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DECISIONS

2012/190/EU:

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EN

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 26 March 2012

on the conclusion of the International Cocoa Agreement 2010

(2012/189/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(3) and (4), in conjunction with Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) On 25 June 2010 the negotiating conference, established under the auspices of the United Nations Conference on Trade and Development, approved the text of the International Cocoa Agreement 2010 ('the Agreement').

(2) The Agreement was negotiated to replace the International Cocoa Agreement 2001 ('the 2001 Agreement'), which has been extended until 30 September 2012.

(3) The Agreement is open for signature from 1 October 2010 until 30 September 2012 and the instruments of ratification, acceptance or approval may be deposited during the same period.

(4) The aims of the Agreement fall under the common commercial policy.

(5) The European Union is a party to the 2001 Agreement, and the signature of the Agreement and the deposit of its instrument of provisional application have already been authorised by Council Decision 2011/634/EU [1]. It is therefore in the interest of the Union to conclude the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The International Cocoa Agreement 2010 ('the Agreement') is hereby approved on behalf of the European Union [2].

Article 2

The President of the Council shall, on behalf of the Union, deposit the acts provided for in Article 54 of the Agreement [3].

Article 3

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

Done at Brussels, 26 March 2012.

For the Council

The President

N. WAMMEN

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[1] OJ L 259, 4.10.2011, p. 7.

[2] The text of the Agreement has been published, together with the decision on signature, in OJ L 259, 4.10.2011, p. 8.

[3] The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 307/2012

of 11 April 2012

establishing implementing rules for the application of Article 8 of Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods [1], and in particular Article 8(6) thereof,

Whereas:

(1) Requests by Member States or on the initiative of the Commission, to initiate the procedure under Article 8(2) of Regulation (EC) No 1925/2006 to prohibit, restrict or place under Union scrutiny a substance other than vitamins or minerals, or an ingredient containing a substance other than vitamins or minerals that is added to foods or used in the manufacture of foods should meet certain conditions and uniform rules should be established for checking that these conditions are met. One of the conditions laid down in Article 8(1) of Regulation (EC) No 1925/2006 is that the intake of the substance should greatly exceed normal intake of a balanced and varied diet and it should present a potential risk to consumers as demonstrated by relevant scientific data. Further, Article 8(1) of Regulation (EC) No 1925/2006 provides that the procedure should also be applied where the substance presents a potential risk to health for reasons other than a great excess of its normal intake. In addition, Article 8(1) of Regulation (EC) No 1925/2006 provides that the substance should be added to foods or used in the manufacture of foods.

(2) For the purpose of the application of the condition mentioned above, dietary intakes of the concerned substance that greatly exceed those expected under normal conditions of consumption of a balanced and varied diet should reflect actual intake of the substance and not a theoretical assumption of intake, and should be assessed on a case-by-case basis in comparison with the average level of intake of the substance by the general adult population or other population groups for which potential risks to consumers have been identified.

(3) The Member State putting forward a request should provide the necessary information to demonstrate that the conditions required by Regulation (EC) No 1925/2006 are met. This should include information on the placing on the market of food products containing the substance and the available and relevant generally accepted scientific evidence that associates the substance with a potential risk to consumers. Only those requests ascertained as complete should be sent to the European Food Safety Authority (hereafter 'the Authority') for a safety assessment based on the available information. The Authority should adopt an opinion on the safety of the substance within a specified time limit as laid down in Article 29(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council [2]. Interested parties should be allowed to submit comments to the Commission following the publication of the opinion by the Authority.

(4) Article 8(4) of Regulation (EC) No 1925/2006 states that food business operators, or any other interested parties, may at any time submit for evaluation to the Authority a file containing the scientific data demonstrating the safety of a substance listed in Annex III, Part C to that Regulation, under the conditions of its use in a food or in a category of foods and explaining the purpose of that use. Any such file submitted by a food business operator or interested party should be based on guidance documents adopted or endorsed by the Authority, such as the guidance on submissions for safety evaluation of sources of nutrients or of other ingredients proposed for use in the manufacture of food, or any further revised version of such guidance.

(5) In order for the Commission to take a decision concerning a substance included in Annex III, Part C to Regulation (EC) No 1925/2006 within the required deadline, it is necessary to take into consideration only those files submitted within 18 months from the date a substance has been included in that Annex. Furthermore, in order for the Commission to take a decision within the stipulated deadline, the Authority should give its opinion on the safety of the substance within a time

[1] OJ L 404, 30.12.2006, p. 26.

