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## Legislation

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<sup>(1)</sup> Text with EEA relevance.

## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION (EU) 2019/392

of 4 March 2019

**on the conclusion, on behalf of the European Union, of the Treaty establishing the Transport Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2), in conjunction with point (a) of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The Commission negotiated, on behalf of the Union, a Treaty establishing the Transport Community ('the Transport Community Treaty') between the European Union and the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo \*, Montenegro and the Republic of Serbia.
- (2) The Transport Community Treaty was signed on behalf of the Union on 9 October 2017, subject to its conclusion at a later date, in accordance with Council Decision (EU) 2017/1937 <sup>(2)</sup>, and it has been applied on a provisional basis in accordance with Article 41(3) of the Transport Community Treaty.
- (3) The Transport Community Treaty furthers the development of transport between the Union and the South East European Parties on the basis of the provisions of the Union *acquis*.
- (4) Meetings of the Ministerial Council or the Regional Steering Committee established, respectively, under Articles 21 and 24 of the Transport Community Treaty, should be properly prepared within the Council, based on proposals and other documents from the Commission, in accordance with the relevant provisions of the Treaty on the Functioning of the European Union (TFEU). The Commission should be empowered to approve, on behalf of the Union, amendments to the lists of Union acts set out in Annex I to the Transport Community Treaty, in accordance with point (a) of Article 20(3) thereof and after appropriate consultation.
- (5) The Transport Community Treaty should be approved,

<sup>(1)</sup> Consent of 13 February 2019 (not yet published in the Official Journal).

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

<sup>(2)</sup> Council Decision (EU) 2017/1937 of 11 July 2017 on the signing, on behalf of the European Union, and provisional application of the Treaty establishing the Transport Community (OJ L 278, 27.10.2017, p. 1).

HAS ADOPTED THIS DECISION:

*Article 1*

The Treaty establishing the Transport Community is hereby approved on behalf of the European Union <sup>(1)</sup> <sup>(2)</sup>.

*Article 2*

1. Without prejudice to paragraph 2, the Commission shall, as soon as possible before meetings of the Ministerial Council or the Regional Steering Committee, submit to the Council or its preparatory bodies, in the appropriate format, for adoption or consultation as the case may be, in accordance with the TFEU and the Treaty on European Union, and in particular in compliance with the principle of sincere cooperation, draft Union positions and statements on the matters that will be discussed at the respective meeting.

2. The position to be taken by the Union as regards decisions of the Regional Steering Committee, in accordance with point (a) of Article 20(3) of the Transport Community Treaty, regarding merely the updating of Union acts set out in Annex I to the Transport Community Treaty shall be adopted by the Commission. Before adopting any such decision, the Commission shall consult the Council on the anticipated position sufficiently in advance and by means of a written preparatory document.

Any adjustments to Union acts to be incorporated into Annex I to the Transport Community Treaty shall be limited to technical adjustments necessary for the purposes of such incorporation.

*Article 3*

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

Done at Brussels, 4 March 2019.

*For the Council*  
*The President*  
A. ANTON

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<sup>(1)</sup> The text of the Transport Community Treaty has been published in OJ L 278 of 27.10.2017, p. 3, together with the decision on signature and provisional application.

<sup>(2)</sup> The date of entry into force of the Transport Community Treaty will be published in the Official Journal by the General Secretariat of the Council.

**COMMISSION STATEMENT**

1. The Commission underlines that the intention of the Transport Community Treaty (TCT) is to progressively establish a transport community between the European Union and the South East European Parties on the basis of the relevant EU acquis and thus create an effective transport network with EU neighbours.
  2. The Commission notes that the TCT does not include provisions on market access concerning road haulage transport, neither in the Treaty text nor in its Annexes, so that Article 1(2) and (3) of Regulation (EC) No 1072/2009 continue to apply at this stage, in respect of the South East European parties. As long as this situation is not modified, bilateral agreements between Member States and South East European Parties, including the permits contained in those Agreements, may be maintained, in accordance with these provisions and subject to compliance with EU law.
  3. In the event that the European Union and the South East European Parties would envisage reinforcing their cooperation by setting up EU-wide opportunities for market access in the road haulage sector, the corresponding agreements would be negotiated, signed and concluded in accordance with Article 218 TFEU.
  4. Bilateral agreements that Member States may have with South East European Parties on other transport modes covered by this Treaty, may be initially maintained if compliant with Union law, without prejudice to the division of competences between the Union and its Member States.
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**JOINT STATEMENT BY THE FEDERAL REPUBLIC OF GERMANY, FRANCE, ITALY AND AUSTRIA**

Germany, France, Italy and Austria support the objective being pursued with the Western Balkans Transport Treaty of progressively establishing a transport community and a transport network between the European Union and the Southeastern European Parties on the basis of the relevant EU acquis. Germany, France, Italy and Austria stress that the gradual opening of the market for transport sectors concerned on the basis of the most favoured nation principle necessarily implies that there cannot be a more favourable treatment of third countries, including third country nationals as compared to EU nationals.

For Germany, France, Italy and Austria it is important that existing bilateral transport agreements between Member States and the Southeastern European Parties can continue to be applied and, if necessary, be adapted, and in this context they welcome the commitments made by the European Union during the negotiations on the Western Balkans Transport Treaty and recorded in a statement in the minutes.

Bearing in mind the division of competences between the European Union and the EU Member States, Germany, France, Italy and Austria also point out that the Western Balkans Transport Treaty is without prejudice to the division of competences between the European Union and its Member States and that this Western Balkans Transport Treaty does not create a precedent for transport agreements with non-EU Member States.

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**COUNCIL DECISION (EU) 2019/393****of 7 March 2019**

**on the signing, on behalf of the European Union, of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 December 2015 the Council authorised the Commission to open negotiations with Switzerland and Liechtenstein on the arrangements for the participation of Switzerland and Liechtenstein in the procedure for comparison and data transmission for law enforcement purposes provided for in Chapter VI of Regulation (EU) No 603/2013 of the European Parliament and of the Council <sup>(1)</sup>.
- (2) Negotiations were concluded and the Protocol to the Agreement of 26 October 2004 between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes (the 'Protocol') was initialled on 22 November 2017.
- (3) The Protocol should be signed.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 and are therefore taking part in the adoption of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes is hereby authorised, subject to the conclusion of the said Protocol <sup>(2)</sup>.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

<sup>(1)</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

<sup>(2)</sup> The text of the Protocol will be published together with the decision on its conclusion.

