %

⁽¹⁾ The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1) and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and *mutatis mutandis* as amended by subsequent legislation, including most recently Commission Implementing Regulation (EU) 2019/1776 of 9 October 2019 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 280, 31.10.2019, p. 1).

- (b) At the second stage, an additional *ad valorem* duty of 4,4 % shall be further applied on imports of the product specified as follows, from:

— 8 February 2023; or

⁽⁶⁾ Products referred to by Proclamation 9980 of January 24, 2020, Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles Into the United States, Federal Register vol. 85, no. 19, January 29, 2020 (<https://www.whitehouse.gov/presidential-actions/proclamation-adjusting-imports-derivative-aluminum-articles-derivative-steel-articles-united-states/>).

⁽⁷⁾ Regulation (EU) 2015/1843 of the European Parliament and of the Council of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codification) (OJ L 272, 16.10.2015, p. 1).

- the fifth day following the date of the adoption by, or notification to, the WTO Dispute Settlement Body of a ruling that the United States' safeguard measures are inconsistent with the relevant provisions of the WTO Agreement, if that is earlier. In the latter event, the Commission shall publish in the *Official Journal of the European Union* a notice indicating the date on which such ruling is adopted or notified:

CN code ⁽¹⁾	Additional ad valorem duty
9504 40 00	4,4 %

⁽¹⁾ The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1) and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation, including most recently Commission Implementing Regulation (EU) 2019/1776 of 9 October 2019 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 280, 31.10.2019, p. 1).

Article 2

The Union shall apply the additional customs duties provided for in Article 1 as long as, and to the extent that, the United States applies or re-applies its safeguard measures in a manner that would affect products from the Union. The Commission shall publish in the *Official Journal of the European Union* a notice indicating the date on which the United States has ceased to apply its safeguard measures.

Article 3

This Regulation shall enter into force on the day 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, 6 April 2020.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COMMISSION DECISION (EU) 2020/503

of 3 April 2020

amending Decision 2014/312/EU in order to extend the derogation for zinc oxide to allow its use as a preservative stabilizer to cover ‘in-can preservation’ and preservation of ‘tinting pastes’

(notified under document C(2020) 1979)

(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 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) Regulation (EC) No 66/2010 provides that the EU Ecolabel may be awarded to products with a reduced environmental impact during their entire life cycle. Specific EU Ecolabel criteria are to be established for each product group.
- (2) Commission Decision 2014/312/EU ⁽²⁾ establishes the criteria, and related assessment and verifications requirements, for indoor and outdoor paints and varnishes.
- (3) A derogation for zinc oxide (ZnO, CAS: 1314-13-2), classified with the hazards: H400, aquatic acute toxicity category 1, and H410, aquatic chronic toxicity category 1 was set out in point 1(d) of the Appendix to Decision 2014/312/EU for use as a stabiliser for dry film preservative combinations that require zinc pyrithione (ZPT) or 1,2-Benzisothiazol-3(2H)-one (BIT) up to a concentration of 0,05 %.
- (4) BIT is not approved for use as dry film preservative in accordance with the Annex of Commission Decision 2010/72/EU ⁽³⁾. Therefore, the above mentioned point 1(d) needs to be amended accordingly.
- (5) Several national competent bodies that award the EU Ecolabel have suggested an extension of the current derogation for zinc oxide in order to allow its use as a preservative stabilizer to cover also ‘in-can preservation’ and preservation of ‘tinting pastes’.

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ Commission Decision 2014/312/EU of 28 May 2014 establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes (OJ L 164, 3.6.2014, p. 45).

⁽³⁾ Commission Decision 2010/72/EU of 8 February 2010 concerning the non-inclusion of certain substances in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 36, 9.2.2010, p. 36).

- (6) In line with the conclusions of the EU Ecolabel Fitness check (REFIT) of 30 June 2017, the Commission services, together with the EU Ecolabelling Board, assessed the relevance of this amendment to guarantee a high uptake of the scheme for this product group. Public stakeholders have also been consulted.
- (7) Based on information available from suppliers and paint manufacturers, ZnO is used for stabilizing purposes within paints and varnishes in combination with the two following preservatives: ZPT and BIT, used to fight unwanted microbial growth in paints.
- (8) ZnO provides a stabilizing function to paints in which ZPT and BIT are used as preservatives. ZnO prevents the propensity of ZPT to transchelate with other metal ions, typically iron and calcium, and to form coloured complexes that lead to an unwanted change in colour of the paint. In combinations with BIT, ZnO prevents it from moving from the water phase to the organic phase of paints (e.g. the binder) thus increasing its availability in the water phase where the risk for microbial growth is higher. Without ZnO the paint life-time would be reduced to a few weeks, also reducing its shelf life.
- (9) Decision 2014/312/EU already allows the use of ZPT for the three functions: as in-can preservative, as tinting machine preservative and as dry-film preservative, up to a concentration of 0,05 %, and allows the use of BIT at a concentration of 0,05 % in the final, ready to use, product. It seems therefore appropriate to allow also the use of stabiliser ZnO for the same applications.
- (10) Where ZnO is used to stabilise 'in-can' or 'tinting paste' preservation combinations, impacts on the environment are expected to be lower than where used in dry-film preservation combinations, (already derogated within the current criteria), as a typical dose of ZPT for a dry-film preservation application of an outdoor paint would be approximately 10 times higher in magnitude in comparison to that needed for indoor in-can preservation.
- (11) Alternatives in use by manufacturers, in the form of other preservation combinations that would not need ZnO for stabilisation purposes, mostly use MIT (2-methyl-2H-isothiazol-3-one). However, according to the third paragraph of Article 3 of Commission Regulation (EU) 2018/1480 ^(*), as of 1 May 2020 MIT will be classified, inter alia, as Skin Sens 1A with the Hazard statement Code H317 (may cause an allergic skin reaction). This will trigger the hazard classification Skin Sens 1A with the Hazard Statement Code H317 also for the final paint products in which MIT will be used at or above a concentration of 15 ppm. Current scientific research shows that MIT is not effective, as a preservative, if used in concentrations below 15 ppm.
- (12) ZPT, BIT or their combinations are considered the other viable options to replace MIT, but they will be requiring the use of ZnO in all its possible applications.
- (13) Therefore, it is not technically feasible to substitute ZnO.
- (14) Data provided by stakeholders prove that in order to achieve sufficient stabilisation performance, up to 0,030 % ZnO is needed for in-can and tinting preservation combinations containing ZPT while 0,010-0,040 % ZnO is needed in combinations with BIT.
- (15) Decision 2014/312/EU should therefore be amended accordingly.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