[2] OJ L 31, 1.2.2002, p. 1.

limit of nine months from receiving a file that is considered to be valid and complete in accordance with the guidance documents adopted or endorsed by the Authority.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes implementing rules for the application of Article 8 of Regulation (EC) No 1925/2006 and in particular:

(a) the conditions for the use of the procedure referred to in paragraphs 1 and 2 of Article 8 of Regulation (EC) No 1925/2006; and

(b) the procedure referred to in paragraphs 4 and 5 of Article 8 of Regulation (EC) No 1925/2006 concerning substances listed in Annex III, Part C thereto.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

(a) 'request' means the submission to the Commission by a Member State of information, including scientific data, for the purpose of initiating the procedure under paragraph 2 of Article 8 of Regulation (EC) No 1925/2006;

(b) 'file' means a file as referred to in paragraphs 4 and 5 of Article 8 of Regulation (EC) No 1925/2006 that is submitted by a food business operator or interested party to the Authority;

(c) 'placing on the market' as defined by Article 3(8) of Regulation (EC) No 178/2002.

Article 3

Conditions to be met for the request

1. In the assessment of the conditions under which the concerned substance is added to foods or used in the manufacture of foods, as laid down in paragraph 1 of Article 8 of Regulation (EC) No 1925/2006, the placing on the market in one or more Member States of the food product to which the substance has been added shall be taken into account.

2. Member States may submit a request to the Commission when the assessment referred to in paragraph 1 shows at least one of the following:

(a) a potential risk to consumers is associated with the ingestion of amounts of the substance that greatly exceed those reasonably expected under normal conditions of consumption of a balanced and varied diet, due to the conditions under which the substance is added to food or used in the manufacture of food;

(b) a potential risk to consumers is associated with the consumption of this substance by the general adult population or other specified population group for which a potential risk has been identified.

3. For the purposes of this Regulation those conditions that would result in the ingestion of amounts of a substance greatly exceeding those reasonably expected to be ingested under normal conditions of consumption of a balanced and varied diet shall occur under actual circumstances and shall be assessed on a case-by-case basis in comparison with the average intake of the concerned substance by the general adult population or other specified population group for which health concerns have been raised.

4. The conditions and requirements laid down in paragraphs 1, 2 and 3 of this Article and the requirements laid down in Article 4 of this Regulation, shall apply *mutatis mutandis* where the procedure under Article 8 of Regulation (EC) No 1925/2006 is initiated by the Commission.

Article 4

Content of the request

1. The request shall contain the available and relevant generally accepted scientific evidence demonstrating that the conditions specified in Article 8(1) of Regulation (EC) No 1925/2006 are met and shall include:

(a) Evidence demonstrating the addition of the substance to food or use of the substance in the manufacture of food.

Such evidence shall include information on the current placing on the market of food products containing the substance as referred to in paragraph 1 of Article 3 of this Regulation.

(b) In cases referred to in Article 3(2)(a), evidence demonstrating that intake of the substance greatly exceeds normal conditions of consumption of a balanced and varied diet, as assessed in accordance with Article 3(3).

Such evidence shall include scientific data that represents actual dietary intake of the substance obtained from the most recently available dietary intake surveys or food consumption surveys. The inclusion of foods to which the substance has been added and/or food supplements containing the substance may be taken into account. Member States shall provide justification for the basis of their assessment of 'normal conditions of consumption of a balanced and varied diet' when making the request.

(c) Evidence demonstrating a potential risk to consumers from consumption of the substance.

This evidence shall consist of relevant scientific data including unpublished validated reports, scientific opinions by a public risk assessment body or independent and peer-reviewed articles. A summary of the scientific data and the list of references of the scientific data shall be provided.

2. The Commission may ask the Member State to provide clarifications or additional information if the request is incomplete.

3. The Commission shall publish any complete request made by a Member State on its official website.

4. The Commission shall send the request to the Authority accompanied by all the available information, following consultation of the Member States. The Authority shall adopt a scientific opinion within a specified time limit as laid down by Article 29(3) of Regulation (EC) No 178/2002.

5. Interested parties may submit comments to the Commission within 30 days from the publication by the Authority of its opinion.