*Article 3*

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

Done at Brussels, 7 March 2019.

*For the Council*  
*The President*  
C.D. DAN

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**COUNCIL DECISION (EU) 2019/394****of 7 March 2019**

**on the signing, on behalf of the European Union, of the Protocol between the European Union, Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding access to Eurodac for law enforcement purposes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 December 2015 the Council authorised the Commission to open negotiations with Iceland and Norway on the arrangements for the participation of Iceland and Norway in the procedure for comparison and data transmission for law enforcement purposes provided for in Chapter VI of Regulation (EU) No 603/2013 of the European Parliament and of the Council <sup>(1)</sup>.
- (2) Negotiations were concluded and the Protocol to the Agreement of 19 January 2001 between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding access to Eurodac for law enforcement purposes ('the Protocol') was initialled on 21 December 2017.
- (3) The Protocol should be signed.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 and are therefore taking part in the adoption of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Protocol between the European Union, Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway regarding access to Eurodac for law enforcement purposes is hereby authorised, subject to the conclusion of the said Protocol <sup>(2)</sup>.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

<sup>(1)</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

<sup>(2)</sup> The text of the Protocol will be published together with the decision on its conclusion.

*Article 3*

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

Done at Brussels, 7 March 2019.

*For the Council*  
*The President*  
C.D. DAN

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**COUNCIL DECISION (EU) 2019/395****of 7 March 2019**

**on the signing, on behalf of the European Union, of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 December 2015 the Council authorised the Commission to open negotiations with Denmark on the arrangements for the participation of Denmark in the procedure for comparison and data transmission for law enforcement purposes provided for in Chapter VI of Regulation (EU) No 603/2013 of the European Parliament and of the Council <sup>(1)</sup>.
- (2) Negotiations were concluded and the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes ('the Protocol') was initialled on 11 December 2017.
- (3) The Protocol should be signed.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 and are therefore taking part in the adoption of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes is hereby authorised, subject to the conclusion of the said Protocol <sup>(2)</sup>.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

<sup>(1)</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

<sup>(2)</sup> The text of the Protocol will be published together with the decision on its conclusion.

*Article 3*

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

Done at Brussels, 7 March 2019.

*For the Council*  
*The President*  
C.D. DAN

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# REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2019/396

of 19 December 2018

**amending Delegated Regulation (EU) 2015/2205, Delegated Regulation (EU) 2016/592 and Delegated Regulation (EU) 2016/1178 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the date at which the clearing obligation takes effect for certain types of contracts**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories <sup>(1)</sup>, and in particular Article 5(2) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement, or failing that, two years after that notification, i.e. from 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) The clearing obligation laid down in Regulation (EU) No 648/2012 does not take into account the eventuality of a Member State withdrawing from the Union. The challenges faced by those parties to an OTC derivative contract whose counterparties are established in the United Kingdom are a direct consequence of an event that is beyond their control and may put them at a disadvantage compared to other counterparties in the Union.
- (3) Commission Delegated Regulations (EU) 2015/2205 <sup>(2)</sup>, (EU) 2016/592 <sup>(3)</sup> and (EU) 2016/1178 <sup>(4)</sup> specify the dates from which the clearing obligation is to take effect for contracts pertaining to certain classes of OTC derivatives. In addition, those Regulations provide for different dates depending on the category of counterparty to those contracts.
- (4) Counterparties cannot foresee what the status of a counterparty established in the United Kingdom might become or to what extent that counterparty would be able to continue providing certain services to counterparties established in the Union. To address that situation, counterparties may want to novate the contract by replacing the counterparty established in the United Kingdom with a counterparty in a Member State.
- (5) If, due to the withdrawal of the United Kingdom from the Union, the parties decide to replace a counterparty established in the United Kingdom with a new counterparty established in the Union, the novation of the contracts will trigger the clearing obligation if such novation occurs on or after the date from which the clearing obligation takes effect for that type of contract. As a result, the parties will have to clear that contract in an authorised or recognised CCP.

<sup>(1)</sup> OJ L 201, 27.7.2012, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2015/2205 of 6 August 2015 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 314, 1.12.2015, p. 13).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2016/592 of 1 March 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 103, 19.4.2016, p. 5).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on the clearing obligation (OJ L 195, 20.7.2016, p. 3).

- (6) Centrally cleared contracts are subject to a different collateral regime than non-centrally cleared contracts. The triggering of the clearing obligation may thus force certain counterparties to discontinue their transactions, leaving certain risks unhedged.
- (7) In order to ensure the smooth functioning of the market and a level playing field between counterparties established in the Union, counterparties should be able to replace counterparties established in the United Kingdom with counterparties established in a Member State without triggering the clearing obligation. In order to allow for sufficient time to replace such counterparties, the date from which the clearing obligation takes effect for the novation of those contracts should be 12 months after the date of application of this Regulation.
- (8) Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 should therefore be amended accordingly.
- (9) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority to the Commission.
- (10) It is necessary to facilitate the implementation of efficient solutions by market participants as quickly as possible. Therefore, the European Securities and Markets Authority has analysed the potential related costs and benefits but has not conducted any open public consultation in accordance with the second subparagraph of Article 10(1) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council <sup>(5)</sup>.
- (11) This Regulation should enter into force as a matter of urgency and should only apply from the day following that on which the Treaties cease to apply to and in the United Kingdom unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date or the two-year period referred to in Article 50(3) of the Treaty on European Union has been extended,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

### **Amendment to Delegated Regulation (EU) 2015/2205**

Delegated Regulation (EU) 2015/2205 is amended as follows:

(1) in Article 3, the following paragraph is added:

