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## Legislation

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

# EN

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

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2015/1743

of 28 September 2015

**approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Ovos Moles de Aveiro (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Portugal's application for the approval of amendments to the specification for the protected geographical indication 'Ovos Moles de Aveiro', registered under Commission Regulation (EC) No 286/2009 <sup>(2)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation <sup>(3)</sup>.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Ovos Moles de Aveiro' (PGI) are hereby approved.

*Article 2*

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

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 286/2009 of 7 April 2009 entering certain names in the register of protected designations of origin and protected geographical indications (Melva de Andalucía (PGI), Caballa de Andalucía (PGI), Ovos Moles de Aveiro (PGI), Castagna di Vallerano (PDO)) (OJ L 94, 8.4.2009, p. 15).

<sup>(3)</sup> OJ C 170, 23.5.2015, p. 10.

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

Done at Brussels, 28 September 2015.

*For the Commission,  
On behalf of the President,  
Phil HOGAN  
Member of the Commission*

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1744****of 28 September 2015****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Limone di Siracusa (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected geographical indication 'Limone di Siracusa', registered under Commission Regulation (EU) No 96/2011 <sup>(2)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation <sup>(3)</sup>.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Limone di Siracusa' (PGI) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 28 September 2015.

*For the Commission,  
On behalf of the President,  
Phil HOGAN  
Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Regulation (EU) No 96/2011 of 3 February 2011 entering a name in the register of protected designations of origin and protected geographical indications [Limone di Siracusa (PGI)] (OJ L 30, 4.2.2011, p. 25).

<sup>(3)</sup> OJ C 165, 20.5.2015, p. 5.

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1745****of 30 September 2015****entering a name in the register of traditional specialties guaranteed (Hollandse maatjesharing/  
Hollandse Nieuwe/Holländischer Matjes (TSG))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the Netherlands' application to register the name 'Hollandse maatjesharing'/'Hollandse Nieuwe'/'Holländischer Matjes' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Hollandse maatjesharing'/'Hollandse Nieuwe'/'Holländischer Matjes' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Hollandse maatjesharing'/'Hollandse Nieuwe'/'Holländischer Matjes' (TSG) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.7. — Fresh fish, molluscs and crustaceans and products derived therefrom, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 30 September 2015.

*For the Commission**The President*

Jean-Claude JUNCKER

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.<sup>(2)</sup> OJ C 156, 12.5.2015, p. 19.<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1746**  
**of 30 September 2015**  
**amending Implementing Regulation (EU) No 750/2014 by extending the period of application of**  
**the protection measures in relation to porcine epidemic diarrhoea**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 18(1) and (7) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 750/2014 <sup>(2)</sup> was adopted following reports of a novel swine enteric coronavirus disease caused by emerging porcine alphacoronaviruses, including porcine epidemic diarrhoea virus and a new porcine deltacoronavirus in North America. That Implementing Regulation lays down protection measures in relation to the introduction into the Union of consignments of live pigs for breeding and production from the areas in which the disease caused by those viruses is present in order to provide for the fulfilment of the necessary guarantees at the holding of origin and to prevent the introduction of porcine epidemic diarrhoea caused by those viruses into the Union. Those protection measures are to apply until 12 January 2015.
- (2) Implementing Regulation (EU) No 750/2014 was amended by Implementing Regulation (EU) No 1306/2014 <sup>(3)</sup> in order to extend its date of application until 31 October 2015 as the epidemiological situation in the third countries affected by novel swine enteric coronavirus disease caused by emerging porcine alphacoronaviruses, including the porcine epidemic diarrhoea virus and the porcine deltacoronavirus, had not changed in terms of the risk of the spread of those porcine entero-coronaviruses since the date of adoption of Implementing Regulation (EU) No 750/2014.
- (3) In light of the evolution in the disease situation in the third countries concerned and in the absence of new scientific information, the protection measures established by Implementing Regulation (EU) No 750/2014 should be prolonged until the end of October 2016. The period of application of that Implementing Regulation should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

In the second paragraph of Article 2 of Implementing Regulation (EU) No 750/2014, the date '31 October 2015' is replaced by '31 October 2016'.