^(*) Commission Regulation (EU) 2018/1480 of 4 October 2018 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and the Council on classification, labelling and packaging of substances and mixtures and correcting Commission Regulation (EU) 2017/776 (OJ L 251, 5.10.2018, p. 1).

HAS ADOPTED THIS DECISION:

Sole Article

In the Appendix to Decision 2014/312/EU, in the section headed '1. Preservatives added to colourants, binders and the final product', point (d) (Preservative stabiliser) is replaced by the following:

Substance group	Scope of restriction and/or derogation	Concentration limits (where applicable)	Assessment and verification
'(d) Preservative stabiliser	Zinc oxide is derogated for use as a stabiliser for: in-can preservative combinations and tinting paste preservative combinations that require zinc pyrithione with or without 1,2 Benzisothiazol-3(2H)-one (BIT).	0,030 %	Verification: Declaration by the applicant and their raw material suppliers.'
	in-can preservative combinations and tinting paste preservative combinations that require 1,2 Benzisothiazol-3(2H)-one (BIT).	0,040 %	
	dry film preservative combinations that require zinc pyrithione.	0,050 %	

This Decision is addressed to the Member States.

Done at Brussels, 3 April 2020.

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2020/504**of 6 April 2020****amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States***(notified under document C(2020) 2226)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

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

Whereas:

- (1) Commission Implementing Decision (EU) 2020/47 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry are kept in certain Member States, and the establishment of protection and surveillance zones by those Member States in accordance with Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2020/47 provides that the protection and surveillance zones established by the Member States listed in the Annex to that Implementing Decision, in accordance with Directive 2005/94/EC, are to comprise at least the areas listed as protection and surveillance zones in that Annex.
- (3) The Annex to Implementing Decision (EU) 2020/47 was recently amended by Commission Implementing Decision (EU) 2020/454 ⁽⁵⁾, following outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry in Germany, Hungary and Poland that needed to be reflected in that Annex.
- (4) Since the date of adoption of Implementing Decision (EU) 2020/454, Germany has notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding where poultry were kept, in the Börde district.
- (5) In addition, Hungary has notified the Commission of additional outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry were kept, in the Bács-Kiskun and Csongrád counties.
- (6) The new outbreaks in Germany and Hungary, are located outside the boundaries of areas currently listed in the Annex to Implementing Decision (EU) 2020/47, and the competent authorities of those Member States have taken the necessary measures required, in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around these new outbreaks.
- (7) The Commission has examined the measures taken by Germany and Hungary in accordance with Directive 2005/94/EC, and it is satisfied that the boundaries of the protection and surveillance zones, established by the competent authorities of those Member States, are at a sufficient distance to the holdings where the recent outbreaks of highly pathogenic avian influenza of subtype H5N8 have been confirmed.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2020/47 of 20 January 2020 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 16, 21.1.2020, p. 31).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2020/454 of 27 March 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 95, 30.3.2020, p. 8).

- (8) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Germany and Hungary, the new protection and surveillance zones established by those Member States. Therefore, new protection and surveillance zones should be listed for Germany and Hungary in the Annex to Implementing Decision (EU) 2020/47.
- (9) Accordingly, the Annex to Implementing Decision (EU) 2020/47 should be amended to update regionalisation at Union level to include the new protection and surveillance zones established by Germany and Hungary, in accordance with Directive 2005/94/EC, and the duration of the restrictions applicable therein.
- (10) Implementing Decision (EU) 2020/47 should therefore be amended accordingly.
- (11) Given the urgency of the epidemiological situation in the Union as regards the spread of highly pathogenic avian influenza of subtype H5N8, it is important that the amendments made to the Annex to Implementing Decision (EU) 2020/47 by this Decision take effect as soon as possible.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2020/47 is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2020/47 is replaced by the following:

‘ANNEX

PART A

Protection zones in the concerned Member States as referred to in Articles 1 and 2:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Plovdiv region:	
Municipality of Maritsa — Trilistnik	5.4.2020
Kurdzali region:	
Municipality of Kurdzali — Perperek — Mudrets — Visoka Polyana — Kaloyantsi — Svatbare — Kokiche — Dobrinovo — Chiflik	5.4.2020

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
NIEDERSACHSEN, Landkreis Aurich	
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Dorum, Großheide In der Gemeinde Dorum beginnend an der Gabelung Hochbrücker Tief – Dornumersiel Tief, dann weiter über das Dornumersieltief bis hoch zur Brücke Butenhusener Straße. Der Butenhusener Straße nördlich folgen und dann den ersten Feldweg in Richtung Südosten nehmen. Der Straße folgen, am Ferienhof Blankenhausen vorbei, weiter in südöstlicher Richtung bis zur Windmühle. Danach dem Weg folgen, bis zum ersten Gebäude auf der rechten Seite. Hier die Südenburger Straße entlang, dieser erst südlich, dann südöstlich folgen bis zur Pumpsier Straße. Dann Luftlinie Kreuzung Südenburger Straße – Pumpsier Straße bis Sackgasse Lütt Uppum. An der Kreisgrenze südöstlich entlang bis zum Dornumersieltief, diesem südöstlich folgen bis kurz vor der Kreuzung mit dem Pumptief, von da an der Kreisgrenze wieder folgen, erst südlich dann westlich. Von der Kreisgrenze Luftlinie in gerader Linie südwestlich bis Ostergaste. Von da aus dem Alter Weg nördlich folgen bis zum Dornumer Weg, diesem westlich folgen bis zur Kreuzung mit dem Moortief. Dem Moortief weit folgen bis zur Kreuzung mit dem Zugraben Hoheweg. Östlich weiter dem Moortief folgen, dann nordöstlich bis zur Gabelung Hochbrücker Tief, westliches Dorum. Dem Hochbrücker Tief folgen, erst nördlich und dann nordöstlich, an der Brücke Schatthäuser Straße vorbei östlich bis zur Gabelung mit dem Dornumersiel Tief.	13.4.2020