‘3. By way of derogation from paragraphs 1 and 2, in respect of contracts pertaining to a class of OTC derivatives set out in the Annex, the clearing obligation shall take effect 12 months from the date of application of this Regulation where the following conditions are fulfilled:

- (a) the clearing obligation has not been triggered by 14 March 2019;
- (b) the contracts are novated for the sole purpose of replacing the counterparty established in the United Kingdom with a counterparty established in a Member State.’;

(2) in Article 4, paragraph 3 is replaced by the following:

‘3. For financial counterparties in Category 3 and for transactions referred to in paragraphs 2 and 3 of Article 3 of this Regulation concluded between financial counterparties, the minimum remaining maturity referred to in point (ii) of Article 4(1)(b) of Regulation (EU) No 648/2012, at the date the clearing obligation takes effect, shall be:

- (a) 50 years for contracts that belong to the classes of Table 1 or Table 2 of the Annex;
- (b) 3 years for contracts that belong to the classes of Table 3 or Table 4 of the Annex.’

<sup>(5)</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

*Article 2***Amendment to Delegated Regulation (EU) 2016/592**

Delegated Regulation (EU) 2016/592 is amended as follows:

(1) in Article 3, the following paragraph is added:

‘3. By way of derogation from paragraphs 1 and 2, in respect of contracts pertaining to a class of OTC derivatives set out in the Annex, the clearing obligation shall take effect 12 months from the date of application of this Regulation where the following conditions are fulfilled:

- (a) the clearing obligation has not been triggered by 14 March 2019;
- (b) the contracts are novated for the sole purpose of replacing the counterparty established in the United Kingdom with a counterparty established in a Member State.’;

(2) in Article 4, paragraph 3 is replaced by the following:

‘3. For financial counterparties in Category 3 and for transactions referred to in paragraphs 2 and 3 of Article 3 of this Regulation concluded between financial counterparties, the minimum remaining maturity referred to in point (ii) of Article 4(1)(b) of Regulation (EU) No 648/2012, at the date the clearing obligation takes effect, shall be 5 years and 3 months.’.

*Article 3***Amendment to Delegated Regulation (EU) 2016/1178**

Delegated Regulation (EU) 2016/1178 is amended as follows:

(1) in Article 3, the following paragraph is added:

‘3. By way of derogation from paragraphs 1 and 2, in respect of contracts pertaining to a class of OTC derivatives set out in the Annex, the clearing obligation shall take effect 12 months from the date of application of this Regulation where the following conditions are fulfilled:

- (a) the clearing obligation has not been triggered by 14 March 2019;
- (b) the contracts are novated for the sole purpose of replacing the counterparty established in the United Kingdom with a counterparty established in a Member State.’;

(2) in Article 4, paragraph 3 is replaced by the following:

‘3. For financial counterparties in Category 3 and for transactions referred to in paragraphs 2 and 3 of Article 3 of this Regulation concluded between financial counterparties, the minimum remaining maturity referred to in point (ii) of Article 4(1)(b) of Regulation (EU) No 648/2012, at the date the clearing obligation takes effect, shall be:

- (a) 15 years for contracts that belong to the classes in Table 1 set out in Annex I;
- (b) 3 years for contracts that belong to the classes in Table 2 set out in Annex I.’.

*Article 4***Entry into force and application**

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

It shall apply from the date following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.

However, this Regulation shall not apply in any of the following cases:

- (a) a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) of the Treaty on European Union has entered into force by that date;
- (b) a decision has been taken to extend the two year period referred to in Article 50(3) of the Treaty on European Union.

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

Done at Brussels, 19 December 2018.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION DELEGATED REGULATION (EU) 2019/397****of 19 December 2018****amending Delegated Regulation (EU) 2016/2251 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the date until which counterparties may continue to apply their risk-management procedures for certain OTC derivative contracts not cleared by a CCP****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories <sup>(1)</sup>, and in particular Article 11(15) thereof,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, i.e. from 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) The requirement to exchange collateral set out in Regulation (EU) No 648/2012 in respect of over-the-counter ('OTC') derivative contracts not cleared by a central counterparty ('CCP') does not take into account the eventuality of a Member State withdrawing from the Union. The challenges faced by those parties to an OTC derivative contract whose counterparties are established in the United Kingdom are a direct consequence of an event that is beyond their control and may put them at a disadvantage compared to other counterparties in the Union.
- (3) Commission Delegated Regulation (EU) 2016/2251 <sup>(2)</sup> specifies different dates of application of the procedures to exchange collateral for non-centrally cleared OTC derivative contracts, depending on the category of counterparty to those contracts.
- (4) Counterparties cannot foresee what the status of a counterparty established in the United Kingdom might become or to what extent that counterparty would be able to continue providing certain services to counterparties established in the Union. To address that situation, counterparties may want to novate the contract by replacing the counterparty established in the United Kingdom with a counterparty in a Member State.
- (5) Before Regulation (EU) No 648/2012 and Delegated Regulation (EU) 2016/2251 applied, counterparties to non-centrally cleared OTC derivative contracts were not required to exchange collateral, and bilateral trades were therefore not collateralised or they were collateralised on a voluntary basis. If counterparties were required to exchange collateral as a result of novating their contracts to address the withdrawal of the United Kingdom from the Union, the remaining counterparty may not be able to agree to the novation.
- (6) In order to ensure the smooth functioning of the market and a level playing field between counterparties established in the Union, counterparties should be able to replace counterparties established in the United Kingdom with counterparties in a Member State without being required to exchange collateral in respect of those novated contracts. The date from which they should be required to exchange collateral for the novation of those contracts should be 12 months after the date of application of this amending Regulation.
- (7) Delegated Regulation (EU) 2016/2251 should therefore be amended accordingly.

<sup>(1)</sup> OJ L 201, 27.7.2012, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty (OJ L 340, 15.12.2016, p. 9).

