

Official Journal

of the European Union

L 117



English edition

Legislation

Volume 56

27 April 2013

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2013/202/EU:

- ★ **Council Decision of 23 July 2012 on the signing, on behalf of the Union, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes** 1

Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes 2

2013/203/EU:

- ★ **Council Decision of 22 April 2013 on the signing, on behalf of the European Union, of an Agreement between the European Union and the Swiss Confederation concerning cooperation on the application of their competition laws** 6

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 384/2013 of 22 April 2013 concerning the classification of certain goods in the Combined Nomenclature** 7

Price: EUR 3

(Continued overleaf)

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.

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

★ Commission Implementing Regulation (EU) No 385/2013 of 22 April 2013 concerning the classification of certain goods in the Combined Nomenclature	10
★ Commission Implementing Regulation (EU) No 386/2013 of 22 April 2013 concerning the classification of certain goods in the Combined Nomenclature	12
★ Commission Implementing Regulation (EU) No 387/2013 of 23 April 2013 concerning the classification of certain goods in the Combined Nomenclature	14
Commission Implementing Regulation (EU) No 388/2013 of 26 April 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables	16

DECISIONS

2013/204/EU:

★ Commission Decision of 25 April 2013 concerning the non-inclusion of formaldehyde for product-type 20 in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (notified under document C(2013) 2284) ⁽¹⁾	18
---	----

2013/205/EU:

★ Commission Implementing Decision of 25 April 2013 allowing Member States to extend provisional authorisations granted for the new active substances acequinocyl, aminopyralid, ascorbic acid, flubendiamide, gamma-cyhalothrin, ipconazole, metaflumizone, orthosulfamuron, <i>Pseudomonas</i> sp. strain DSMZ 13134, pyridalil, pyroxsulam, spiromesifen, thiencarbazone and topramezone (notified under document C(2013) 2246) ⁽¹⁾	20
---	----



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 23 July 2012

on the signing, on behalf of the Union, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes

(2013/202/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 217, in conjunction with Article 218(5) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 18 June 2007 the Council authorised the Commission to negotiate a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part ⁽¹⁾, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes ('the Protocol').
- (2) The negotiations have been concluded.
- (3) The Protocol should be signed on behalf of the Union, subject to its conclusion.
- (4) The Protocol should be applied on a provisional basis in accordance with Article 10 thereof, pending the completion of the procedures for its conclusion.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European

Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes ('the Protocol') is hereby authorised on behalf of the Union, subject to its conclusion.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

The Protocol shall be applied on a provisional basis as from the date of its signature ⁽²⁾, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels, 23 July 2012.

For the Council

The President

C. ASHTON

⁽¹⁾ OJ L 129, 15.5.2002, p. 3.

⁽²⁾ The date from which the Protocol will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL**to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part, and

THE HASHEMITE KINGDOM OF JORDAN, hereinafter referred to as 'Jordan',

of the other part,

hereinafter referred to as 'the Parties',

WHEREAS:

- (1) The Hashemite Kingdom of Jordan has concluded a Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part ⁽¹⁾ (hereinafter referred to as 'the Agreement'), which entered into force on 1 May 2002.
- (2) The Brussels European Council of 17 and 18 June 2004 welcomed the European Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004.
- (3) The Council has, on numerous further occasions, repeatedly concluded in favour of this policy.
- (4) The Council, on 5 March 2007, expressed support for the general and global approach outlined in the European Commission's Communication of 4 December 2006 to enable European Neighbourhood Policy partners to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.
- (5) Jordan has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions, in particular, the financial contribution and reporting and evaluation procedures, regarding the participation of Jordan in each particular programme should be determined in a Memorandum of Understanding between the European Commission and the competent authorities of Jordan,

HAVE AGREED AS FOLLOWS:

Article 1

Jordan shall be allowed to participate in all current and future programmes of the Union open to the participation of the Hashemite Kingdom of Jordan in accordance with the relevant provisions adopting these programmes.

Article 2

Jordan shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Jordan participates.

Article 3

The representatives of Jordan shall be allowed to take part, as observers and for the points which concern Jordan, in the management committees responsible for monitoring the programmes to which Jordan contributes financially.

Article 4

Projects and initiatives submitted by participants from Jordan shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Jordan in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the Commission and the competent authorities of Jordan on the basis of the criteria established by the programmes concerned.

If Jordan applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and

⁽¹⁾ OJ L 129, 15.5.2002, p. 3.

Partnership Instrument ⁽¹⁾ or pursuant to any similar Regulation providing for external assistance of the Union to Jordan that may be adopted in the future, the conditions governing the use by Jordan of external assistance of the Union shall be determined in a financing agreement, respecting in particular Article 20 of Regulation (EC) No 1638/2006.

Article 6

Each Memorandum of Understanding concluded pursuant to Article 5 shall stipulate, in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾, that financial control or audits or other verifications, including administrative investigations will be carried out by, or under the authority of, the European Commission, the European Anti-Fraud Office and the Court of Auditors.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, the European Anti-Fraud Office, and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

Article 7

This Protocol shall apply for the period for which the Agreement is in force.

This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.

Either Party may denounce this Protocol by written notification to the other Contracting Party. This Protocol shall terminate six months after the date of such notification.

Termination of this Protocol following denunciation by any of the Parties shall have no influence on the checks and controls to be carried out under the provisions laid down in Articles 5 and 6 where appropriate.

Article 8

No later than three years after the date of entry into force of this Protocol, and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Jordan in Union programmes.

