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Price: EUR 3

(¹) Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1078/2011

of 25 October 2011

concerning the non-approval of the active substance propanil, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

(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 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 ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

(1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽³⁾. Propanil is an active substance for which completeness has been established in accordance with that Regulation.

(2) Commission Regulations (EC) No 451/2000 ⁽⁴⁾ and (EC) No 1490/2002 ⁽⁵⁾ lay down detailed rules for the implementation of the second and third stages of the

programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish lists of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. These lists included propanil.

(3) In accordance with Article 11f of Regulation (EC) No 1490/2002 and Article 12(1)(a) and (2)(b) of that Regulation, Commission Decision 2008/769/EC of 30 September 2008 concerning the non-inclusion of propanil in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance ⁽⁶⁾ was adopted.

(4) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.

(5) The application was submitted to Italy, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/769/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

(6) Italy evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 26 February 2010. The Authority communicated the additional report to the other

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁶⁾ OJ L 263, 2.10.2008, p. 14.

Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on the risk assessment of propanil to the Commission on 23 February 2011⁽¹⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 27 September 2011 in the format of the Commission review report for propanil.

- (7) Based on the new data submitted by the applicant and included in the additional report an acceptable operator exposure level could be set. However, during the evaluation of this active substance, a number of other concerns have been identified. In particular, it was not possible to perform a reliable consumer exposure assessment as data were missing on the toxicity of metabolite 3,4-DCA which may be higher than the parent compound. Moreover, no maximum residue levels could be proposed for the supported use on rice as the submitted trials have not been conducted according to the critical good agricultural practices. A high risk to birds and mammals has been identified while a high risk for aquatic organisms and non-target arthropods cannot be excluded on the basis of the data made available by the applicant. In addition, a potential for long-range transport through the atmosphere cannot be excluded.
- (8) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with Article 21(1) of Regulation (EC) No 33/2008, the Commission invited the applicant to submit comments on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (9) However, despite the arguments put forward by the applicant, the concerns referred to in recital 7 could

not be eliminated. Consequently, it has not been demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing propanil satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

- (10) Propanil should therefore not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.
- (11) In the interest of clarity, Decision 2008/769/EC should be repealed.
- (12) This Regulation does not prejudice the submission of a further application for propanil pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (13) 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

Non-approval of active substance

The active substance propanil is not approved.

Article 2

Repeal

Decision 2008/769/EC is repealed.

Article 3

Entry into force

This Regulation shall enter into force on the 20th day following 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, 25 October 2011.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance propanil. *EFSA Journal* 2011; 9(3):2085 [63 pp.]. doi:10.2903/j.efsa.2011.2085. Available online: www.efsa.europa.eu/efsajournal.htm

COMMISSION IMPLEMENTING REGULATION (EU) No 1079/2011**of 25 October 2011****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:

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,

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 hereto.

Article 2

This Regulation shall enter into force on 26 October 2011.

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

Done at Brussels, 25 October 2011.

*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	AL	57,4
	MA	48,8
	MK	52,3
	ZZ	52,8
0707 00 05	AL	45,6
	MK	62,2
	TR	151,2
	ZZ	86,3
0709 90 70	AR	33,4
	TR	132,0
	ZZ	82,7
0805 50 10	AR	62,5
	TR	69,8
	ZA	78,3
	ZZ	70,2
0806 10 10	BR	217,5
	CL	71,4
	TR	144,1
	ZA	67,9
	ZZ	125,2
0808 10 80	AR	61,9
	BR	86,4
	CA	106,3
	CL	90,0
	CN	82,6
	NZ	113,1
	US	99,9
	ZA	107,1
ZZ	93,4	
0808 20 50	CN	53,4
	TR	126,5
	ZZ	90,0

⁽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'.

GUIDELINES

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 14 October 2011

amending Guideline ECB/2007/2 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)

(ECB/2011/15)

(2011/704/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union and, in particular Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and, in particular Article 3.1 and Articles 17, 18 and 22 thereof,

Whereas:

- (1) The Governing Council of the European Central Bank (ECB) adopted Guideline ECB/2007/2 of 26 April 2007 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)⁽¹⁾ governing TARGET2, which is characterised by a single technical platform called the Single Shared Platform.
- (2) Amendments should be made to Guideline ECB/2007/2 to: (a) take into account the need to include the 'grounds of prudence' among the criteria on the basis of which an application for participation in TARGET2 will be rejected, and a participant's participation in TARGET2 or its access to intraday credit might be suspended, limited or terminated; and (b) reflect new requirements for TARGET2 participants related to the administrative and restrictive measures introduced under Articles 75 and 215 of the Treaty, respectively,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendments to Guideline ECB/2007/2

1. In Article 2 of Guideline ECB/2007/2, the definition of 'transition period' is replaced by the following:

— "transition period" means, in respect of each Eurosystem CB, the period of four years starting from the moment the Eurosystem CB migrates to the SSP, unless otherwise decided by the Governing Council with respect to specific features or services on a case-by-case basis'.

2. Annexes II, III and V to Guideline ECB/2007/2 are amended in accordance with the Annex to this Guideline.

Article 2

Entry into force

This Guideline shall enter into force two days after its adoption. It shall apply from 21 November 2011.

Article 3

Addressees and implementing measures

1. This Guideline is addressed to all Eurosystem central banks.
2. The participating national central banks shall by 21 October 2011 send to the ECB the measures by which they intend to comply with this Guideline.