- (8) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority to the Commission.
- (9) It is necessary to facilitate the implementation of efficient solutions by market participants as quickly as possible. Therefore, the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority have analysed the potential related costs and benefits but have not conducted any open public consultation in accordance with the second subparagraph of Article 10(1) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council <sup>(3)</sup>, the second subparagraph of Article 10(1) of Regulation (EU) No 1094/2010 of the European Parliament and of the Council <sup>(4)</sup> and the second subparagraph of Article 10(1) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council <sup>(5)</sup>. For the same reason, this Regulation should enter into force on the day following that of its publication.
- (10) This Regulation should enter into force as a matter of urgency and should only apply from the day following that on which the Treaties cease to apply to and in the United Kingdom unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date or the two-year period referred to in Article 50(3) of the Treaty on European Union has been extended,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendment to Delegated Regulation (EU) 2016/2251**

Article 35 of Delegated Regulation (EU) 2016/2251 is replaced by the following:

*'Article 35*

**Transitional provisions**

Counterparties referred to in Article 11(3) of Regulation (EU) No 648/2012 may continue to apply the risk-management procedures that they have in place at the date of application of this Regulation in respect of non-centrally cleared OTC derivative contracts entered into or novated between 16 August 2012 and the relevant dates of application of this Regulation.

Counterparties referred to in Article 11(3) of Regulation (EU) No 648/2012 may also continue to apply the risk-management procedures that they have in place at 14 March 2019 in respect of non-centrally cleared OTC derivative contracts fulfilling all of the following conditions:

- (a) the non-centrally cleared OTC derivative contracts have been entered into or novated before either the relevant dates of application of this Regulation as set out in Articles 36, 37 and 38 of this Regulation or 14 March 2019, whichever is earlier;
- (b) the non-centrally cleared OTC derivative contracts are novated for the sole purpose of replacing a counterparty established in the United Kingdom with a counterparty established in a Member State;
- (c) the non-centrally cleared OTC derivative contracts are novated between the date following that on which Union law ceases to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union and either of the following, whichever is later:
- (i) the relevant dates of application set out in Articles 36, 37 and 38 of this Regulation; or
- (ii) 12 months from the date following that on which Union law ceases to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.'

<sup>(3)</sup> Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

<sup>(4)</sup> Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).

<sup>(5)</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

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*Article 2***Entry into force and application**

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

It shall apply from the date following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.

However, this Regulation shall not apply in any of the following cases:

- (a) a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) of the Treaty on European Union has entered into force by that date;
- (b) a decision has been taken to extend the two year period referred to in Article 50(3) of the Treaty on European Union.

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

Done at Brussels, 19 December 2018.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2019/398****of 8 March 2019****amending Regulation (EC) No 616/2007 as regards some additional tariff quotas in the sector of poultrymeat and derogating from that Regulation for the quota year 2018/2019**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular points (a) and (b) of Article 187 thereof,

Whereas:

- (1) The European Union and the People's Republic of China ('China') signed an Agreement in the form of an Exchange of Letters ('the Agreement') in relation to DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products on 18 September 2018. The signature of the Agreement on behalf of the European Union was authorised by Council Decision (EU) 2018/1252 <sup>(2)</sup> and its conclusion by Council Decision (EU) 2019/143 <sup>(3)</sup>.
- (2) In accordance with the Agreement, the European Union is to open several tariff rate quotas for certain poultry meat products.
- (3) Commission Regulation (EC) No 616/2007 <sup>(4)</sup> provides for the opening and administration of certain Union import tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries.
- (4) It is therefore appropriate to amend Regulation (EC) No 616/2007 to take account of the tariff rate quotas to be opened pursuant to the Agreement.
- (5) The Agreement provides for entry into force on 1 April 2019. Therefore, for the quota year 2018/2019 the quantities of poultry meat products for the tariff rate quotas to be made available pursuant to the Agreement, should be calculated on a *pro rata* basis, taking into account the date of entry into force of the Agreement. As from the quota period commencing on 1 July 2019 the full annual quantities of poultry meat products under the Agreement should be available.
- (6) Given that some quotas for poultrymeat products allocated to China are to be administered on a quarterly basis and that the application period for the quarter commencing on 1 April 2019 will have expired at the time of entry into force of the Agreement, the quantities under the Agreement for the period covering 1 April to 30 June 2019 should be made available as from the date of application of this Regulation which should be that of the entry into force of the Agreement.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Council Decision (EU) 2018/1252 of 18 September 2018 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products (OJ L 237, 20.9.2018, p. 2).

<sup>(3)</sup> Council Decision (EU) 2019/143 of 28 January 2019 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products (OJ L 27, 31.1.2019, p. 2).

<sup>(4)</sup> Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries (OJ L 142, 5.6.2007, p. 3).

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EC) No 616/2007**

Regulation (EC) No 616/2007 is amended as follows:

(1) In Article 1, paragraph 1 is replaced by the following:

'1. The tariff quotas in Annex I to this Regulation are hereby opened for imports of the products covered by the agreements between the Union and Brazil, the Union and Thailand, and the Union and China, as approved by Council Decisions 2007/360/EC, 2012/792/EU (\*) and (EU) 2019/143 (\*\*).

The tariff quotas are opened on an annual basis for the period from 1 July to 30 June.

(\*) Council Decision 2012/792/EU of 6 December 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultry meat provided for in the EU Schedule annexed to GATT 1994 (OJ L 351, 20.12.2012, p. 47).

(\*\*) Council Decision (EU) 2019/143 of 28 January 2019 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products (OJ L 27, 31.1.2019, p. 2).'

(2) Article 3 is replaced by the following:

*Article 3*

1. With the exception of quotas in Groups Nos 3, 4B, 5B, 6B, 6C and 10, the quantity established for the annual quota period shall be spread out over four subperiods, as follows:

- (a) 30 % from 1 July to 30 September;
- (b) 30 % from 1 October to 31 December;
- (c) 20 % from 1 January to 31 March;
- (d) 20 % from 1 April to 30 June.

2. The annual quantity established for quotas in Groups Nos 3, 4B, 5B, 6B, 6C and 10 shall not be divided into subperiods.