Article 5

Substance included in Annex III, Part C

1. To be considered valid, a file submitted by a food business operator or any other interested party to the Authority in view of a safety assessment of the substance placed in Part C of Annex III to Regulation (EC) No 1925/2006, pursuant to the procedure provided under Article 8(4) of Regulation (EC) No 1925/2006, shall be based on relevant guidance documents adopted or endorsed by the Authority.

In the case where it considers a file as not valid for the purpose of the first subparagraph, the Authority shall inform the food business operator or interested party that has submitted the file and the Commission, indicating the reasons why the file is not considered valid.

2. Only files submitted within 18 months from the entry into force of a decision that includes a substance to Part C of Annex III to Regulation (EC) No 1925/2006 pursuant to Article 8(2) of Regulation (EC) No 1925/2006 shall be taken into account by the Authority as being a valid file for the purposes of a decision as laid down in paragraph 5 of Article 8 of Regulation (EC) No 1925/2006.

Article 6

Opinion of the Authority

1. The Authority shall give its opinion on files referred to in Article 5(1) of this Regulation within nine months from the date of receipt of a valid file. The Authority shall assess the validity of the file within 30 days from receipt of the file.

2. The Authority may request the food business operator or interested party to supplement the data or information submitted in a file within a specified time limit. When the Authority seeks supplementary information from the food business operator or any other interested party, the time limit referred to in paragraph 1 shall be extended only once by up to three months and shall include the time needed by the food business operator or any interested party to provide this supplementary information. The food business operator or interested party shall submit the requested information within 15 days from the date of receipt of the Authority's request.

Article 7

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, 11 April 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 308/2012

of 11 April 2012

amending the rate of additional duty for products listed in Annex I to Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of 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 Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America [1], and in particular Article 3 thereof,

Whereas:

(1) As a result of the United States' failure to bring the Continued Dumping and Subsidy Offset Act (CDSOA) in compliance with its obligations under the WTO agreements, Regulation (EC) No 673/2005 imposed a 15 % *ad valorem* additional customs duty on imports of certain products originating in the United States as from 1 May 2005. In conformity with the WTO authorisation to suspend the application of concessions to the United States, the Commission is to adjust the level of suspension annually to the level of nullification or impairment caused by the CDSOA to the European Union at that time.

(2) The CDSOA disbursements for the most recent year for which data are available relate to the distribution of anti-dumping and countervailing duties collected during the Fiscal Year 2011 (1 October 2010 – 30 September 2011). On the basis of the data published by the United States' Customs and Border Protection, the level of nullification or impairment caused to the Union is calculated at USD 3 241 000.

(3) The level of nullification or impairment and consequently of suspension has decreased. However, the level of suspension cannot be adjusted to the level of nullification or impairment by adding or removing products from the list in Annex I to Regulation (EC) No 673/2005. As a consequence, in accordance with Article 3(1)(e) of that Regulation, the Commission should keep the list of products in Annex I unchanged and amend the rate of the additional duty in order to adjust the level of suspension to the level of nullification or impairment. The three products listed in Annex I should therefore be maintained on the list and the rate of additional import duty should be amended and set at 6 %.

(4) The effect of a 6 % *ad valorem* additional import duty on imports from the United States of the products in Annex I represents, over one year, a value of trade that does not exceed USD 3 241 000.

(5) To make sure that there are no delays in the application of the amended rate of additional import duty, this Implementing Regulation should enter into force on the day of its publication.

(6) The measures provided for in this Implementing Regulation are in accordance with the opinion delivered by the Committee on Trade Retaliation,

HAS ADOPTED THIS REGULATION:

Article 1

An *ad valorem* duty of 6 % additional to the customs duty applicable under Council Regulation (EEC) No 2913/92 [2] shall be imposed on the products originating in the United States of America listed in Annex I to Regulation (EC) No 673/2005.

Article 2

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

It shall apply from 1 May 2012.

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

Done at Brussels, 11 April 2012.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 110, 30.4.2005, p. 1.

[2] OJ L 302, 19.10.1992, p. 1.

ANNEX I

The products on which additional duties are to apply are identified by their eight-digit CN codes. The description of products classified under these codes can be found in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1] as amended by Council Regulation (EC) No 493/2005 [2].