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
NIEDERSACHSEN, Landkreis Wittmund	
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Holtgast, Nenndorf, Westerholt, Schweindorf, Utharp Das Gebiet des Landkreises Wittmund, das westlich bzw nördlich von folgender Linie gelegen ist: Im Norden beginnend von dem Punkt, an dem das „Pumptief“ südlich von Damsum auf die Grenze zum Landkreis Aurich trifft, dann weiter Richtung Süden über das „Pumptief“, „Oetjetief“ und „Schleitief“ bis zur Kreuzung des „Schleitiefs“ mit der L6 zwischen Ochtersum und Utharp. Dann der L6 folgend in Richtung der Stadt Norden über Schweindorf, Westerholt und Nenndorf bis zur Grenze zum Landkreis Aurich.	13.4.2020
BUNDESLAND SACHSEN-ANHALT, Landkreis Börde	
Verbandsgemeinde Flechtingen Gemeinde: 39345 Bülstringen Ortsteil: Wieglitz/Ellersell	23.4.2020
Einheitsgemeinde Stadt Haldensleben Ortsteil: 39345 Uthmöden	23.4.2020

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Bács-Kiskun és Csongrád megye:	
Balástya, Bócsa, Bugac, Csólyospálos, Forráskút, Jászszentlászló, Kecskemét, Kiskunfélegyháza, Kiskunmajsa, Kömpöc, Móricgát, Nyárlőrinc, Soltvadkert, Szank és Tázlár települések közigazgatási területeinek a 46.440827 és a 19.846995, a 46.438786 és a 19.850685, a 46.440443 és a 19.857895, a 46.423886 és a 19.854827, a 46.435119 és a 19.836480, a 46.558317 és 19.713448, a 46.694364 és 19.77329, a 46.44449 és 19.8483, 46.455321 és 19.852898, a 46.44159 és 19.84327, a 46.45030 és 19.84853, a 46.514537 és 19.65459, a 46.403611 és 19.834167, a 46.465556 és 19.808611, a 46.5448459 és 19.745837, a 46.38769 és 19.86654, a 46.800833 és 19.857222, a 46.40299 és 19.87998, a 46.41549 és 19.84498, a 46.5692465 és 19.6932973, a 46.5606135 és 19.7108641, a 46.41096 és 19.83726, a 46.44957 és 19.87544, a 46.55800 és 19.79035, a 46.55800 és 19.79035, a 46.38741 és 19.86223, a 46.42564 és 19.86214, 46.41504 és 19.83675, a 46.44133 és 19.85725, a 46.40685 és 19.86369, a 46.47190 és 19.82798, a 46.38730 és 19.85161, a 46.45601 és 19.87579, a 46.45869 és 19.87283, a 46.860495 és 19.848759 valamint a 46.603350 és 19.478592 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területei	21.4.2020
Csongrád megye:	
Csengele, Kistelek, Ruzsa és Üllés települések közigazgatási területeinek a 46.3424 és 19.8024 valamint a 46.5323 és 19.8675 koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területei.	26.4.2020

Member State: Poland

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
W województwie lubuskim w powiecie sulęcińskim:	
w gminie Krzeszyce miejscowość Muszkowo	17.4.2020

PART B

Surveillance zones in the concerned Member States as referred to in Articles 1 and 3:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Plovdiv region:	
Municipality of Rakovski: — Rakovski city — Stryama — Shishmantsi — Bolyarino	From 30.3.2020 until 15.4.2020
Municipality of Brezovo: — Padarsko — Glavatar — Borets	From 22.3.2020 until 15.4.2020
Municipality of Maritsa — Trilistnik	From 6.4.2020 until 15.4.2020
The whole municipality of Brezovo The whole municipality Rakovski except the villages listed in Part A The whole municipality of Kaloyanovo The whole municipality of Maritsa The whole municipality of Suedinenie Sadovo municipality — Sadovo	15.4.2020
Kurdzali region:	
Municipality of Kurdzali — Perperek — Mudrets — Visoka Polyana — Kaloyantsi — Svatbare — Kokiche — Dobrinovo — Chiflik	From 6.4.2020 until 15.4.2020
Kurdzhali municipality — Chereshitsa — Zhinzifovo — Krin — Murgovo — Bolyartsı — Zvinita — Zvezdelina — Shiroko pole — Zornitsa Skalishte — Gaskovo — Oreshnitsa — Zvezden — Chernyovtsi — Bashchino — Rudina — Tatkovo — Sestrinsko — Miladinovo — Lyulyakovo — Strahil voyvoda — Byala Polyana	15.4.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— Gorna krepost — Dolna krepost — Konevo Dolishte — Maystorovo — Zornitsa — Gnyazdovo Bialka — Most .	
Stara Zagora region:	
Municipality of Bratya Daskalovi — Orizovo — Opyltchenets — Granit	7.4.2020
Haskovo region:	
Haskovo municipality — Maslinovo — Gorno Voivodino s. Stambolovo municipality — Balkan — Popovets — Svetoslav — Byal kladenets — Putnikovo	15.4.2020