3. The annual quantities established for quotas in Groups Nos 5A and 5B shall be managed by attributing import rights as a first step and issuing import licences as a second.'

(3) Article 4 is amended as follows:

(a) paragraph 4 is replaced by the following:

'4. By way of derogation from Article 6(1) of Regulation (EC) No 1301/2006, as regards Groups Nos 3, 6A, 6B, 6C, 6D and 8, each applicant may lodge more than one application for import licences for products in one group where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be regarded as a single application, for the purposes of the maximum quantity referred to in paragraph 5 of this Article.'

(b) paragraph 6 is replaced by the following:

'6. Except for Groups Nos 3, 6A, 6B, 6C, 6D and 8, licences carry an obligation to import from the country that is specified. For the groups concerned by this obligation, the country of origin shall be entered in box 8 of the application and of the licence itself, and the word 'yes' shall be marked with a cross.'

(4) In Article 5, paragraph 2 is replaced by the following:

'2. A security of EUR 50 per 100 kilograms shall be lodged at the time of submission of the licence application for Groups Nos 2, 3, 6A, 6B, 6C, 6D, 8, 9 and 10. For Groups Nos 1, 4A, 4B and 7, the security shall be set at EUR 10 per 100 kilograms and for import rights applications for Groups Nos 5A and 5B the security shall be set at EUR 35 per 100 kilograms.'

(5) In Article 6(3), the second subparagraph is replaced by the following:

'For Groups Nos 3, 4B, 5B, 6B, 6C and 10 the notification referred to in point (a) of the first subparagraph shall not apply.'

(6) Article 8 is replaced by the following:

*Article 8*

1. Release for free circulation within the quotas referred to in Article 1 of this Regulation shall be subject to the presentation of a certificate of origin issued by the competent authorities of China (for Groups Nos 9 and 10), Brazil (for Groups Nos 1, 4A, 4B, and 7) or Thailand (for Groups Nos 2, 5A and 5B) in accordance with Articles 57, 58 and 59 of Commission Implementing Regulation (EU) 2015/2447 (\*).

2. Paragraph 1 shall not apply to Groups Nos 3, 6A, 6B, 6C, 6D and 8.

(\* Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).'

(7) Annex I is replaced by the text set out in the Annex to this Regulation.

#### *Article 2*

#### **Derogations from Regulation (EC) No 616/2007 for the quota year 2018/2019**

1. By way of derogation from Regulation (EC) No 616/2007, as regards the quotas corresponding to Groups Nos 6C, 6D, 9 and 10 set out in Annex I to that Regulation as amended by point (7) of Article 1 of the present Regulation, the following pro rata quantities shall be made available for the quota year 2018/2019:

- (a) for order number 09.4266: 15 tonnes;
- (b) for order number 09.4267: 15 tonnes;
- (c) for order number 09.4268: 1 250 tonnes;
- (d) for order number 09.4269: 1 500 tonnes;
- (e) for order number 09.4283: 150 tonnes.

2. By way of derogation from Regulation (EC) No 616/2007, as regards the quotas corresponding to Groups Nos 6C, 6D, 9 and 10 set out in Annex I to that Regulation as amended by point (7) of Article 1 of the present Regulation, the following rules shall apply for the quota year 2018/2019:

- (a) applications for import licences for Groups 6C and 10 shall be submitted between the 8<sup>th</sup> calendar day and, no later than 13.00, Brussels time, the 15<sup>th</sup> calendar day following the date from which this Regulation applies;
- (b) applications for import licences for the subperiod from 1 April to 30 June 2019 for Groups 6D and 9 shall be submitted between the 8<sup>th</sup> calendar day and, no later than 13.00, Brussels time, the 15<sup>th</sup> calendar day following the date from which this Regulation applies;
- (c) Member States shall notify the Commission of the total quantity applied for and broken down by order number and origin, no later than the 7<sup>th</sup> working day following the end of the period for the submission of applications referred to in points (a) and (b);
- (d) import licences shall be issued as from the 7<sup>th</sup> and no later than the 12<sup>th</sup> working day following the end of the notification period referred to in point (c);
- (e) Member States shall notify the Commission between 16 and 31 May 2019 the quantities covered by the licences they have issued.

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*Article 3***Entry into force and application**

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

It shall apply from 1 April 2019.

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

Done at Brussels, 8 March 2019.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

## 'ANNEX I

**Poultry meat, salted or in brine <sup>(1)</sup>**

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
Brazil	1	Quarterly	09.4211	ex 0210 99 39	15,4 %	170 807	100 t	10 %
Thailand	2	Quarterly	09.4212	ex 0210 99 39	15,4 %	92 610	100 t	5 %
Other	3	Annual	09.4213	ex 0210 99 39	15,4 %	828	10 t	10 %

<sup>(1)</sup> Applicability of the preferential arrangements is determined on the basis of the CN code and is subject to the meat salted or in brine being poultry meat of CN 0207.

**Preparations of poultry meat other than turkey**

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
Brazil	4A	Quarterly	09.4214	1602 32 19	8 %	79 477	100 t	10 %
			09.4251	1602 32 11	630 EUR/t	15 800	100 t	10 %
			09.4252	1602 32 30	10,9 %	62 905	100 t	10 %
	4B	Annual	09.4253	1602 32 90	10,9 %	295	10 t	100 %
Thailand	5A	Quarterly	09.4215	1602 32 19	8 %	160 033	100 t	10 %
			09.4254	1602 32 30	10,9 %	14 000	100 t	10 %
			09.4255	1602 32 90	10,9 %	2 100	10 t	10 %
			09.4256	1602 39 29	10,9 %	13 500	100 t	10 %
	5B	Annual	09.4257	1602 39 21	630 EUR/t	10	10 t	100 %
			09.4258	ex 1602 39 85 <sup>(1)</sup>	10,9 %	600	10 t	100 %
			09.4259	ex 1602 39 85 <sup>(2)</sup>	10,9 %	600	10 t	100 %
Other	6A	Quarterly	09.4216	1602 32 19	8 %	11 443	10 t	10 %
			09.4260	1602 32 30	10,9 %	2 800	10 t	10 %
	6B	Annual	09.4261 <sup>(3)</sup>	1602 32 11	630 EUR/t	340	10 t	100 %
			09.4262	1602 32 90	10,9 %	470	10 t	100 %
			09.4263 <sup>(4)</sup>	1602 39 29	10,9 %	220	10 t	100 %
			09.4264 <sup>(4)</sup>	ex 1602 39 85 <sup>(1)</sup>	10,9 %	148	10 t	100 %
			09.4265 <sup>(4)</sup>	ex 1602 39 85 <sup>(2)</sup>	10,9 %	125	10 t	100 %
	6C	Annual	09.4266 <sup>(5)</sup>	1602 39 29	10,9 %	60	10 t	100 %
			09.4267 <sup>(5)</sup>	1602 39 85	10,9 %	60	10 t	100 %



Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
<i>Erga omnes</i>	6D	Quarterly	09.4268	1602 32 19	8 %	5 000	10 t	10 %
China	9	Quarterly	09.4269	1602 39 29	10,9 %	6 000	10 t	10 %
China	10	Annual	09.4283	1602 39 85	10,9 %	600	10 t	100 %

(<sup>1</sup>) Processed duck, geese, guinea fowl meat, containing 25 % or more but less than 57 % by weight of poultry meat or offal.

(<sup>2</sup>) Processed duck, geese, guinea fowl meat, containing less than 25 % by weight of poultry meat or offal.

(<sup>3</sup>) Other than Brazil, including Thailand.

(<sup>4</sup>) Other than Thailand, including Brazil.

(<sup>5</sup>) Other than China.

#### Preparations of turkey meat

Country	Group No	Management periodicity	Order number	CN Code	Customs duty	Annual quantity (tonnes)	Minimum per application	Maximum per application
Brazil	7	Quarterly	09.4217	1602 31	8,5 %	92 300	100 t	10 %
Other	8	Quarterly	09.4218	1602 31	8,5 %	11 596	10 t	10 %'

# DECISIONS

## COUNCIL DECISION (EU) 2019/399

of 7 March 2019

**on the position to be taken on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for modifications to UN Regulations Nos 0, 3, 4, 6, 7, 9, 10, 19, 23, 27, 38, 41, 48, 50, 51, 53, 55, 58, 62, 67, 69, 70, 73, 74, 77, 86, 87, 91, 92, 98, 104, 106, 107, 110, 112, 113, 116, 119, 122, 123 and 128, the proposal for an amendment to the Consolidated Resolution R.E.5, the proposals for four new UN Regulations, and the proposal for an amendment to Schedule 4 of the Revised 1958 Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 97/836/EC <sup>(1)</sup>, the Union acceded to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of those prescriptions ('Revised 1958 Agreement'). The Revised 1958 Agreement entered into force on 24 March 1998.
- (2) By Council Decision 2000/125/EC <sup>(2)</sup>, the Union acceded to the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles ('Parallel Agreement'). The Parallel Agreement entered into force on 15 February 2000.
- (3) Pursuant to Article 1 of the Revised 1958 Agreement and Article 6 of the Parallel Agreement, the Administrative Committee of the Revised 1958 Agreement and the Executive Committee of the Parallel Agreement ('the relevant UNECE Committees') may adopt the proposals for modifications to UN Regulations Nos 0, 3, 4, 6, 7, 9, 10, 19, 23, 27, 38, 41, 48, 50, 51, 53, 55, 58, 62, 67, 69, 70, 73, 74, 77, 86, 87, 91, 92, 98, 104, 106, 107, 110, 112, 113, 116, 119, 122, 123 and 128; the proposal for an amendment to the Consolidated Resolution R.E.5; the proposals for four new UN Regulations; and the proposal for an amendment to Schedule 4 of the Revised 1958 Agreement ('mega decision').
- (4) The relevant UNECE Committees, during the 177th session of the World Forum to be held between 11 and 15 March 2019, are to adopt a mega decision in relation to the administrative provisions and uniform technical prescriptions for the approval of and global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the relevant UNECE Committees, as regards the adoption of those modifications to Schedule 4 of the Revised 1958 Agreement, UN Regulations, and the Consolidated Resolution and those new UN Regulations, as the Regulations, in combination with the Consolidated Resolution, will be binding on the Union and capable of decisively influencing the content of Union law in the field of vehicle type-approval.

<sup>(1)</sup> Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 78).

<sup>(2)</sup> Council Decision 2000/125/EC of 31 January 2000 concerning the conclusion of the Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles ('Parallel Agreement') (OJ L 35, 10.2.2000, p. 12).

- (6) Directive 2007/46/EC of the European Parliament and of the Council <sup>(3)</sup> replaced the approval systems of the Member States with a Union approval procedure and established a harmonised framework containing administrative provisions and general technical requirements for all new vehicles, systems, components and separate technical units. That Directive incorporated regulations adopted under the Revised 1958 Agreement ('UN Regulations') in the EU type-approval system, either as requirements for type-approval or as alternatives to Union legislation. Since the adoption of Directive 2007/46/EC, UN Regulations have been increasingly incorporated into Union legislation.
- (7) In the light of experience and technical developments, the requirements relating to certain elements or features covered by UN Regulations Nos 0, 3, 4, 6, 7, 9, 10, 19, 23, 27, 38, 41, 48, 50, 51, 53, 62, 67, 69, 70, 73, 74, 77, 86, 87, 91, 92, 98, 104, 106, 107, 110, 112, 113, 116, 119, 122, 123 and 128, as well as by the Consolidated Resolution R.E.5 need to be either amended or supplemented. In addition, certain provisions of UN Regulations Nos 55, 58 and 107 need to be corrected.
- (8) In order to clarify and consolidate the component-related requirements currently contained in several UN Regulations, three new UN Regulations on light-signalling devices (LSD), road illumination devices (RID) and retro-reflective devices (RRD) need to be adopted. Those new UN Regulations will replace, without changing any of the detailed technical requirements already in force to date, 20 UN Regulations (Nos 3, 4, 6, 7, 19, 23, 27, 38, 50, 69, 70, 77, 87, 91, 98, 104, 112, 113, 119 and 123) that will no longer be used for new type approvals of vehicles. On 6 November 2018, the Council adopted a Decision relating to the position to be taken with respect to all those 23 UN Regulations for the November 2018 session of the relevant UNECE Committees (176th session of the World Forum). However, the relevant Committees did not vote on those Regulations in that session,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement and the Executive Committee of the Parallel Agreement during the 177th session of the World Forum to be held between 11 and 15 March 2019 shall be to vote in favour of the proposals listed in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Commission.