0710 40 00

9003 19 30

8705 10 00

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 82, 31.3.2005, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 309/2012

of 11 April 2012

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors [2], and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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, 11 April 2012.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MA	52,4
	TN	107,6
	TR	101,9
	ZZ	87,3
0707 00 05	TR	148,1
	ZZ	148,1
0709 91 00	EG	66,1
	ZZ	66,1
0709 93 10	MA	81,4
	TR	120,6
	ZZ	101,0
0805 10 20	EG	52,7
	IL	72,2
	MA	48,5
	TN	56,3
	TR	61,6
	ZA	34,5
	ZZ	54,3
0805 50 10	TR	48,2
	ZZ	48,2
0808 10 80	AR	86,1
	BR	85,2
	CA	121,8
	CL	103,1
	CN	113,0
	MK	31,8
	US	164,2
	ZA	153,1
	ZZ	107,3
0808 30 90	AR	105,5
	CL	129,5
	CN	77,5
	US	107,0
	UY	67,7
	ZA	111,7
	ZZ	99,8

(1) Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 4 April 2012

amending Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC as regards the temporary derogations from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius, Seychelles and Madagascar with regard to preserved tuna and tuna loins

(notified under document C(2012) 2321)

(2012/190/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements [1], and in particular Article 36(4) of Annex II thereof,

Whereas:

(1) On 17 July 2008 the Commission adopted Decision 2008/603/EC [2] granting a temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius with regard to preserved tuna and tuna loins. By Commission Implementing Decision 2011/377/EU [3] extension of that temporary derogation was granted until 31 December 2011. On 6 October 2011 Mauritius requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information received from Mauritius the catches of raw tuna remain unusually low even compared to the normal seasonal variations. Given that the abnormal situation since 2008 remains unchanged and because of the problem of piracy in the Indian Ocean a new derogation should be granted with effect from 1 January 2012.

(2) On 14 August 2008 the Commission adopted Decision 2008/691/EC [4] granting a temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 to take account of the special situation of Seychelles with regard to preserved tuna. By Implementing Decision 2011/377/EU extension of that temporary derogation was granted until 31 December 2011. On 17 November 2011 Seychelles requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information provided by Seychelles the catches of raw tuna remain very low even compared to the normal seasonal variations. Furthermore, the threat of piracy results in a reduced number of fishing days in lucrative but high risk areas. Given that the abnormal situation since 2008 remains unchanged, a new derogation should be granted with effect from 1 January 2012.

(3) On 18 September 2008 the Commission adopted Decision 2008/751/EC [5] granting a temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 to take account of the special situation of Madagascar with regard to preserved tuna and tuna loins. By Implementing Decision 2011/377/EU extension of that temporary derogation was granted until 31 December 2011. On 25 October 2011 Madagascar requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to this information sourcing of raw originating tuna remains difficult due to the problem of piracy in the Indian Ocean. Given that the abnormal situation since 2008 remains unchanged, a new derogation should be granted with effect from 1 January 2012.

(4) Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC applied until 31 December 2011. It is necessary to ensure continuity of importations from the ACP countries to the Union as well as a smooth transition to the Interim Economic Partnership Agreement between the Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part (ESA-EU Interim Economic Partnership

[1] OJ L 348, 31.12.2007, p. 1.
[2] OJ L 194, 23.7.2008, p. 9.
[3] OJ L 168, 28.6.2011, p. 12.
[4] OJ L 225, 23.8.2008, p. 17.
[5] OJ L 255, 23.9.2008, p. 31.

Agreement). Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC should therefore be extended from 1 January 2012 to 31 December 2012.

(5) It would be inappropriate to grant derogations in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 which exceed the annual quota granted to the ESA region under the ESA-EU Interim Economic Partnership Agreement. Consequently the quota amounts for 2012 should be set at 3 000 tonnes of preserved tuna and 600 tonnes of tuna loins for Mauritius, 3 000 tonnes of preserved tuna and 600 tonnes of tuna loins for Seychelles and 2 000 tonnes of preserved tuna and 500 tonnes of tuna loins for Madagascar.

(6) In the interest of clarity, it is appropriate to set out explicitly that the only non-originating materials to be used for the manufacture of preserved tuna and tuna loins of CN code 1604 14 16 should be tuna of HS Headings 0302 or 0303, in order for the preserved tuna and tuna loins to benefit from the derogation.

(7) Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC should therefore be amended accordingly.