Member State: Germany

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
NIEDERSACHSEN, Landkreis Aurich	
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Dornum, Großheide In der Gemeinde Dornum beginnend an der Gabelung Hochbrücker Tief – Dornumersiel Tief, dann weiter über das Dornumersieltief bis hoch zur Brücke Butenhusener Straße. Der Butenhusener Straße nördlich folgen und dann den ersten Feldweg in Richtung Südosten nehmen. Der Straße folgen, am Ferienhof Blankenhausen vorbei, weiter in südöstlicher Richtung bis zur Windmühle. Danach dem Weg folgen, bis zum ersten Gebäude auf der rechten Seite. Hier die Südenburger Straße entlang, dieser erst südlich, dann südöstlich folgen bis zur Pumpsier Straße. Dann Luftlinie Kreuzung Südenburger Straße – Pumpsier Straße bis Sackgasse Lütt Uppum. An der Kreisgrenze südöstlich entlang bis zum Dornumersieltief, diesem südöstlich folgen bis kurz vor der Kreuzung mit dem Pumptief, von da an der Kreisgrenze wieder folgen, erst südlich dann westlich. Von der Kreisgrenze Luftlinie in gerader Linie südwestlich bis Ostergaste. Von da aus dem Alter Weg nördlich folgen bis zum Dornumer Weg, diesem westlich folgen bis zur Kreuzung mit dem Moortief. Dem Moortief weit folgen bis zur Kreuzung mit dem Zugraben Hoheweg. Östlich weiter dem Moortief folgen, dann nordöstlich bis zur Gabelung Hochbrücker Tief, westliches Dornum. Dem Hochbrücker Tief folgen, erst nördlich und dann nordöstlich, an der Brücke Schatthausener Straße vorbei östlich bis zur Gabelung mit dem Dornumersiel Tief.	From 14.4.2020 until 22.4.2020
NIEDERSACHSEN, Landkreis Aurich	

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Dornum, Großheide, Hagermarsch, Hage, Berumbur, Aurich In der Gemeinde Hagermarsch beginnend an der Gabelung Theener Oststreek – Vierweg, dem Vierweg nördlich folgen, an der Kreuzung Osterdeicher Weg vorbei weiter nach Norden, dann an der Kreuzung rechts. Der Straße östlich folgen bis diese nach links abbiegt, dem Weg dann nördlich wieder folgen, bis er die Küste erreicht. Die Grenze verläuft an der Küste entlang bis zur Kreisgrenze Wittmund, folgt dann weiter der Kreisgrenze entlang bis zur Kreuzung Langefelder Grenzweg – Ricklefsche Trift in Aurich. Dem Ricklefsche Trift südlich folgen, bis sich diese mit der Straße Im Meerhusener Moor kreuzt. Letzterer südwestlich am Wald entlang bis zum Rockerstrift. Auf diesem weiter südlich gehen bis zum Aderkrutweg, diesen dann westlich weiter bis man auf die Dietrichsfelder Straße trifft. Von dort verläuft die Grenze per Luftlinie nach Westen durch den Meerhusener Wald bis zur Kreuzung Dornumer Straße – Stickerspittsweg. Dem Stickerspittsweg südwestlich bis zum Sandstrahlweg, die Grenze verläuft hier nordwestlich weiter bis zur Kreisgrenze Aurich/Wittmund. Der Kreisgrenze folgen bis zur Kreuzung Tannenhausener Weg – Mansfelder Weg. Dem Tannenhausener Weg westlich folgen bis zur Kreuzung Zum Ententeich, dann nördlich weiter bis zum Düwelsmeer, auf diesem nordwestlich bis die Kreuzung mit dem Kuhweg kommt. Dem Kuhweg nordwestlich folgen bis zur Kreuzung Kuhweg – Rotdornweg, letzterem westlich folgen bis zur Kreuzung Röttweg. Dem Röttweg dann nördlich folgen bis zur Kreuzung mit dem Weidenweg, dort westlich gehen bis dieser in den Kastanienweg mündet. Dem Kastanienweg nordwestlich folgen bis zur Kreuzung Dorfstraße. Dort nördlich weiter mit dem Moorwegschloot bis dieser zum Ostermoordorfer Tog wird, diesem auch nördlich folgen zum Schulweg. Diesem westlich folgen bis zur Kreuzung Großheider Straße diesem nördlich folgen bis zur Kreuzung Linienweg. Auf dem Linienweg nordwestlich weiter bis zum Wald und dann dem Feldweg am Waldrand entlang bis zur Feldstraße. Dieser westlich zum Ende folgen, dann auf die Holtenbrück wechseln. Dort nördlich bis dieser in die Poststraße mündet. Der Poststraße nordwestlich bis zur Kreuzung mit Sandlage folgen. Dann Luftlinie Kreuzung Sandlage – Poststraße bis zur Kreuzung Hauptstraße – Holzdorfer Straße in Berumbur. Der Hauptstraße folgen nordwestlich bis diese in die Blandorfer Straße mündet. Dann Luftlinie von Kreuzung Hauptstraße – Blandorfer Straße bis zur Kreuzung Hagemarscher Straße – Alter Postweg. Dem Alten Postweg nordwestlich folgen bis Hagermarsch. Dann Luftlinie Feuerwehr Hagermarsch bis zum Lüttje Weg. Diesem nördlich folgen bis zum Theener Oststreek. Dann nordöstlich bis zur Kreuzung mit dem Vierweg, dem Startpunkt.	22.4.2020
NIEDERSACHSEN, Landkreis Wittmund	
In den wie folgt beschriebenen Sperrbezirk fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Holtgast, Nenndorf, Westerholt, Schweindorf, Uтары Das Gebiet des Landkreises Wittmund, das westlich bzw nördlich von folgender Linie gelegen ist: Im Norden beginnend von dem Punkt, an dem das „Pumptief“ südlich von Damsum auf die Grenze zum Landkreis Aurich trifft, dann weiter Richtung Süden über das „Pumptief“, „Oetjetief“ und „Schleitief“ bis zur Kreuzung des „Schleitiefs“ mit der L6 zwischen Ochtersum und Uтары. Dann der L6 folgend in Richtung der Stadt Norden über Schweindorf, Westerholt und Nenndorf bis zur Grenze zum Landkreis Aurich.	From 14.4.2020 until 22.4.2020
NIEDERSACHSEN, Landkreis Wittmund	
In dem wie folgt beschriebenen Beobachtungsgebiet fallen folgende Gemeinden bzw. werden folgende Gemeinden angeschnitten: Stadt Esens, Neuharlingersiel, Holtgast, Moorweg, Dunum, Ochtersum, Blomberg, Neuschoo, Eversmeer, Nenndorf, Westerholt, Schweindorf, Uтары.	22.4.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Der Bereich des Landkreises Wittmund, der westlich folgender Linie gelegen ist: Von der Nordsee bis zur Zuwegung „Ostbense Am Deich 25“, dann die K7 ab dem Zusammentreffen mit der L5 von Ostbense über Hartward Richtung Esens, dort beim Zusammentreffen mit der L8 diese immer weiter in südliche Richtung über den Esenser Nordring, weiter auf der L8 bleibend Richtung Ogenbargen bis zur Grenze mit dem Landkreis Aurich.	
BUNDESLAND SACHSEN-ANHALT, Landkreis Börde	
Verbandsgemeinde Flechtingen Gemeinde: 39345 Bülstringen Ortsteil: Wiegitz/Ellersell	From 24.4.2020 until 2.5.2020
Einheitsgemeinde Stadt Haldensleben Ortsteil: 39345 Uthmöden	From 24.4.2020 until 2.5.2020
Einheitsgemeinde Stadt Haldensleben Ortsteil: 39343 Bodendorf Ortsteil: 39345 Gut Detzel Ortsteil: 39340 Hütten Ortsteil: 39340 Lübberitz Ortsteil: 39345 Satuelle Ortsteil: 39343 Süplingen 39340 Stadt Haldensleben	2.5.2020
Einheitsgemeinde Oebisfelde/Weferlingen Ortsteil: 39359 Keindorf	2.5.2020
Verbandsgemeinde Elbe-Heide Gemeinde Westheide Ortsteil: 39345 Born	2.5.2020
BUNDESLAND SACHSEN-ANHALT, Altmarkkreis Salzwedel	
Gemeinde Gardelegen Ortsteil: 39638 Jeseritz Ortsteil: 39638 Parleib Ortsteil: 39638 Potzehne Ortsteil: 39638 Roxförde	2.5.2020