Done at Brussels, 7 March 2019.

*For the Council*  
*The President*  
C.D. DAN

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<sup>(3)</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

## ANNEX

Regulation No	Agenda item title	Document reference (1)
0	Proposal for the 01 series of amendments to UN Regulation No 0 on uniform provisions concerning the International Whole Vehicle Type Approval	ECE/TRANS/WP.29/2018/82
3	Proposal for the 03 series of amendments to UN Regulation No 3 (Retro-reflecting devices)	ECE/TRANS/WP.29/2018/91/Rev.1
4	Proposal for the 01 series of amendments to UN Regulation No 4 (Illumination of rear registration plates)	ECE/TRANS/WP.29/2018/92/Rev.1
6	Proposal for the 02 series of amendments to UN Regulation No 6 (Direction indicators)	ECE/TRANS/WP.29/2018/93/Rev.1
7	Proposal for the 03 series of amendments to UN Regulation No 7 (Position, stop and end-outline lamps)	ECE/TRANS/WP.29/2018/94/Rev.1
9	Proposal for the 08 series of amendments to UN Regulation No 9 (Noise of three-wheeled vehicles)	ECE/TRANS/WP.29/2019/6
10	Proposal for a new 06 series of amendments to UN Regulation No 10 (Electromagnetic compatibility)	ECE/TRANS/WP.29/2019/20
19	Proposal for the 05 series of amendments to UN Regulation No 19 (Front fog lamps)	ECE/TRANS/WP.29/2018/95/Rev.1
23	Proposal for the 01 series of amendments to UN Regulation No 23 (Reversing lamps)	ECE/TRANS/WP.29/2018/96/Rev.1
27	Proposal for the 05 series of amendments to UN Regulation No 27 (Advance warning triangles)	ECE/TRANS/WP.29/2018/97/Rev.1
38	Proposal for the 01 series of amendments to UN Regulation No 38 (Rear fog lamps)	ECE/TRANS/WP.29/2018/98/Rev.1
41	Proposal for Supplement 7 to the 04 series of amendments to UN Regulation No 41 (Noise emissions of motorcycles)	ECE/TRANS/WP.29/2019/3
48	Proposal for Supplement 12 to the 06 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2018/99/Rev.2
48	Proposal for Supplement 13 to the 05 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2018/100/Rev.1
48	Proposal for Supplement 18 to the 04 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2018/101
48	Proposal for Supplement 6 to the 03 series of amendments to UN Regulation No 48 (Installation of lighting and light-signalling devices)	ECE/TRANS/WP.29/2018/102
50	Proposal for the 01 series of amendments to UN Regulation No 50 (Position, stop, direction indicator lamps for mopeds and motorcycles)	ECE/TRANS/WP.29/2018/103/Rev.1

Regulation No	Agenda item title	Document reference (1)
51	Proposal for Supplement 5 to the 03 series of amendments to UN Regulation No 51 (Noise of M and N categories of vehicles)	ECE/TRANS/WP.29/2019/4/Rev.1
53	Proposal for Supplement 2 to the 02 series of amendments to UN Regulation No 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2018/86/Rev.1
53	Proposal for Supplement 20 to the 01 series of amendments to UN Regulation No 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2018/87/Rev.2
53	Proposal for Supplement 2 to the 02 series of amendments to UN Regulation No 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2018/104/Rev.1
53	Proposal for Supplement 20 to the 01 series of amendments to UN Regulation No 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2018/105
53	Proposal for Supplement 3 to the 02 series of amendments to UN Regulation No 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2019/17
53	Proposal for Supplement 21 to the 01 series of amendments to UN Regulation No 53 (Installation of lighting and light-signalling devices for L3 vehicles)	ECE/TRANS/WP.29/2019/18
55	Proposal for Corrigendum 1 to Revision 2 of UN Regulation No 55 (Mechanical couplings)	ECE/TRANS/WP.29/2019/21
58	Proposal for Corrigendum 1 to Revision 3 of UN Regulation No 58 (Rear underrun protection)	ECE/TRANS/WP.29/2019/22
62	Proposal for Supplement 3 to UN Regulation No 62 (Anti-theft for mopeds/motorcycles)	ECE/TRANS/WP.29/2019/8
67	Proposal for Supplement 16 to the 01 series of amendments to UN Regulation No 67 (LPG vehicles)	ECE/TRANS/WP.29/2019/9
67	Proposal for Supplement 1 to the 02 series of amendments to UN Regulation No 67 (LPG vehicles)	ECE/TRANS/WP.29/2019/10
69	Proposal for the 02 series of amendments to UN Regulation No 69 (Rear-marking plates for slow moving vehicles)	ECE/TRANS/WP.29/2018/106/Rev.1
70	Proposal for the 02 series of amendments to UN Regulation No 70 (Rear-marking plates for heavy and long vehicles)	ECE/TRANS/WP.29/2018/107/Rev.1
73	Proposal for Supplement 2 to the 01 series of amendments to UN Regulation No 73 (Lateral protection devices)	ECE/TRANS/WP.29/2019/11
74	Proposal for Supplement 11 to the 01 series of amendments to UN Regulation No 74 (Installation of lighting and light-signalling devices for mopeds)	ECE/TRANS/WP.29/2018/108/Rev.2
77	Proposal for the 01 series of amendments to UN Regulation No 77 (Parking lamps)	ECE/TRANS/WP.29/2018/109/Rev.1

