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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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 714/2012

of 30 July 2012

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

[1] OJ L 256, 7.9.1987, p. 1.

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

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

Done at Brussels, 30 July 2012.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A product consisting of a flexible keypad membrane made of silicone with 19 incorporated keycaps and with dimensions of approximately 65 × 40 × 1 mm. The product has printed keycaps representing an alpha/numeric keyboard, call buttons and other buttons typical of mobile phones. Underneath each keycap there is an electrical contact element made of silicone impregnated with carbon. The product has a specific shape and design and is intended for incorporation in a particular model of a mobile phone.	8517 70 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(b) to Section XVI and by the wording of CN codes 8517, 8517 70 and 8517 70 90. Classification under heading 8536 as a switch is excluded as the product comprises only a part (one side of the contact points) of a switching device (see also CN Explanatory Notes to heading 8536, point (8)). The product is an essential part for the operation of a mobile phone and cannot be used independently for other purposes. Also, it is specially adapted for use in a particular model of a mobile phone. In particular, its shape and method of operation preclude any other use (see also judgment of the Court of Justice of the European Union in Case C-183/06). Consequently, classification under heading 8538 as a part suitable for use solely or principally with a switching device is also excluded. The product is therefore to be classified under CN code 8517 70 90 as a part of a mobile phone.
2. A product (so-called 'keyboard flex assembly'), the main body of which has dimensions of approximately 56 × 42 × 1 mm and which comprises two membranes constituting a switching device: — an upper membrane of polyimide containing 24 copper contact points on the bottom side, — a lower membrane of polyimide containing a printed circuit with 24 copper contact points on the upper side. Over the upper membrane there is a protective transparent plastic sheet printed with an image representing a mobile phone keyboard, and under the lower membrane a protective paper sheet. The following components are connected to the main body of the product: — two flat electrical conductors with connectors, — two printed circuit assemblies containing active and passive components, a light sensor and a 'Hall effect' switch for controlling the lighting system of the keyboard. The product has a specific shape and design and is intended for incorporation in a particular model of a mobile phone.	8517 70 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(b) to Section XVI and by the wording of CN codes 8517, 8517 70 and 8517 70 90. In addition to the two membranes with corresponding contact points for switching electrical circuits, the product incorporates printed circuit assemblies for controlling the lighting system of the keyboard. Classification as a switching device for electrical circuits under heading 8536 is therefore excluded. The product is an essential part for the operation of a mobile phone and cannot be used independently for other purposes. Also, it is specially adapted for use in a particular model of a mobile phone. In particular, its shape and method of operation preclude any other use (see also judgment of the Court of Justice of the European Union in Case C-183/06). The product is therefore to be classified under CN code 8517 70 90 as a part of a mobile phone.

COMMISSION IMPLEMENTING REGULATION (EU) No 715/2012

of 30 July 2012

amending Regulation (EU) No 42/2010 concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) According to the second paragraph of column (3) of the table set out in the Annex to Commission Regulation (EU) No 42/2010 [2] the edible product in tablet form described in column (1) of that table does not meet the requirements of Note 2(b)(2) to Chapter 19 of the Combined Nomenclature (CN) because of its composition, presentation and use as a food supplement. Classification of the product under Chapter 19 is therefore excluded.

(2) In the light of the judgment of the Court of Justice of the European Union of 17 December 2009 in joined cases C-410/08 to C-412/08, Swiss Caps [3], and in particular paragraph 33, classification of edible goods intended to be used as food supplements under heading 2106 of the CN can be envisaged only if the food preparations in question are not specified or included elsewhere. Food preparations intended to be used as food supplements may therefore be classified under other headings of the CN where the description of those headings is more specific.

(3) As a consequence, the presentation and use of an edible product as a food supplement cannot be the reason for the exclusion from Chapter 19 of the CN. It is therefore necessary to state that the reason why the product does not meet the requirements of Note 2(b)(2) of Chapter 19 of the CN lies solely in its composition.

(4) The reasons set out in the second paragraph of column (3) of the Annex to Regulation (EU) No 42/2010 should therefore be amended accordingly. However, for reasons of clarity the whole Annex to Regulation (EU) No 42/2010 should be replaced.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 42/2010 is replaced by the following:

'ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
Product consisting of (% by weight): — barley grass, powdered 28,8 — honey 27,5 — wheatgrass, powdered 21,5 — alfalfa, powdered 21,5 — stearic acid 0,4 — pepper 0,25 — chromium picolinate 0,01 (corresponds to 8,7 µg Cr per tablet)	2106 90 98	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 2106, 2106 90 and 2106 90 98. Since the product does not meet the requirements of Note 2(b)(2) to Chapter 19 because of its composition, classification under Chapter 19 is excluded. The product does not meet the requirements of Additional Note 1 to Chapter 30 as no statements on the use for specific diseases or the concentration of active substances are given. It should therefore not be considered as herbal medicinal preparation within the meaning of heading 3004.