(8) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/603/EC is amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(a) of that Annex, preserved tuna and tuna loins of HS Heading 1604 manufactured from non-originating tuna of HS Headings 0302 or 0303 shall be regarded as originating in Mauritius in accordance with the terms set out in Articles 2 to 5 of this Decision.';

2. Article 2 is replaced by the following:

'*Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for release for free circulation into the Community from Mauritius during the periods of 1 January 2008 until 31 December 2008, 1 January 2009 until 31 December 2009, 1 January 2010 until 31 December 2010, 1 January 2011 until 31 December 2011 and 1 January 2012 until 31 December 2012.';

3. Article 6 is replaced by the following:

'*Article 6*

This Decision shall apply from 1 January 2008 until 31 December 2012.';

4. the Annex is replaced by the text set out in Annex I to this Decision.

Article 2

Decision 2008/691/EC is amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(a) of that Annex, preserved tuna and tuna loins of HS Heading 1604 manufactured from non-originating tuna of HS Headings 0302 or 0303 shall be regarded as originating in Seychelles in accordance with the terms set out in Articles 2 to 5 of this Decision.';

2. Article 2 is replaced by the following:

'*Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for release for free circulation into the Community from Seychelles during the periods of 1 January 2008 until 31 December 2008, 1 January 2009 until 31 December 2009, 1 January 2010 until 31 December 2010, 1 January 2011 until 31 December 2011 and 1 January 2012 until 31 December 2012.';

3. Article 6 is replaced by the following:

'*Article 6*

This Decision shall apply from 1 January 2008 until 31 December 2012.';

4. the Annex is replaced by the text set out in Annex II to this Decision.

Article 3

Decision 2008/751/EC is amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with its Article 36(1)(a), preserved tuna and tuna loins of HS Heading 1604 manufactured from non-originating tuna of HS Headings 0302 or 0303 shall be regarded as originating in Madagascar in accordance with the terms set out in Articles 2 to 5 of this Decision.';

2. Article 2 is replaced by the following:

'*Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for release for free circulation into the Community from Madagascar during the periods of 1 January 2008 until 31 December 2008, 1 January 2009 until 31 December 2009, 1 January 2010 until 31 December 2010, 1 January 2011 until 31 December 2011 and 1 January 2012 until 31 December 2012.';

3. Article 6 is replaced by the following:

'*Article 6*

This Decision shall apply from 1 January 2008 until 31 December 2012.';

4. the Annex is replaced by the text set out in Annex III to this Decision.

Article 4

This Decision shall apply from 1 January 2012.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 4 April 2012.

For the Commission

Algirdas ŠEMETA

Member of the Commission

ANNEX I

'ANNEX

Order No	CN code	Description of goods	Periods	Quantities (tonnes)
09.1668	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna (1)	1.1.2008 to 31.12.2008	3 000
			1.1.2009 to 31.12.2009	3 000
			1.1.2010 to 31.12.2010	3 000
			1.1.2011 to 31.12.2011	3 000
			1.1.2012 to 31.12.2012	3 000
09.1669	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	600
			1.1.2009 to 31.12.2009	600
			1.1.2010 to 31.12.2010	600
			1.1.2011 to 31.12.2011	600
			1.1.2012 to 31.12.2012	600

(1) In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

ANNEX II

'ANNEX

Order No	CN code	Description of goods	Periods	Quantity (tonnes)
09.1666	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna (1)	1.1.2008 to 31.12.2008	3 000
			1.1.2009 to 31.12.2009	3 000
			1.1.2010 to 31.12.2010	3 000
			1.1.2011 to 31.12.2011	3 000
			1.1.2012 to 31.12.2012	3 000
09.1630	1604 14 16	Tuna loins	1.1.2011 to 31.12.2011	600
			1.1.2012 to 31.12.2012	600

(1) In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

ANNEX III

'ANNEX

Order No	CN code	Description of goods	Periods	Quantities (tonnes)
09.1645	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna (1)	1.1.2008 to 31.12.2008	2 000
			1.1.2009 to 31.12.2009	2 000
			1.1.2010 to 31.12.2010	2 000
			1.1.2011 to 31.12.2011	2 000
			1.1.2012 to 31.12.2012	2 000
09.1646	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	500
			1.1.2009 to 31.12.2009	500
			1.1.2010 to 31.12.2010	500
			1.1.2011 to 31.12.2011	500
			1.1.2012 to 31.12.2012	500