*Article 2*

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

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 750/2014 of 10 July 2014 on protection measures in relation to porcine epidemic diarrhoea as regards the animal health requirements for the introduction into the Union of porcine animals (OJ L 203, 11.7.2014, p. 91).

<sup>(3)</sup> Commission Implementing Regulation (EU) No 1306/2014 of 8 December 2014 amending Implementing Regulation (EU) No 750/2014 by extending the period of application of the protection measures in relation to porcine epidemic diarrhoea (OJ L 351, 9.12.2014, p. 1).

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

Done at Brussels, 30 September 2015.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1747****of 30 September 2015****correcting the Annex to Regulation (EU) No 26/2011 concerning the authorisation of vitamin E as a feed additive for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC <sup>(2)</sup>.
- (2) Vitamin E was subject to re-evaluation and authorised by Commission Regulation (EU) No 26/2011 <sup>(3)</sup> until 4 February 2021 as a feed additive for all animal species.
- (3) Although Article 1 of Regulation (EU) No 26/2011 refers to the preparations of vitamin E that are authorised as feed additives subject to the conditions laid down in the Annex thereto, there is no reference to preparations in that Annex. This inconsistency leads the control authorities of some Member States to consider that preparations containing vitamin E are not authorised.
- (4) To enable the correct interpretation of Regulation (EU) No 26/2011, it is necessary to include a reference in the Annex to that Regulation that clarifies the use and placing on the market of preparations containing vitamin E, as this was the intention when the Regulation was adopted.
- (5) In addition, experience with official controls on the labelling of vitamin E showed that clarification should be brought as regards the specific name given to the additive.
- (6) Regulation (EU) No 26/2011 should therefore be corrected accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EU) No 26/2011 shall be amended as follows:

- (1) in the column under the heading 'Additive':
  - 'Vitamin E/all-rac-alpha-tocopheryl acetate' is replaced by "Vitamin E" or "all-rac-alpha-tocopheryl acetate",
  - 'Vitamin E/RRR alpha tocopheryl acetate' is replaced by "Vitamin E" or "RRR alpha tocopheryl acetate",
  - 'Vitamin E/RRR alpha tocopherol' is replaced by "Vitamin E" or "RRR alpha tocopherol";

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs (OJ L 270, 14.12.1970, p. 1).

<sup>(3)</sup> Commission Regulation (EU) No 26/2011 of 14 January 2011 concerning the authorisation of vitamin E as a feed additive for all animal species (OJ L 11, 15.1.2011, p. 18).

(2) in the column under the heading 'Other provisions', the following point is added:

'3. Vitamin E may be placed on the market and used as an additive consisting of a preparation'.

*Article 2*

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

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

Done at Brussels, 30 September 2015.

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

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1748****of 30 September 2015****derogating in respect of claim year 2015 from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the level of advance payments for direct payments and area-related and animal-related rural development measures and from the first subparagraph of Article 75(2) of that Regulation as regards direct payments**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(1)</sup>, and in particular Article 75(3) thereof,

Whereas:

- (1) Pursuant to the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013, from 16 October to 30 November Member States may pay advances of up to 50 % for direct payments under Regulation (EU) No 1307/2013 of the European Parliament and of the Council <sup>(2)</sup> and up to 75 % for area-related and animal-related support measures under Regulation (EU) No 1305/2013 of the European Parliament and of the Council <sup>(3)</sup>.
- (2) Article 75(2) of Regulation (EU) No 1306/2013 provides that payments referred to in paragraph 1 of that Article, including advances for direct payments, shall not be made before the administrative and on-the-spot checks to be carried out pursuant to Article 74 of that Regulation have been finalised. However, as regards area-related and animal-related support measures under rural development, Article 75(2) of Regulation (EU) No 1306/2013 allows advances to be paid after the administrative checks pursuant to Article 59(1) of that Regulation have been finalised.
- (3) The severity of the economic situation in certain agricultural sectors, and particularly in the dairy market, has generated serious financial difficulties and cash-flow problems for beneficiaries. That situation coincides with the first year of implementation of the new direct payment schemes. Due to the difficulties experienced by Member States in their practical implementation of those schemes, the administration of the single application, aid applications and payment claims and applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme has been delayed. As a consequence, the necessary checks are likely to be completed later than usual and the payments to beneficiaries are likely to be deferred.
- (4) Due to the exceptional nature of those combined circumstances and the resulting financial difficulties for beneficiaries, it is necessary to alleviate those difficulties by making it possible for beneficiaries to absorb losses until a stabilisation of markets is reached.
- (5) It is therefore justified to derogate from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013 in order to allow Member States to pay a higher level of advances to beneficiaries for claim year 2015.
- (6) The principle of paying direct payments only after all administrative and on-the-spot checks are completed is a corner stone of the assurance that is obtained by the integrated administration and control system. However, in view of the serious difficulties encountered by the beneficiaries, it is necessary, as an exceptional measure for claim year 2015, to derogate from the first subparagraph of Article 75(2) of Regulation (EU) No 1306/2013 in