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 12, 19.1.2010, p. 2.
[3] [2010] ECR I - 11991.

(1)	(2)	(3)
The product is presented for retail sale, in tablet form and used as a food supplement (one tablet twice a day).		The product is therefore considered to be covered by the terms of heading 2106 as a food preparation not elsewhere specified or included and is used as dietary supplement indicated to maintain general health or well-being (see also HSEN to heading 2106, second paragraph, number (16)).'

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 July 2012.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

COMMISSION IMPLEMENTING REGULATION (EU) No 716/2012

of 30 July 2012

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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 July 2012.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.

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

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Lactose-reduced colostrum powder in gelatine capsules, 120 capsules packaged for retail sale in a plastic screw-top container, with the following composition (% by weight): — Milk fat 4,9 — Milk protein 56,0 — Lactose 0,2 The daily dose recommended on the label is two capsules twice a day. According to the label the product is for human consumption.	1901 90 99	Classification is determined by the General Rules 1, 3(a) and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 1901, 1901 90 and 1901 90 99. The form of presentation of the powder in gelatine capsules determines the use and character of the product as a food preparation. Classification under heading 0404 is therefore excluded (see also the Harmonized System Explanatory Notes (HSEN) to Chapter 4, General, point (I), third paragraph, point (a)). The product cannot be classified as a food preparation of heading 2106 because it is more specifically described by the wording of heading 1901 as a food preparation of goods of headings 0401 to 0404 (see also the HSEN to heading 2106, point (1), second paragraph). As the product is not intended for therapeutic or prophylactic use within the meaning of Chapter 30, classification under heading 3001 is excluded. Given its characteristics the product is therefore to be classified under heading 1901 as a food preparation of goods of headings 0401 to 0404 (see also the HSEN to Chapter 19, General, first paragraph).
2. Colostrum powder in capsules of hydroxypropyl cellulose packaged for retail sale in colourfully printed folding cardboard boxes containing three to six blister packs of twenty capsules with the following composition (% by weight): — Milk fat 6,9 — Milk protein 35,7 Furthermore the product contains lactose. The daily dose recommended on the packaging is 1-2 capsules three times a day. According to the label the product is for human consumption.	1901 90 99	Classification is determined by the General Rules 1, 3(a) and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 1901, 1901 90 and 1901 90 99. The form of presentation of the powder in capsules of hydroxypropyl cellulose determines the use and character of the product as a food preparation. Classification under heading 0404 is therefore excluded (see also the Harmonized System Explanatory Notes (HSEN) to Chapter 4, General, point (I), third paragraph, point (a)). The product cannot be classified as a food preparation of heading 2106 because it is more specifically described by the wording of heading 1901 as a food preparation of goods of headings 0401 to 0404 (see also the HSEN to heading 2106, point (1), second paragraph). As the product is not intended for therapeutic or prophylactic use within the meaning of Chapter 30, classification under heading 3001 is excluded. Given its characteristics the product is therefore to be classified under heading 1901 as a food preparation of goods of headings 0401 to 0404 (see also the HSEN to Chapter 19, General, first paragraph).

COMMISSION IMPLEMENTING REGULATION (EU) No 717/2012

of 6 August 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, 6 August 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	TR	54,5
	XS	32,3
	ZZ	43,4
0707 00 05	TR	100,7
	ZZ	100,7
0709 93 10	TR	104,3
	ZZ	104,3
0805 50 10	AR	96,8
	UY	90,7
	ZA	95,8
	ZZ	94,4
0806 10 10	CL	226,1
	EG	218,7
	IL	138,6
	MA	158,7
	MX	185,5
	TN	203,8
	TR	145,9
	ZZ	182,5
0808 10 80	AR	164,4
	BR	92,8
	CL	126,4
	NZ	125,0
	US	165,5
	ZA	103,6
	ZZ	129,6
0808 30 90	AR	200,3
	CL	132,4
	ZA	114,5
	ZZ	149,1
0809 29 00	CA	627,1
	TR	424,2
	ZZ	525,7
0809 30	TR	165,5
	ZZ	165,5
0809 40 05	BA	62,7
	IL	69,8
	MK	70,3
	ZZ	67,6

(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 3 August 2012

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Italy in 2011

(notified under document C(2012) 5265)

(Only the Italian text is authentic)

(2012/459/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field [1], and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3) first and second indents of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.

(3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC [2] sets rules on the expenditure eligible for Union financial support.