(1) In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

COMMISSION IMPLEMENTING DECISION

of 10 April 2012

allowing Member States to extend provisional authorisations granted for the new active substances amisulbrom, chlorantraniliprole, meptyldinocap, pinoxaden, silver thiosulphate and tembotrione

(notified under document C(2012) 2259)

(Text with EEA relevance)

(2012/191/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [1], and in particular the fourth subparagraph of Article 8(1) thereof,

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC [2], and in particular Article 80(1)(a) thereof,

Whereas:

(1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Directive 91/414/EEC shall continue to apply to active substances for which a decision has been adopted in accordance with Article 6(3) of Directive 91/414/EEC before 14 June 2011.

(2) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2006 the United Kingdom received an application from Nissan Chemical Europe SARL for the inclusion of the active substance amisulbrom in Annex I to Directive 91/414/EEC. Commission Decision 2007/669/EC [3] confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(3) In accordance with Article 6(2) of Directive 91/414/EEC, in February 2007 Ireland received an application from DuPont International Operations SARL for the inclusion of the active substance chlorantraniliprole in Annex I to Directive 91/414/EEC. Commission Decision 2007/560/EC [4] confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(4) In accordance with Article 6(2) of Directive 91/414/EEC, in August 2005 the United Kingdom received an application from Dow Agrosciences for the inclusion of the active substance meptyldinocap in Annex I to Directive 91/414/EEC. Commission Decision 2006/589/EC [5] confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(5) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2004 the United Kingdom received an application from Syngenta Ltd for the inclusion of the active substance pinoxaden in Annex I to Directive 91/414/EEC. Commission Decision 2005/459/EC [6] confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(6) In accordance with Article 6(2) of Directive 91/414/EEC, in January 2003 the Netherlands received an application from Enhold BV for the inclusion of the active substance silver thiosulphate in Annex I to Directive 91/414/EEC. Commission Decision 2003/850/EC [7] confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(7) In accordance with Article 6(2) of Directive 91/414/EEC, in November 2005 Austria received an application from Bayer CropScience AG for the inclusion of the active substance tembotrione in Annex I to Directive 91/414/EEC. Commission Decision 2006/586/EC [8] confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

(8) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive

[1] OJ L 230, 19.8.1991, p. 1.
[2] OJ L 309, 24.11.2009, p. 1.
[3] OJ L 274, 18.10.2007, p. 15.
[4] OJ L 213, 15.8.2007, p. 29.
[5] OJ L 240, 2.9.2006, p. 9.
[6] OJ L 160, 23.6.2005, p. 32.
[7] OJ L 322, 9.12.2003, p. 28.
[8] OJ L 236, 31.8.2006, p. 31.

91/414/EEC and, in particular, the conditions relating to the detailed assessment of the active substances and the plant protection products in the light of the requirements laid down by that Directive.

(9) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The rapporteur Member States submitted the respective draft assessment reports to the Commission on 15 July 2008 (amisulbrom), on 11 February 2009 (chlorantraniliprole), on 25 October 2006 (meptyldinocap), on 30 November 2005 (pinoxaden), on 9 November 2005 (silver thiosulphate) and on 2 February 2007 (tembotrione).

(10) Following submission of the draft assessment reports by the rapporteur Member States, it has been found to be necessary to request further information from the applicants and to have the rapporteur Member States examine that information and submit their assessment. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluation within the time-frame provided for in Directive 91/414/EEC, read in conjunction with Commission Decisions 2010/353/EU [1] (amisulbrom, chlorantraniliprole, meptyldinocap and pinoxaden) and 2010/149/EU [2] (silver thiosulphate and tembotrione).

(11) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible approval in accordance with Article 13(2) of Regulation (EC) No 1107/2009 for amisulbrom, chlorantraniliprole, meptyldinocap, pinoxaden, silver thiosulphate and tembotrione will have been completed within 24 months.

(12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing amisulbrom, chlorantraniliprole, meptyldinocap, pinoxaden, silver thiosulphate or tembotrione for a period ending on 31 May 2014 at the latest.

Article 2

This Decision shall expire on 31 May 2014.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 10 April 2012.

For the Commission
John DALLI
Member of the Commission

[1] OJ L 160, 26.6.2010, p. 26.
[2] OJ L 60, 10.3.2010, p. 24.

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