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(2)</sup> Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

<sup>(3)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

order to allow advances for direct payments to be made after the administrative checks as specified in Articles 28 and 29 of Commission Implementing Regulation (EU) No 809/2014 <sup>(1)</sup> are completed. It is however imperative that such a derogation will not impede the sound financial management and the requirement of a sufficient level of assurance. Accordingly, Member States making use of that derogation are responsible for taking all necessary measures to ensure that overpayments are avoided and that any undue amounts are quickly and actually recovered. Moreover, the use of that derogation should be covered by the management declaration referred to in Article 7(3)(b) of Regulation (EU) No 1306/2013 for financial year 2016.

- (7) In view of the seriousness of the financial difficulties currently being encountered by beneficiaries, this Regulation should enter into force on the day of its publication.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds, the Committee for Direct Payments and the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

By way of derogation from the third subparagraph of Article 75(1) of Regulation (EU) No 1306/2013, in respect of claim year 2015 Member States may pay advances of up to 70 % for the direct payments listed in Annex I to Regulation (EU) No 1307/2013 and of up to 85 % for the support granted under rural development as referred to in Article 67(2) of Regulation (EU) No 1306/2013.

#### *Article 2*

By way of derogation from the first subparagraph of Article 75(2) of Regulation (EU) No 1306/2013, in respect of claim year 2015 Member States may pay advances for the direct payments listed in Annex I to Regulation (EU) No 1307/2013 after the administrative checks as referred to in Article 74 of Regulation (EU) No 1306/2013 have been finalised.

#### *Article 3*

For Member States applying Article 2 of this Regulation the management declaration pursuant to Article 7(3)(b) of Regulation (EU) No 1306/2013 shall include for financial year 2016 a confirmation that overpayments to beneficiaries were prevented and undue amounts have been quickly and actually recovered based on the verification of all necessary information.

#### *Article 4*

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, 30 September 2015.

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

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<sup>(1)</sup> Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1749****of 30 September 2015****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 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>,

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 <sup>(2)</sup>, 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, 30 September 2015.

*For the Commission,  
On behalf of the President,  
Jerzy PLEWA*

*Director-General for Agriculture and Rural Development*

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

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	AL	46,6
	MA	232,5
	MK	48,7
	TR	81,7
	XS	39,0
	ZZ	89,7
0707 00 05	AL	46,1
	MK	41,5
	TR	122,2
	ZZ	69,9
0709 93 10	TR	134,1
	ZZ	134,1
0805 50 10	AR	139,9
	BO	148,1
	CL	167,0
	EG	55,4
	UY	103,7
	ZA	137,2
	ZZ	125,2
0806 10 10	BR	257,8
	EG	177,1
	MK	32,3
	TR	145,4
	ZZ	153,2
	ZZ	153,2
0808 10 80	AR	264,2
	BR	35,7
	CL	134,5
	NZ	142,6
	US	107,9
	UY	48,0
	ZA	144,4
	ZZ	125,3
	ZZ	125,3
0808 30 90	AR	131,9
	CL	148,3
	NZ	175,8
	TR	129,3
	XS	96,2
	ZA	220,9
	ZZ	150,4
	ZZ	150,4