(4) Commission Implementing Decision 2012/132/EU of 15 February 2012 on a financial contribution from the Union towards emergency measures to combat avian influenza in Germany, Italy and the Netherlands in 2011 [3] granted a financial contribution by the Union towards emergency measures to combat avian influenza in Italy in 2011. An official request for reimbursement was submitted by Italy on 11 April 2012, as set out in Article 7(1) and 7(2) of Regulation (EC) No 349/2005.

(5) The payment of the financial contribution from the Union is to be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(6) Italy has in accordance with Article 3(4) of Decision 2009/470/EC without delay informed the Commission and the other Member States of the measures applied in accordance with Union legislation on notification and eradication and the results thereof. The request for reimbursement was, as required in Article 7 of Regulation (EC) No 349/2005, accompanied by a financial report, supporting documents, an epidemiological report on each holding where the animals have been slaughtered or destroyed and the results of respective audits.

(7) The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Italy on 2 May 2012. Italy agreed by e-mail dated 2 May 2012.

(8) Consequently the total amount of the financial support from the Union to the eligible expenditure incurred in connection with the eradication of avian influenza in Italy in 2011 can now be fixed.

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

[1] OJ L 155, 18.6.2009, p. 30.
[2] OJ L 55, 1.3.2005, p. 12.
[3] OJ L 59, 1.3.2012, p. 34.

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating avian influenza in Italy in 2011 is fixed at EUR 133 190,48.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Italian Republic.

Done at Brussels, 3 August 2012.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 3 August 2012

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009

(notified under document C(2012) 5289)

(Only the German text is authentic)

(2012/460/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field [1], and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3) first and second indents of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.

(3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC [2] sets rules on the expenditure eligible for Union financial support.

(4) Commission Decision 2009/581/EC of 29 July 2009 on a financial contribution from the Community towards emergency measures to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009 [3] granted a financial contribution by the Union towards emergency measures to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009. An official request for reimbursement was submitted by Germany on 3 September 2009, as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

(5) The payment of the financial contribution from the Union is to be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines. Decision 2009/581/EC provided that a first tranche of EUR 2 000 000,00 be paid as part of the Union's financial contribution. Commission Implementing Decision 2011/796/EU [4] provided that a second tranche of EUR 4 000 000,00 be paid as part of the Union's financial contribution.

(6) Germany has in accordance with Article 3(4) of Decision 2009/470/EC without delay informed the Commission and the other Member States of the measures applied in accordance with Union legislation on notification and eradication and the results thereof. The request for reimbursement was, as required in Article 7 of Regulation (EC) No 349/2005, accompanied by a financial report, supporting documents, an epidemiological report on each holding where the animals have been slaughtered or destroyed and the results of respective audits.

(7) An audit according to Article 10 of Regulation (EC) No 349/2005 was carried out by the Commission's services. The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Germany on 17 April 2012. Germany agreed by e-mail dated 9 May 2012.

(8) Consequently the total amount of the financial support from the Union to the eligible expenditure incurred in connection with the eradication of avian influenza in Cloppenburg, Germany in December 2008 and January 2009 can now be fixed.

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

[1] OJ L 155, 18.6.2009, p. 30.
[2] OJ L 55, 1.3.2005, p. 12.
[3] OJ L 198, 30.7.2009, p. 83.
[4] OJ L 320, 3.12.2011, p. 41.

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating avian influenza in Cloppenburg, Germany in December 2008 and January 2009 is fixed at EUR 6 592 151,55.

Article 2

The balance of the financial contribution is fixed at EUR 592 151,55.

Article 3

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Federal Republic of Germany.

Done at Brussels, 3 August 2012.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 3 August 2012

authorising the placing on the market of a novel chewing gum base as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council and repealing Commission Implementing Decision 2011/882/EU

(notified under document C(2012) 5406)

(Only the English text is authentic)

(2012/461/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients [1], and in particular Article 7 thereof,

Whereas:

(1) On 10 October 2007 the company Revolymer Ltd made a request to the competent authorities of the Netherlands to place a novel chewing gum base on the market as a novel food ingredient.

(2) On 23 April 2009 the competent food assessment body of the Netherlands issued its initial assessment report. In that report it came to the conclusion that the novel chewing gum base can safely be used as a food ingredient.

(3) The Commission forwarded the initial assessment report to all Member States on 30 April 2009.

(4) Within the 60 days period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.

(5) Therefore the European Food Safety Authority (EFSA) was consulted on 2 July 2010.

(6) On 25 March 2011, EFSA in the 'Scientific Opinion on the safety of a "novel chewing gum base (REV-7)" as a novel food ingredient' [2] came to the conclusion that the novel chewing gum base was safe at the proposed conditions of use and the proposed levels of intake.