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Bács-Kiskun és Csongrád megye:	
Balástya, Bócsa, Bugac, Csólyospálos, Forráskút, Jászszenlászó, Kecskemét, Kiskunfélegyháza, Kiskunmajsa, Kömpöc, Móricgát, Nyárlőrinc, Soltvadkert, Szank és Tázlár települések közigazgatási területeinek a 46.440827 és a 19.846995, a 46.438786 és a 19.850685, a 46.440443 és a 19.857895, a 46.423886 és a 19.854827, a 46.435119 és a 19.836480, a 46.558317 és 19.713448, a 46.694364 és 19.77329, a 46.44449 és 19.8483, 46.455321 és 19.852898, a 46.44159 és 19.84327, a 46.45030 és 19.84853, a 46.514537 és 19.65459, a 46.403611 és 19.834167, a 46.465556 és 19.808611, a 46.5448459 és 19.745837, a 46.38769 és 19.86654, a 46.800833 és 19.857222, a 46.40299 és 19.87998, a 46.41549 és 19.84498, a 46.5692465 és 19.6932973, a 46.5606135 és 19.7108641, a 46.41096 és 19.83726, a 46.44957 és 19.87544, a 46.55800 és 19.79035, a 46.55800 és 19.79035, a 46.38741 és 19.86223, a 46.42564 és 19.86214, 46.41504 és 19.83675, a 46.44133 és 19.85725, a 46.40685 és 19.86369, a 46.47190 és 19.82798, a 46.38730 és 19.85161, a 46.45601 és 19.87579, a 46.45869 és 19.87283, a 46.860495 és 19.848759 valamint a 46.603350 és 19.478592 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területei	From 22.4.2020 until 30.4.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Délről az 55-ös út, keletről az 53-as út és 54-es út, északról a 44-es út, keletről az 5-ös út által határolt terület, a 46.435119 és 19.836480, a 46.860495 és 19.848759, a 46.800833 és 19.857222 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területek, valamint Kiskunfélegyháza, Pálmonostora, Pusztaszer, Kistelek, Balástya és Szatymaz 5-ös úttól keletre eső közigazgatási területei.	5.5.2020
Csengele, Kistelek, Ruzsa és Üllés települések közigazgatási területeinek a 46.3424 és 19.8024 valamint a 46.5323 és 19.8675 koordináták által meghatározott pont körüli 3 km sugarú körön belül eső területei.	From 27.4.2020 until 5.5.2020