Done at Frankfurt am Main, 14 October 2011.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

⁽¹⁾ OJ L 237, 8.9.2007, p. 1.

ANNEX

(1) Annex II is amended as follows:

(a) in Article 1 the definitions of the terms 'payee' and 'payer' are replaced by the following:

- "payee", except where used in Article 39 of this Annex, means a TARGET2 participant whose PM account will be credited as a result of a payment order being settled,
- "payer", except where used in Article 39 of this Annex, means a TARGET2 participant whose PM account will be debited as a result of a payment order being settled.;

(b) Article 8(4)(c) is replaced by the following:

- '(c) in the [insert name of CB]'s assessment, such participation would endanger the overall stability, soundness and safety of TARGET2-[insert CB/country reference] or of any other TARGET2 component system, or would jeopardise the [insert name of CB]'s performance of its tasks as described in [refer to relevant national law] and the Statute of the European System of Central Banks and of the European Central Bank, or poses risks on the grounds of prudence.;

(c) Article 34(2)(e) is replaced by the following:

- '(e) any other participant-related event occurs which, in the [insert name of CB]'s assessment, would threaten the overall stability, soundness and safety of TARGET2-[insert CB/country reference] or of any other TARGET2 component system, or which would jeopardise the [insert name of CB]'s performance of its tasks as described in [refer to relevant national law] and the Statute of the European System of Central Banks and of the European Central Bank, or poses risks on the grounds of prudence; and/or';

(d) Article 39 is amended as follows:

- (i) the title 'Data protection, prevention of money laundering and related issues' is replaced by 'Data protection, prevention of money laundering, administrative or restrictive measures and related issues';

(ii) the following paragraph 3 is added:

'3. Participants, when acting as the payment service provider of a payer or payee, shall comply with all requirements resulting from administrative or restrictive measures imposed pursuant to Articles 75 or 215 of the Treaty on the Functioning of the European Union, including with respect to notification and/or the obtaining of consent from a competent authority in relation to the processing of transactions. In addition:

(a) when the [insert name of CB] is the payment service provider of a participant that is a payer:

- (i) the participant shall make the required notification or obtain consent on behalf of the central bank that is primarily required to make notification or obtain consent, and shall provide the [insert name of CB] with evidence of having made a notification or having received consent;
- (ii) the participant shall not enter any credit transfer order into TARGET2 until it has obtained confirmation from the [insert name of CB] that the required notification has been made or the consent has been obtained by or on behalf of the payment service provider of the payee;

(b) when the [insert name of CB] is a payment service provider of a participant that is a payee, the participant shall make the required notification or obtain consent on behalf of the central bank that is primarily required to make notification or obtain consent, and shall provide the [insert name of CB] with evidence of having made a notification or having received consent.

For the purposes of this paragraph, the terms "payment service provider", "payer" and "payee" shall have the meanings ascribed to them in the applicable administrative or restrictive measures.'

(2) Annex III is amended as follows:

(a) point (h) of the definition of 'event of default' is replaced by the following:

'(h) where participation of the entity in another TARGET2 component system and/or in an ancillary system has been suspended or terminated;';

(b) the title 'Suspension or termination of intraday credit' is replaced by 'Suspension, limitation or termination of intraday credit';

(c) paragraph 12 is replaced by the following:

'12. (a) Participating NCBs shall suspend or terminate access to intraday credit if one of the following events of default occurs:

(i) the account of the entity with the participating NCB is suspended or closed;

(ii) the entity concerned ceases to meet any of the requirements laid down in this Annex for the provision of intraday credit;

(iii) a decision is made by a competent judicial or other authority to implement in relation to the entity a procedure for the winding-up of the entity or the appointment of a liquidator or analogous officer over the entity or any other analogous procedure;

(iv) the entity becomes subject to the freezing of funds and/or other measures imposed by the Union restricting the entity's ability to use its funds.

(b) Participating NCBs may suspend or terminate access to intraday credit if an NCB suspends or terminates the participant's participation in TARGET2 pursuant to Article 34(2)(b) to (e) of Annex II, or one or more events of default (other than those referred to in Article 34(2)(a)) occur.

(c) If the Eurosystem decides to suspend, limit or exclude counterparties' access to monetary policy instruments on the grounds of prudence or otherwise in accordance with Section 2.4 of Annex I to Guideline ECB/2000/7, participating NCBs shall implement that decision in respect of access to intraday credit pursuant to provisions in the contractual or regulatory arrangements applied by the respective NCBs.

(d) Participating NCBs may decide to suspend, limit or terminate a participant's access to intraday credit if the participant is deemed to pose risks on the grounds of prudence. In such cases, the participating NCB shall immediately notify the ECB and other participating NCBs and connected CBs thereof in writing. Where appropriate, the Governing Council shall decide upon uniform implementation of the measures taken in all TARGET2 component systems;';

(d) paragraph 13 is replaced by the following:

'13. Where a participating NCB decides to suspend, limit or terminate a Eurosystem monetary policy counterparty's access to intraday credit, such decision shall not take effect until the ECB has approved it.'

(3) In Annex V: in Article 4(16)(b) the words 'Appendix IA' are replaced by the words 'Appendix IV' and the words 'Annex V' are replaced by the words 'Annex II'.

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