(7) The novel chewing gum base complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97 and therefore Commission Implementing Decision 2011/882/EU of 21 December 2011 authorising the placing on the market of a novel chewing gum base as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council [3] was adopted.

(8) Article 2 of Implementing Decision 2011/882/EU provided that the designation of the novel chewing gum base authorised thereby on the labelling of the foodstuff containing it shall be 'gum base (1,3-butadiene, 2-methyl-homopolymer, maleated, esters with poly-ethylene glycol mono-Me ether)'.

(9) However, while the full chemical name provides for a clear and unambiguous designation of the substance, its length might dominate the labelling of the foodstuff containing it. As chewing gum is frequently sold in packages with limited space on the surface for labelling, it would be appropriate to provide a shorter alternative for the labelling.

(10) The Chemical Abstract Service (CAS) registry numbers (CAS No) are an international standard for the designation of chemicals, which provides equivalent information to that of the chemical name as regards the nature of the substance.

(11) It is therefore appropriate to allow the use of the CAS registry number for the designation of the novel chewing gum base authorised by Implementing Decision 2011/882/EU on the labelling of the foodstuff containing it as an alternative to the full chemical name.

(12) The Annex could have caused misunderstandings as in its title it provided only a part of the chemical name. Furthermore the CAS No should be given in the Annex.

(13) Therefore, it appears appropriate to repeal and replace Implementing Decision 2011/882/EU by a new Decision with the abovementioned modifications.

(14) 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

The novel chewing gum base as specified in the Annex may be placed on the market in the Union as a novel food ingredient for the use in chewing gum up to a maximum of 8 %.

[1] OJ L 43, 14.2.1997, p. 1.
[2] *EFSA Journal* 2011; 9(4):2127.
[3] OJ L 343, 23.12.2011, p. 121.

Article 2

The designation of the novel chewing gum base authorised by this Decision on the labelling of the foodstuff containing it shall be 'gum base (including 1,3-butadiene, 2-methyl-homopolymer, maleated, esters with polyethylene glycol mono-Me ether)' or 'gum base (including CAS No: 1246080-53-4)'.

Article 3

Implementing Decision 2011/882/EU is hereby repealed.

Article 4

This Decision is addressed to Revolymer Ltd, 1, NewTech Square, Deeside Industrial Park, Deeside, Flintshire, CH5 2NT, United Kingdom.

Done at Brussels, 3 August 2012.

For the Commission
John DALLI
Member of the Commission

ANNEX

Specifications of the novel chewing gum base

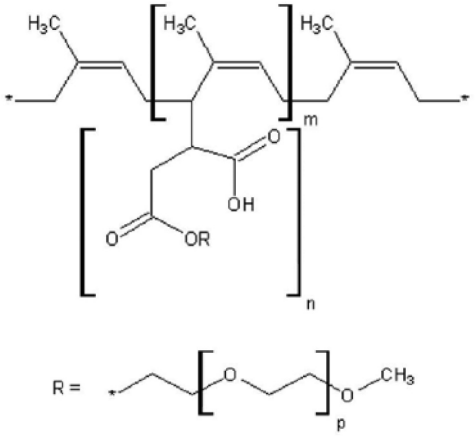
Description

The novel food ingredient is a synthetic polymer (Patent number WO2006016179). It has a white to off-white colour.

It consists of branched polymers of monomethoxypolyethylene glycol (MPEG) grafted onto polyisoprene-graft-maleic anhydride (PIP-g-MA), and unreacted MPEG (less than 35 % by weight).

CAS No 1246080-53-4

Molecular structure of MPEG grafted PIP-g-MA



Characterisitics of 1,3-butadiene, 2-methyl-homopolymer, maleated, esters with polyethylene glycol mono-Me ether/ CAS No 1246080-53-4

Moisture	less than 5 %
Aluminium	less than 3 mg/kg
Lithium	less than 0,5 mg/kg
Nickel	less than 0,5 mg/kg
Residual anhydride	less than 15 µmol/g
Polydispersity index	less than 1,4
Isoprene	less than 0,05 mg/kg
Ethylene oxide	less than 0,2 mg/kg
Free maleic anhydride	less than 0,1 %
Total oligomeres (less than 1 000 Dalton)	not more than 50 mg/kg
Ethylene glycol	less than 200 mg/kg
Diethylene glycol	less than 30 mg/kg
Monoethylene glycol methyl ether	less than 3 mg/kg
Diethylene glycol methyl ether	less than 4 mg/kg
Triethylene glycol methyl ether	less than 7 mg/kg
1,4-Dioxane	less than 2 mg/kg
Formaldehyde	less than 10 mg/kg

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