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Price: EUR 3

(¹) Text with EEA relevance

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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 REGULATION (EU) No 52/2012

of 20 January 2012

amending Annex II to Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the entry for the United States in the list of third countries and territories

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Guam in the entry for the United States in the list set out in Part C of Annex II to Regulation (EC) No 998/2003.

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

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

(1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applicable to checks on such movements. It applies to non-commercial movements between Member States or from third countries of pet animals of the species listed in Annex I thereto.

(2) Part C of Annex II to Regulation (EC) No 998/2003 lists the third countries and territories which are free of rabies and the third countries and territories, including the United States, in respect of which the risk of rabies spreading to the Union, as a result of non-commercial movements of pet animals from them, has been found to be no higher than the risk associated with such movements between Member States.

(3) Regulation (EC) No 998/2003, as amended by Commission Regulation (EC) No 18/2006 ⁽²⁾, includes

- (4) The United States has informed the Commission that it also applies national movement conditions to animals of the species listed in Annex I to Regulation (EC) No 998/2003 when those animals are moved for non-commercial purposes between the United States and American Samoa, the Northern Mariana Islands, Puerto Rico, the US Virgin Islands.
- (5) It is therefore appropriate to include those additional territories in the entry for the United States in Part C of Annex II to Regulation (EC) No 998/2003.
- (6) Regulation (EC) No 998/2003 should therefore be amended accordingly.
- (7) 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

In Part C of Annex II to Regulation (EC) No 998/2003, the entry for the United States of America is replaced by the following:

'US United States of America (including AS — American Samoa, GU — Guam, MP — Northern Mariana Islands, PR — Puerto Rico and VI — US Virgin Islands)'.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

⁽²⁾ OJ L 4, 7.1.2006, p. 3.

Article 2

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, 20 January 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 53/2012**of 20 January 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 multi-lateral 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, 20 January 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	IL	151,1
	MA	61,8
	TN	92,5
	TR	114,3
	ZZ	104,9
0707 00 05	JO	229,9
	MA	148,6
	TR	155,6
	ZZ	178,0
0709 91 00	EG	82,2
	ZZ	82,2
0709 93 10	MA	125,3
	TR	142,4
	ZZ	133,9
0805 10 20	AR	41,5
	BR	41,5
	EG	53,3
	MA	52,2
	TN	63,3
	TR	63,9
	ZA	41,5
	ZZ	51,0
0805 20 10	MA	93,3
	ZZ	93,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	57,2
	IL	95,5
	KR	92,8
	MA	57,9
	TR	84,7
	ZZ	77,6
0805 50 10	AR	45,3
	EG	69,9
	TR	58,3
	UY	45,3
	ZZ	54,7
0808 10 80	AR	78,5
	CL	58,2
	CN	35,2
	MK	30,8
	US	149,0
	ZZ	70,3
0808 30 90	CN	46,5
	TR	116,3
	US	120,7
	ZZ	94,5

⁽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 DECISION

of 19 January 2012

requiring Member States to prohibit the placing on the market of flail-type cutting attachments for portable hand-held brush cutters

(notified under document C(2011) 9772)

(Text with EEA relevance)

(2012/32/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) Grass trimmers and brush cutters are portable hand-held gardening and forestry machines used for cutting grass, weeds, brush, small trees and similar vegetation. A complete grass trimmer or brush cutter unit includes a power head, a power transmission shaft, a cutting attachment and a guard. Many combustion engine driven machines are dual purpose machines that can be used for cutting grass and weeds or for cutting brush and small trees, depending on the cutting attachment fitted.
- (2) In September 2008, the Swedish authorities informed the other authorities of Member States and the Commission that several flail-type cutting attachments for brush cutters, consisting of two or more metal parts such as chains, knives or brushes linked to a rotating head, were being placed on the market by manufacturers other than the original brush cutter manufacturers. The Swedish authorities considered that such flail-type cutting attachments were dangerous.
- (3) In May 2010, the authorities of the United Kingdom informed the other authorities of Member States and the Commission of a fatal accident involving a flail-type cutting attachment for a brush cutter consisting of

two chains linked to a metal disc. During use of a brush cutter fitted with such a cutting attachment, a link of the chain had been ejected and had fatally injured a bystander. The United Kingdom had taken measures to ensure the withdrawal from the market and from service of the cutting attachments concerned. At the meeting of the Machinery Committee held on 2 June 2010, the United Kingdom requested the Commission to examine the need for the adoption of a measure requiring Member States to prohibit the placing on the market of cutting attachments having similar technical characteristics.

- (4) Flail-type cutting attachments for brush cutters placed on the market separately in order to be assembled with a brush cutter by the operator, not covered by the risk assessment, the EC declaration of conformity and the instructions of a brush cutter manufacturer, are interchangeable equipment according to the definition set out in point (b) of Article 2 of Directive 2006/42/EC.
- (5) Section 1.3.2 of Annex I to Directive 2006/42/EC on the risk of break-up during operation requires the various parts of machinery and their linkages to be able to withstand the stresses to which they are subject when used. Where a risk of rupture or disintegration remains despite the measures taken, the parts concerned must be mounted, positioned and/or guarded in such a way that any fragments will be contained, preventing hazardous situations. Section 1.3.3 of Annex I to that Directive on risks due to falling or ejected objects requires precautions to be taken to prevent risks from falling or ejected objects.
- (6) The harmonised standard for portable hand-held combustion engine driven brush cutters, EN ISO 11806:2008, includes technical specifications and tests to ensure the adequate strength of cutting attachments and to reduce risks due to thrown objects. The standard does not foresee cutting attachments consisting of more than one metal part. While application of the harmonised standard is voluntary, the standard indicates the state of

⁽¹⁾ OJ L 157, 9.6.2006, p. 24.

the art to be taken into account when applying the essential health and safety requirements of Directive 2006/42/EC, according to the general principles set out in the introduction to Annex I to Directive 2006/42/EC.

- (7) The use of flail-type cutting attachments with linked metal parts gives rise to significantly higher residual risks of break-up during operation and of ejection of objects than single part metal blades. The metal parts of flail-type cutting attachments and their linkages are subject to repeated high mechanical stresses when they come into contact with stones, rocks and other obstacles and are liable to break-up and be ejected at high speed. They are also liable to eject stones with higher energy than single part metal blades. The guards fitted to portable hand-held brush cutters cannot provide adequate protection against the higher risks created by flail-type cutting attachments with linked metal parts. Consequently, taking account of the state of the art, flail-type cutting attachments for portable hand-held brush cutters cannot be considered to comply with the requirements set out in sections 1.3.2 and 1.3.3 of Annex I to Directive 2006/42/EC. That non-conformity gives rise to a significant risk of serious or fatal injury to users and other exposed persons.
- (8) On 22 October 2010, the Commission consulted the European Garden Machinery Federation on a draft measure to deal with dangerous cutting attachments for brush cutters. In its reply dated 4 November 2010, the Federation expressed support for the draft measure.
- (9) The shortest possible period should be allowed for the application of the measures required by this Decision in order to prevent further accidents.

- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Directive 2006/42/EC,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the placing on the market of flail-type cutting attachments consisting of several linked metal parts for portable hand-held brush cutters.

Article 2

Member States shall take the necessary measures to comply with this Decision by 30 April 2012 at the latest. They shall publish those measures and forthwith inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 January 2012.

For the Commission
Antonio TAJANI
Vice-President

CORRIGENDA**Corrigendum to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA**

(Official Journal of the European Union L 335 of 17 December 2011)

In the contents and in the title, on page 1:

for: '2011/92/EU',

read: '2011/93/EU'.

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