Member State: Poland

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
W województwie łódzkim w powiecie zgierskim i w mieście Łódź	
w powiecie zgierskim: - w gminie Aleksandrów Łódzki miejscowości: Aleksandrów Łódzki od granicy z miastem Łódź wzdłuż ul. Konstantynowskiej w kierunku północnym, do ul. Pabianickiej, ul. Pabianicką dalej ul. Wierzbinską do ul. 1 Maja. Dalej do ul. Jana Kazimierza i wzdłuż ul. Jana Kazimierza do rzeki Bzury. Następnie w kierunku południowym przez wieś Brużyczka Księstwo (wschodnia część wsi od nr 21), do granicy z wsią Jastrzębie Górne (wschodnia część wsi do nr 18). Dalej przez wieś Jastrzębie Górne do granicy z miastem Zgierz - w mieście Zgierz: południowo-zachodnia część miasta ograniczona przez: od zachodniej granicy miasta w dzielnicy Zgierz Kontrewers wzdłuż linii kolejowej do wschodniej granicy Lasu Krogulec, dalej wschodnią granicą lasu do granicy południowej, i dalej do ul. Cegielnianej. Ulicą Cegielnianą do ul. Wiosny Ludów. Dalej w kierunku wschodnim do ul. Aleksandrowskiej, ul. Miroszewska do rzeki Bzury. Wzdłuż rzeki Bzury do ul. Konstantynowskiej następnie do ronda Sybiraków i ulicą Śniechowskiego do ul. Łódzkiej, wzdłuż granicy ul. Łódzkiej do granicy miasta Zgierza w mieście Łódź: - w mieście Łódź południowo zachodnia część dzielnicy Łódź-Bałuty ograniczona od granicy ze Zgierzem wzdłuż ul. Zgierskiej do ronda Alfreda Michała Biłyka, wzdłuż Al. Włóknarzy do ul. Świętej Teresy od Dzieciątka Jezus w kierunku zachodnim do ul. Brukowej, wzdłuż ul. Brukowej do ul. Aleksandrowskiej. Następnie wzdłuż ul. Traktorowej do ul. Rojnej, wzdłuż ul. Rojnej do ul. Czcibora, dalej ul. Czcibora w kierunku północnym do ul. Klinowej, ul. Klinową do ul. Romanowskiej i wzdłuż ul. Romanowskiej do granicy z gminą Aleksandrów Łódzki, dalej wzdłuż granicy gmin do ul. Konstantynowskiej	From 28.3.2020 until 5.04.2020
W województwie łódzkim w powiecie zgierskim, pabianickim, w mieście Łódź:	
w powiecie zgierskim: - miasto Zgierz poza obszarem zapowietrzonym - w gminie wiejskiej Zgierz miejscowości: Biała na południe od autostrady A2, Ciosny na południe od autostrady A2, Dąbrówka Wielka- na południe od autostrady A2, Dąbrówka-Strumiany – na południe od autostrady A2, Emilia – na południe od autostrady A2, Grotniki, Glinnik, Glinnik Wieś, Janów Osmolin, Jedlicze A, Jedlicze B, Józefów na zachód od ulicy Strykowskiej, Lućmierz, Lućmierz-Las, Maciejów, Nowe Łagiewniki, Rosanów, Samotnik, Siedlisko, Skotniki, Słowik- na południe od autostrady A2, Stare Łagiewniki, Szczawin na południe od autostrady A2, Szczawin Kolonia, Ukraina, Ustronie. - w gminie Parzęczew miejscowości: Chociszew, Duraj, Nowomłynny od nr 1 do nr 8, Orła, Tkaczewska Góra; - w gminie Aleksandrów Łódzki miejscowości: miasto Aleksandrów Łódzki poza obszarem zapowietrzonym, Antoniew, Brużyczka Księstwo od nr 1 do nr 20, Budy Wolskie, Chrośno do wschodniej granicy lasu, Ciężków, Jastrzębie Górne, Karolew, Krzywiec, Łobódź, Nakielnica, Nowy Adamów, Placydów, Rąbień, Rąbień AB, Ruda Bugaj od nr 6 do ostatniego, Sanie, Słowak, Stare Krasnodęby od nr 11 do ostatniego, Stary Adamów, Wola Grzymkowa, Zgniłe Błoto, Zgniłe Błoto Bełdowskie	5.4.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
w powiecie pabianickim 1. w gminie Lutomiersk miejscowości: Babice, Babiczki, Mirosławice nr 87 do 87j, nr 90, nr 97 do nr 113, Stanisławów Stary, 2. w gminie Konstantynów Łódzki: Na obszarze Konstantynowa Łódzkiego od granicy z miastem Łódź wzdłuż ul. Kolejowej do ul. Srebrzyńskiej. Dalej na wschód do ul. Łaskiej, ul. Łaską do ul. Cmentarnej, dalej ul. Cmentarną, przecinając rzekę Łódkę, do ul. Młynarskiej, dalej ulicą Józefa Bema, potem ul. Górną do rzeki Jasieniec, wzdłuż rzeki Jasiec i rzeki Ner do mostu na drodze do Bechcic. Następnie na północ do skrzyżowania z ul. Lutomierską i dalej na wschód do granicy gminy Aleksandrów Łódzki w mieście Łódź: 1. obszar leżący poza obszarem zapowietrzonym ograniczony przez: — w dzielnicy Łódź-Bałuty: od wschodu od granicy z gm. Zgierz wzdłuż granicy z gm. Stryków do ul. Żółtowej. Dalej wzdłuż ul. Żółtowej do ul. J. Gadomskiego, ul. Moskule na odcinku między ul. J. Gadomskiego i ul. J. Sawickiego, dalej ul. J. Sawickiego do ul. Strykowskiej, i wzdłuż ul. Strykowskiej do ul. Okólnej — w dzielnicy Łódź-Widzew: obszar wzdłuż ul. Okólnej do skrzyżowania z ulicą Łukaszewską 34c, dalej ul. Okólną do ul. Turkusowej do wysokości nr 10 A i B. Następnie w kierunku południowym przecinając ulicę Moskuliki, przecinając ul. Opolską na wysokości nr 59, przez ogródki działkowe, przecinając ul. Zjazdową na wysokości nr 20, przecinając rzekę Łódkę, do skrzyżowania ul. Beskidzkiej i Okrętowej, dalej wzdłuż ul. Okrętowej do skrzyżowania z ul. Brzezińskiej i ul. Junaka, dalej wzdłuż ul. Brzezińskiej do skrzyżowania z ul. Taterniczą, dalej ul. Taterniczą do skrzyżowania z ul. Zbójnicką, wzdłuż ul. Zbójnickiej do skrzyżowania z ul. Zaspową i ul. Telefoniczną, dalej ul. Telefoniczną do ul. Chmurnej, wzdłuż ul. Chmurnej, przejazd kolejowy Łódź Stoki do ulicy Pomorskiej przez Zieleniec Konstytucyjna do skrzyżowania ul. Konstytucyjnej z ul. Małachowskiego, dalej przez park 3 Maja (na wysokości Centrum Sportu i Rekreacji), przez ul. Juliana Tuwima na wysokości nr 97, dalej przecinając ul. Wydawniczą do skrzyżowania Al. J. Piłsudskiego z Al. Edwarda Śmigłego-Rydza, Wzdłuż Al. Piłsudskiego do ul. Przędzalnianej, ul. Przędzalnianą do ul. Fabrycznej, dalej do ul. Magazynowej, do skrzyżowania z ul. Tymienieckiego dalej wzdłuż ul. Tymienieckiego Dalej ul. Piotrkowską do ul. Czerwonej — dzielnica Łódź- Śródmieście; — gmina Łódź-Polesie: wzdłuż ul. Wólcząńskiej do ul. Wróblewskiego, ul. Wróblewskiego do przejazdu kolejowego na wysokości ul. Łaskiej, dalej w kierunku południowym wzdłuż torów kolejowych do ul. Obywatelskiej, następnie wzdłuż ul. Obywatelskiej do ul. Maratońskiej. Wzdłuż ul. Maratońskiej do ul. Sanitariuszek, dalej ul. Sanitariuszek do granicy miasta Łodzi	
W województwie dolnośląskim w powiecie wrocławskim:	
w gminie Długołęka miejscowości: Dąbrowica, Kępa, Michałowice, Budziwojowice, Łosice, Dobroszów Oleśnicki, Januszkowice.	From 29.3.2020 until 6.4.2020
W województwie dolnośląskim w mieście Wrocław:	
— osiedle Pawłowice; — część osiedla Psie Pole – Zawidawie od zachodu ograniczona ul. Przedwiośnie, ul. Bora – Komorowskiego i ul. Gorlicką i od południa ograniczona ul. Kielczowską;	6.4.2020
W województwie dolnośląskim w powiecie wrocławskim, oleśnickim i trzebnickim:	
w powiecie wrocławskim: 1. w gminie Długołęka miejscowości: Krakowiany, Węgrów, Skąta, Zaprzęzyn, Jaksonowice, Bierzyce, Łozina, Godzieszowa, Siedlec, Tokary, Pasikowice, Bukowina, Bąków, Ramiszów, Prusowice, Domaszczyn, Szczodre, Mirków, Długołęka, Byków, Stępin, Borowa, Kamień, Bielawa, Raków, Nowy Dwór, Mydlce, Kielczów, Piecowice, Oleśniczka,	6.4.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
w powiecie oleśnickim: 1. w gminie Dobroszyce miejscowości: Łuczyna, Mękarzowice, Siekierowice, Dobrzeń, Dobra, 2. w gminie Oleśnica miejscowości: Jenkowice, Smardzów, Nieciszów, Piskawa. w powiecie trzebnickim: 1. w gminie Trzebnica miejscowości: Skarszyn, Bolescin, Piersno, Głuchów Górny, Taczów Mały, Piotrowice, 2. w gminie Zawonia miejscowości: Głuchów Dolny, Skotniki, Radłów, Cegielnia, Miłonowice, Kopiec, Rzędziszowice, Prawocice, Pomianowice, Cielętniki, Tarnowiec, Ludgierzowice	
W województwie lubuskim w powiecie sulęcińskim i słubickim:	
w powiecie sulęcińskim: 1. w gminie Krzeszyce miejscowości: Krępiny, Marianki, Zaszczytowo, Studzionka, Dzierżazna, Malta, Czartów, Krasnołęg, Świętojańsko, Krzeszyce, Karkoszów, Przemysław, Rudna, 2. w gminie Sulęcín miejscowości: Trzebów, Drogomin, 3. w gminie Słońsk miejscowości: Ownice, Lemierzyce, Lemierzycko, Grodzisk, Chartów, Jamno, Budzigniew, Polne w powiecie słubickim: w gminie Ośno Lubuskie miejscowości: Radachów, Trześniów, Kochań	26.4.2020
W województwie lubuskim w powiecie sulęcińskim:	
w gminie Krzeszyce, miejscowość Muszkowo.	From 18.4.2020 until 26.4.2020'