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

## DECISIONS

### POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2015/1750

of 29 September 2015

**on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision (CFSP) 2015/607 (ATALANTA/5/2015)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ('EU Force Commander').
- (2) On 15 April 2015, the PSC adopted Decision (CFSP) 2015/607 <sup>(2)</sup> appointing Captain (Navy) Alfonso GÓMEZ FERNÁNDEZ DE CÓRDOBA as EU Force Commander.
- (3) The EU Operation Commander has recommended the appointment of Rear Admiral Stefano BARBIERI as the new EU Force Commander to succeed Captain (Navy) Alfonso GÓMEZ FERNÁNDEZ DE CÓRDOBA.
- (4) The EU Military Committee supports that recommendation.
- (5) Decision (CFSP) 2015/607 should therefore be repealed.
- (6) In accordance with Article 5 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 does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Rear Admiral Stefano BARBIERI is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) as from 6 October 2015.

#### *Article 2*

Decision (CFSP) 2015/607 is hereby repealed.

<sup>(1)</sup> OJ L 301, 12.11.2008, p. 33.

<sup>(2)</sup> Political and Security Committee Decision (CFSP) 2015/607 of 15 April 2015 on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision (CFSP) 2015/102 (ATALANTA/3/2015) (OJ L 100, 17.4.2015, p. 79).

*Article 3*

This Decision shall enter into force on 6 October 2015.

Done at Brussels, 29 September 2015.

*For the Political and Security Committee*

*The Chairperson*

W. STEVENS

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**COMMISSION IMPLEMENTING DECISION (EU) 2015/1751****of 29 September 2015****on the terms and conditions of the authorisation of a biocidal product containing bromadiolone referred by the United Kingdom in accordance with Article 36 of Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2015) 6516)***(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 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products <sup>(1)</sup>, and in particular Article 36(3) thereof,

Whereas:

- (1) The company Rentokil Initial 1927 plc ('the applicant') submitted on 8 April 2014 a complete application to Germany ('the concerned Member State') for mutual recognition of an authorisation granted by the United Kingdom ('the reference Member State') in respect of a rodenticide biocidal product containing the active substance bromadiolone as a wax block formulation ('the contested product').
- (2) The reference Member State authorised the contested product on 17 February 2014 for use in and around buildings against mice and rats and in sewers against rats. The authorisation has subsequently been mutually recognised by Estonia, Ireland, Luxembourg, the Netherlands and Norway.
- (3) In accordance with Article 35(2) of Regulation (EU) No 528/2012, the concerned Member State referred to the Coordination Group established under Article 35 of that Regulation on 9 September 2014 three points of disagreement indicating that the contested product does not meet the conditions laid down in Article 19 of that Regulation.
- (4) The concerned Member State considers that (a) regarding the use in and around buildings against rats, the efficacy has not been demonstrated since the results of two out of the three field trials submitted by the applicant did not demonstrate an acceptable level of efficacy; (b) regarding the use in sewers against rats, the approach followed by the reference Member State to establish the efficacy of the product is not acceptable as a consequence of the first point of disagreement; (c) regarding the use against mice, the set of laboratory studies and one out of the two field trials submitted by the applicant failed to fulfil the criteria to demonstrate efficacy.
- (5) The Coordination Group Secretariat invited the other Member States and the applicant to submit written comments to the referral and comments were submitted by Belgium, Denmark, France, Germany, the Netherlands, Spain and the United Kingdom. The referral was also discussed between the Member States' Competent Authorities for biocidal products in the meeting of the Coordination Group of 11 November 2014.
- (6) As no agreement was reached within the Coordination Group, in accordance with Article 36(1) of Regulation (EU) No 528/2012 the reference Member State referred to the Commission on 13 March 2015 a detailed statement of the matters on which Member States were unable to reach agreement and the reasons for their disagreement. A copy of this statement was also forwarded to the Member States concerned referred to in Article 35(2) of that Regulation and the applicant.
- (7) Concerning the efficacy against rats in and around buildings, the results of the laboratory tests and of one of the field trials submitted by the applicant demonstrate an acceptable level of efficacy against the criteria established in

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<sup>(1)</sup> OJ L 167, 27.6.2012, p. 1.

the EU guidance on efficacy evaluation of rodenticides (hereafter 'the EU guidance') <sup>(1)</sup>. In addition, the availability of at least one valid field trial was deemed to be in line with the EU guidance and acceptable to demonstrate the efficacy of a rodenticide by the Coordination Group in a previous similar case <sup>(2)</sup>.