Regulation No	Agenda item title	Document reference <sup>(1)</sup>
86	Proposal for Supplement 1 to the 01 series of amendments to UN Regulation No 86 (Installation of lighting and light-signalling devices for agricultural vehicles)	ECE/TRANS/WP.29/2018/110/Rev.1
86	Proposal for Supplement 7 to the original version of UN Regulation No 86 (Installation of lighting and light-signalling devices for agricultural vehicles)	ECE/TRANS/WP.29/2018/111
87	Proposal for the 01 series of amendments to UN Regulation No 87 (Daytime running lamps)	ECE/TRANS/WP.29/2018/112/Rev.1
91	Proposal for the 01 series of amendments to UN Regulation No 91 (Side marker lamps)	ECE/TRANS/WP.29/2018/113/Rev.1
92	Proposal for the 02 series of amendments to UN Regulation No 92 (Replacement exhaust silencing systems for motorcycles)	ECE/TRANS/WP.29/2019/7
98	Proposal for the 02 series of amendments to UN Regulation No 98 (Headlamps with gas-discharge light sources)	ECE/TRANS/WP.29/2018/114/Rev.1
104	Proposal for the 01 series of amendments to UN Regulation No 104 (Retro-reflective markings)	ECE/TRANS/WP.29/2018/115/Rev.1
106	Proposal for Supplement 17 to the original series of amendments to UN Regulation No 106 (Tyres for agricultural vehicles and their trailers)	ECE/TRANS/WP.29/2019/5
107	Proposal for Supplement 1 to the 08 series of amendments to UN Regulation No 107 (M2 and M3 vehicles)	ECE/TRANS/WP.29/2019/12
107	Proposal for Corrigendum 2 to Revision 4 of UN Regulation No 107 (M2 and M3 vehicles)	ECE/TRANS/WP.29/2019/23
107	Proposal for Corrigendum 2 to Revision 5 of UN Regulation No 107 (M2 and M3 vehicles)	ECE/TRANS/WP.29/2019/24
107	Proposal for Corrigendum 3 to Revision 6 of UN Regulation No 107 (M2 and M3 vehicles)	ECE/TRANS/WP.29/2019/25
107	Proposal for Corrigendum 2 to Revision 7 of UN Regulation No 107 (M2 and M3 vehicles)	ECE/TRANS/WP.29/2019/26
107	Proposal for Corrigendum 1 to Revision 8 of UN Regulation No 107 (M2 and M3 vehicles)	ECE/TRANS/WP.29/2019/27
110	Proposal for Supplement 2 to the 03 series of amendments to UN Regulation No 110 (CNG and LNG vehicles)	ECE/TRANS/WP.29/2019/13
110	Proposal for the 04 series of amendments to UN Regulation No 110 (CNG and LNG vehicles)	ECE/TRANS/WP.29/2019/16
112	Proposal for the 02 series of amendments to UN Regulation No 112 (Headlamps emitting an asymmetrical passing-beam)	ECE/TRANS/WP.29/2018/116/Rev.1
113	Proposal for the 03 series of amendments to UN Regulation No 113 (Headlamps emitting a symmetrical passing-beam)	ECE/TRANS/WP.29/2018/117/Rev.1
116	Proposal for Supplement 6 to UN Regulation No 116 (Anti-theft and alarm systems)	ECE/TRANS/WP.29/2019/14

Regulation No	Agenda item title	Document reference <sup>(1)</sup>
119	Proposal for the 02 series of amendments to UN Regulation No 119 (Cornering lamps)	ECE/TRANS/WP.29/2018/118/Rev.1
122	Proposal for Supplement 5 to UN Regulation No 122 (Heating systems)	ECE/TRANS/WP.29/2019/15
123	Proposal for the 02 series of amendments to UN Regulation No 123 (Adaptive front lighting systems (AFS))	ECE/TRANS/WP.29/2018/119/Rev.1
128	Proposal for Supplement 9 to the original version of UN Regulation No 128 (LED light sources)	ECE/TRANS/WP.29/2019/19
New UN Reg	Proposal for a new UN Regulation on uniform provisions concerning the approval of motor vehicles with regard to the Blind Spot Information System for the Detection of Bicycles	ECE/TRANS/WP.29/2019/28
New UN Reg	Proposal for a new UN Regulation on Light-Signalling Devices (LSD)	ECE/TRANS/WP.29/2018/157
New UN Reg	Proposal for a new UN Regulation on Road Illumination Devices (RID)	ECE/TRANS/WP.29/2018/158/Rev.1
New UN Reg	Proposal for a new UN Regulation on Retro-Reflective Devices (RRD)	ECE/TRANS/WP.29/2018/159/Rev.1

<sup>(1)</sup> All documents referred to in the table are available at: <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/gen2018.html>

Consolidated Resolution No	Agenda item title	Document reference
R.E.5	Proposal for amendment 3 to the Consolidated Resolution on the common specification of light source categories (R.E.5)	ECE/TRANS/WP.29/2019/29

Revised 1958 Agreement	Agenda item title	Document reference
Schedule 4	Proposal for an amendment to Schedule 4 of the Revised 1958 Agreement	ECE/TRANS/WP.29/2018/165

## CORRIGENDA

**Corrigendum to Commission Implementing Regulation (EU) 2018/1565 of 17 October 2018 concerning the authorisation of a preparation of endo-1,4-beta-mannanase produced by *Paenibacillus lentus* (DSM 28088) as a feed additive for chickens for fattening, chickens reared for laying and minor poultry species other than laying birds, turkeys for fattening, turkeys reared for breeding, weaned piglets, pigs for fattening and minor porcine species (holder of authorisation Elanco GmbH)**

(Official Journal of the European Union L 262 of 19 October 2018)

On page 26, in the Annex, in the fourth column 'Composition, chemical formula, description, analytical method'; under 'Additive composition':

*for:* '—  $1,6 \times 10^8$  U (1)/g solid form;  
—  $5,9 \times 10^8$  U/g liquid form.'

*read:* '—  $1,6 \times 10^8$  U (1)/kg solid form;  
—  $5,9 \times 10^8$  U/L liquid form.'

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