RULES OF PROCEDURE

DECISION OF THE STEERING BOARD OF THE EUROPEAN DEFENCE AGENCY

of 24 February 2020

on the adoption of 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 EDA

THE STEERING BOARD,

Having regard to the Treaty on the European Union, and in particular Articles 42 and 45 thereof,

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 Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency ⁽²⁾ (hereinafter 'EDA'), and in particular Article 31 thereof,

Having regard to Steering Board Decision 2017/25 adopting the revised rules of procedure for the Steering Board of EDA, and in particular Article 8 thereof,

Having regard to the opinion of the EDPS of 15 January 2020 and to the EDPS Guidance on Article 25 of Regulation (EU) 2018/1725 and internal rules, and

After consulting the Staff Committee,

Whereas:

- (1) EDA carries out its activities in accordance with Decision (CFSP) 2015/1835.
- (2) In accordance with Article 25(1) of Regulation (EU) 2018/1725 restrictions of the application of Article 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 EDA, 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 subjects rights.
- (4) Where EDA 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, EDA may conduct administrative inquiries and disciplinary proceedings; carry out preliminary activities related to cases of potential irregularities reported to OLAF; impose restrictions as regards to classified elements of *ad hoc* activities in the context of Decision 2015/1835; process whistleblowing cases; handle procedures of harassment; process internal and external complaints; carry out investigations by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725; internal (IT) security investigations; and carrying out activities to protect other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union.
- (6) EDA 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 266, 13.10.2015, p. 55.