- (8) Concerning the efficacy against rats in sewers, the reference Member State used the results of one of the field trials submitted by the applicant demonstrating an acceptable level of efficacy to overcome the inconclusive results of the palatability studies. The same approach was used previously by the concerned Member State during the evaluation of a similar product, but with positive results from three field trials.
- (9) Concerning the use against mice, the laboratory studies do not fulfil the criteria established in the EU guidance. However, that EU guidance also establishes that results of field trials might outweigh those of laboratory trials. In the present case, the results of one of the field trials demonstrate an acceptable level of efficacy against the criteria established in the available EU guidance.
- (10) In the light of the elements referred to in recitals 7 to 9, the Commission considers the conclusions reached by the reference Member State on the three points of disagreement to be valid.
- (11) The Commission also notes that the conclusions reached by the reference Member State on the basis of these elements and of the judgement of its experts, as provided for by paragraph 12 of Annex VI to Regulation (EU) No 528/2012, were supported by those Member States having authorised the contested product through mutual recognition.
- (12) Since the legal basis for this Decision is Article 36(3) of that Regulation, this decision should be addressed to all Member States by virtue of Article 36(4) of that Regulation.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision applies to the product identified by the asset number UK-0005252-0000, as provided for by the Register for Biocidal Products.

*Article 2*

The product meets the condition laid down in Article 19(1)(b)(i) of Regulation (EU) No 528/2012 of being sufficiently effective for use in and around buildings against mice and rats and in sewers against rats.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2015.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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<sup>(1)</sup> See Technical Notes for Guidance on Product Evaluation. Appendices to Chapter 7. Product Type 14: Efficacy Evaluation of Rodenticidal Biocidal Products, available on the website [http://echa.europa.eu/documents/10162/16960215/bpd\\_guid\\_revised\\_appendix\\_chapter\\_7\\_pt14\\_2009\\_en.pdf](http://echa.europa.eu/documents/10162/16960215/bpd_guid_revised_appendix_chapter_7_pt14_2009_en.pdf)

<sup>(2)</sup> See the agreement reached at the 10th Coordination Group meeting regarding the efficacy of a rodenticide biocidal product containing coumatetralyl against mice, available at [https://circabc.europa.eu/sd/a/0ca55b45-1c74-4c78-b125-de52fd53c08c/Racumin%20Paste\\_disagreement%20to%20CG\\_formal\\_with%20outcome\\_public.pdf](https://circabc.europa.eu/sd/a/0ca55b45-1c74-4c78-b125-de52fd53c08c/Racumin%20Paste_disagreement%20to%20CG_formal_with%20outcome_public.pdf)

**COMMISSION IMPLEMENTING DECISION (EU) 2015/1752****of 29 September 2015****amending Implementing Decision 2013/426/EU on measures to prevent the introduction into the Union of the African swine fever virus from certain third countries or parts of the territory of third countries in which the presence of that disease is confirmed and repealing Decision 2011/78/EU***(notified under document C(2015) 6519)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(1)</sup>, and in particular Article 22(6) thereof,

Whereas:

- (1) African swine fever is a highly contagious and fatal infection of domestic pigs and wild boar, with the potential for rapid spread, notably through products obtained from infected animals and contaminated inanimate objects.
- (2) Due to the African swine fever situation in Russia and in Belarus, the Commission adopted Implementing Decision 2013/426/EU <sup>(2)</sup> laying down measures which provide amongst others for appropriate cleansing and disinfection of 'livestock vehicles' having transported live animals and feed and which enter the Union from those two countries.
- (3) Following recent notifications of African swine fever outbreaks in Ukraine, the existing measures of cleansing and disinfection provided for in Implementing Decision 2013/426/EU should also be extended to the vehicles entering the Union from Ukraine.
- (4) The list of third countries and parts of territory of third countries where the presence of African swine fever virus is confirmed, as provided for in Annex I of Implementing Decision 2013/426/EU, should therefore be amended accordingly.
- (5) Implementing Decision 2013/426/EU applies until 31 December 2015. Due to the unfavourable disease situation as regards African swine fever in the countries neighbouring the Union borders, and taking into account the epidemiology of African swine fever and the measures applicable in the Union as regards that disease, it is appropriate to extend this period until 31 December 2019.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*

In Annex I of Implementing Decision 2013/426/EU, the word 'Ukraine' is added after the word 'Russia'.