- (7) EDA, represented by its Chief Executive, acts as the data controller irrespective of further delegations of the controller role within EDA to reflect operational responsibilities for specific personal data processing operation.
- (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 or records of EDA.
- (9) The internal rules 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 EDA to national authorities and international organisations outside of its administrative investigations.
- (10) In the cases where these internal rules apply, EDA shall give justifications explaining why the restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.
- (11) Within this framework EDA shall be 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.
- (12) However, EDA may be obliged to restrict the information to data subject and other data subject's rights to protect, in particular, its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons related to its investigations or other procedures.
- (13) EDA may thus restrict the information for the purpose of protecting the investigation and the fundamental rights and freedoms of other data subjects.
- (14) EDA should periodically monitor that the conditions that justify the restriction apply and lift the restriction as far as they do no longer apply.
- (15) The controller should inform the Data Protection Officer at the moment of deferral and during the revisions,

HAS ADOPTED THIS DECISION:

Article 1

Subject-matter and scope

1. This decision lays down rules relating to the conditions under which EDA in the framework of its procedures set out in 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 EDA, this decision applies to the processing operations on personal data by EDA for the purposes of : conducting administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, processing whistleblowing cases, procedures of harassment, processing internal and external complaints, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and security investigations handled internally or with external involvement.
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 EDA 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

Safeguards

1. The safeguards in place preventing abuse or unlawful access or transfer are the following:
 - (a) Paper documents shall be kept in secured cupboards and only accessible to authorised staff;
 - (b) All electronic data shall be stored in secure IT application according to EDA's security standards, as well as in specific electronic folders accessible only to authorised staff. Appropriate levels of access shall be granted individually;
 - (c) Databases ⁽³⁾ shall be password-protected under an individual sign-on system and connected automatically to the user's ID and password. 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 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 or records referred to in Article 5(1).
3. Where EDA 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 risks of cancelling the effect of EDA'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

Specification of the Controller

1. The controller of the processing operations is EDA, represented by its Chief Executive, who may delegate the function of the controller.
2. Data subjects shall be informed of the delegated controller by way of the data protection records published on the website of EDA.

Article 4

Restrictions

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

⁽³⁾ 'Database' means, in this Decision, a structured set of data stored electronically, including IT tools and applications and SharePoint.

2. Any restriction shall only be applied by EDA to safeguard:
 - (a) the national security, public security and/or defence of the Member States;
 - (b) 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;
 - (c) other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union;
 - (d) the internal security of Union institutions and bodies, including of their electronic communications networks;
 - (e) the protection of judicial independence and judicial proceedings;
 - (f) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (c);
 - (g) the protection of the data subject rights or the rights and freedoms of others;
 - (h) the enforcement of civil law claims.

3. As a specific application of the purposes described in paragraph 1 above, EDA 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 and 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 ⁽⁴⁾, 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 ⁽⁵⁾;
- (c) Where the exercise of those rights and obligations could jeopardise EDA'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), EDA shall consult the relevant Commission services, Union institutions, bodies, agencies, offices or the competent authorities of Member States unless it is clear to EDA that the application of a restriction is provided for by one of the acts referred to in those points.

4. 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.

5. If the application of restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.

6. EDA 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. 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⁾ 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).

⁽⁵⁾ 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).

7. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

8. Without prejudice to the provisions of paragraph 10, EDA, 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.

9. Where EDA restricts, wholly or partially, the provision of information to the data subjects referred to in paragraph 9, it shall record the reasons for the restriction, the legal ground in accordance with this article, 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.

10. The restriction referred to in paragraph 10 shall continue to apply as long as the reasons justifying it remain applicable.

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

Article 5

Review by the Data Protection Officer

1. EDA shall, without undue delay, involve the Data Protection Officer of EDA (hereinafter '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.

4. The involvement of the DPO throughout the whole procedure shall be duly documented.

Article 6

Provision of information to data subject

In duly justified cases and under the conditions stipulated in this decision, the right to information may be restricted by the controller in the context of the following processing operations:

- (a) The performance of administrative inquiries and disciplinary proceedings;
- (b) Preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) Whistleblowing procedures;
- (d) procedures of cases of harassment;
- (e) Processing internal and external complaints;
- (f) The investigations carried out by the DPO in line with Article 45(2) of Regulation (EU) 2018/1725;
- (g) (IT) security investigations handled internally or with external involvement;
- (h) carrying out activities to protect other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union as provided for by Decision (CFSP) 2015/1835.

*Article 7***Right of access by data subject**

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

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (g) (IT) security investigations handled internally or with external involvement;
- (h) carrying out activities to protect other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union as provided for by Decision (CFSP) 2015/1835.

2. 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, EDA shall limit its assessment of the request to such personal data only.

3. Where EDA 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.

*Article 8***Right of rectification, erasure and restriction of processing**

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

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (g) (IT) security investigations handled internally or with external involvement;
- (h) carrying out activities to protect other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union as provided for by Decision (CFSP) 2015/1835.

2. Where EDA restricts wholly or partially, 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 9

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

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

- (a) the performance of administrative inquiries and disciplinary proceedings;
- (b) preliminary activities related to cases of potential irregularities reported to OLAF;
- (c) whistleblowing procedures;
- (d) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725;
- (g) (IT) security investigations handled internally or with external involvement;
- (h) carrying out activities to protect other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union as provided for by Decision (CFSP) 2015/1835.

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) procedures for cases of harassment;
- (e) processing internal and external complaints;
- (f) (IT) security investigations handled internally or with external involvement;
- (g) carrying out activities to protect other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union, as provided for by Decision (CFSP) 2015/1835.

3. Where EDA 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 10

Entry into force

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

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