<sup>(1)</sup> OJ L 24, 30.1.1998, p. 9.<sup>(2)</sup> Commission Implementing Decision 2013/426/EU of 5 August 2013 on measures to prevent the introduction into the Union of the African swine fever virus from certain third countries or parts of the territory of third countries in which the presence of that disease is confirmed and repealing Decision 2011/78/EU (OJ L 211, 7.8.2013, p. 5).

*Article 2*

Article 4a of Implementing Decision 2013/426/EU is replaced by the following:

*'Article 4a*

This decision shall apply until 31 December 2019.'

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2015.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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**COMMISSION DECISION (EU) 2015/1753****of 30 September 2015****on confirming the participation of Italy in enhanced cooperation in the area of the creation of unitary patent protection**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 328(1) and 331(1) thereof,

Having regard to Council Decision 2011/167/EU of 10 March 2011 authorising enhanced cooperation in the area of the creation of unitary patent protection <sup>(1)</sup>,

Having regard to the notification by Italy of its intention to participate in enhanced cooperation in the area of the creation of unitary patent protection,

Whereas:

- (1) On 10 March 2011, the Council decided to authorise enhanced cooperation between Austria, Belgium, Bulgaria, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and the United Kingdom in the area of the creation of unitary patent protection.
- (2) On 17 December 2012, the European Parliament and the Council adopted Regulation (EU) No 1257/2012 <sup>(2)</sup>.
- (3) On 17 December 2012, the Council adopted Regulation (EU) No 1260/2012 <sup>(3)</sup>.
- (4) Italy has notified its intention to participate in enhanced cooperation in the area of the creation of unitary patent protection by letter dated 2 July 2015, which the Commission registered as received on 20 July 2015.
- (5) The Commission notes that neither Decision 2011/167/EU nor Regulations (EU) No 1257/2012 and (EU) No 1260/2012 prescribe any particular conditions of participation in enhanced cooperation in the area of the creation of unitary patent protection and that Italy's participation should strengthen the benefits of this enhanced cooperation,

HAS ADOPTED THIS DECISION:

*Article 1***Participation of Italy in enhanced cooperation**

1. The participation of Italy in enhanced cooperation in the area of the creation of unitary patent protection authorised by Decision 2011/167/EU is confirmed.
2. Regulations (EU) No 1257/2012 and (EU) No 1260/2012 shall apply to Italy in accordance with this Decision.

*Article 2***Notification to be provided by Italy**

1. Italy shall notify the Commission of the measures adopted in accordance with Article 9 of Regulation (EU) No 1257/2012 by the date of application of that Regulation.

<sup>(1)</sup> OJ L 76, 22.3.2011, p. 53.

<sup>(2)</sup> Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection (OJ L 361, 31.12.2012, p. 1).

<sup>(3)</sup> Council Regulation (EU) No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (OJ L 361, 31.12.2012, p. 89).

2. Italy shall notify the Commission of the measures adopted in accordance with Article 4(2) of Regulation (EU) No 1257/2012 by the date of application of that Regulation or in the case where the Unified Patent Court does not have exclusive jurisdiction in Italy with regard to European patents with unitary effect on the date of application of that Regulation, by the date from which the Unified Patent Court has such exclusive jurisdiction in Italy.

*Article 3*

**Entry into force and date of application of Regulations (EU) No 1257/2012 and (EU) No 1260/2012 in Italy**

1. Regulations (EU) No 1257/2012 and (EU) No 1260/2012 shall enter into force in Italy on the day following that of the publication of this Decision in the *Official Journal of the European Union*.
2. Regulations (EU) No 1257/2012 and (EU) No 1260/2012 shall apply to Italy on the date of the entry into force of the Agreement on a Unified Patent Court.

*Article 4*

**Entry into force**

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

Done at Brussels, 30 September 2015.

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

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