Article 9

This Protocol shall apply, on the one hand, to the territories in which the Treaty on the Functioning of the European Union applies and under the conditions laid down in this Treaty, and, on the other hand, to the territory of Jordan.

Article 10

This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of their procedures necessary for its entry into force.

Pending its entry into force, the Parties agree to provisionally apply this Protocol from the date of its signature.

Article 11

This Protocol shall form an integral part of the Agreement.

Article 12

This Protocol shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each of these texts being equally authentic.

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

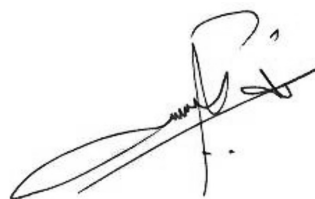
Съставено в Брюксел на деветнадесети декември две хиляди и дванадесета година.
Hecho en Bruselas, el diecinueve de diciembre de dos mil doce.
V Bruselu dne devatenáctého prosince dva tisíce dvanáct.
Udfærdiget i Bruxelles den nittende december to tusind og tolv.
Geschehen zu Brüssel am neunzehnten Dezember zweitausendzwoölf.
Kahe tuhande kaheteistkümnenda aasta detsembrikuu üheksateistkümnendal päeval Brüsselis.
Έγινε στις Βρυξέλλες, στις δεκαεννέα Δεκεμβρίου δύο χιλιάδες δώδεκα.
Done at Brussels on the nineteenth day of December in the year two thousand and twelve.
Fait à Bruxelles, le dix-neuf décembre deux mille douze.
Fatto a Bruxelles, addì diciannove dicembre duemiladodici.
Briselē, divi tūkstoši divpadsmitā gada deviņpadsmitajā decembrī.
Priimta du tūkstančiai dvyliktų metų gruodžio devynioliktą dieną Briuselyje.
Kelt Brüsszelben, a kétézer-tizenkettedik év december havának tizenkilencedik napján.
Magħmul fi Brussell, fid-dsatax-il jum ta' Diċembru tas-sena elfejn u tnax.
Gedaan te Brussel, de negentiende december tweeduizend twaalf.
Sporządzono w Brukseli dnia dziewiętnastego grudnia roku dwa tysiące dwunastego.
Feito em Bruxelas, em dezanove de dezembro de dois mil e doze.
Întocmit la Bruxelles la nouăsprezece decembrie două mii doisprezece.
V Bruseli devätnásteho decembra dvetisícđvanásť.
V Bruslju, dne devetnajstega decembra leta dva tisoč dvanajst.
Tehty Brysselissä yhdeksäntenätoista päivänä joulukuuta vuonna kaksituhattakaksitoista.
Som skedde i Bryssel den nittonde december tjugohundratolv.
جرى في بروكسل في السادس من صفر لعام أربعة وثلاثين وأربعمائة وألف للهجرة الموافق للتاسع عشر من كانون الأول لعام اثني عشر وألفين ميلادية.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen




عن الإتحاد الأوروبي

За Хашемитското кралство Йордания
 Por el Reino Hachemita de Jordania
 Za Jordánské hášimovské království
 For Det Hashemitiske Kongerige Jordan
 Für das Haschemitische Königreich Jordanien
 Jordaania Hašimiidi Kuningriigi nimel
 Για το Χασημιτικό Βασίλειο της Ιορδανίας
 For the Hashemite Kingdom of Jordan
 Pour le Royaume hachémite de Jordanie
 Per il Regno hascemita di Giordania
 Jordānijas Hāšimītu Karalistes vārdā –
 Jordānijos Hašimitų Karalystės vardu
 A Jordán Hásimita Királyság részéről
 Ghar-Renju Haxemita tal-Gordan
 Voor het Hasjemitisch Koninkrijk Jordanië
 W imieniu Jordáńskiego Królestwa Haszymidzkiego
 Pelo Reino Hachemita da Jordânia
 Pentru Regatul Haşemit al Iordaniei
 Za Jordánske hášimovské kráľovstvo
 Za Hašemitsko kraljevino Jordanijo
 Jordanian hašemiittisen kuningaskunnan puolesta
 För Hashemitiska konungariket Jordanien



عن المملكة الأردنية الهاشمية

COUNCIL DECISION**of 22 April 2013****on the signing, on behalf of the European Union, of an Agreement between the European Union and the Swiss Confederation concerning cooperation on the application of their competition laws**

(2013/203/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 103 and 352, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 10 December 2010, the Council authorised the Commission to open negotiations with the Swiss Confederation concerning cooperation on the application of the competition laws of the Union and of the Swiss Confederation.
- (2) The negotiations with the Swiss Confederation have been completed.
- (3) The Agreement should be signed subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Agreement between the European Union and the Swiss Confederation concerning cooperation on the appli-

cation of their competition laws is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement ⁽¹⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union subject to its conclusion.

Article 3

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

Done at Luxembourg, 22 April 2013.

For the Council
The President
S. COVENEY

⁽¹⁾ The text of the Agreement will be published together with the decision on its conclusion.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 384/2013

of 22 April 2013

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, subject to the measures in force in the Union relating to double checking systems and to prior and retrospective surveillance of textile

products on importation into the Union, binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which is not in accordance with this Regulation, may continue to be invoked for a period of 60 days 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 limits 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

Subject to the measures in force in the Union relating to double checking systems and to prior and retrospective surveillance of textile products on importation into the European Union, binding tariff information issued by the customs authorities of Member States which is not in accordance with this Regulation may continue to be invoked for a period of 60 days 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, 22 April 2013.

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

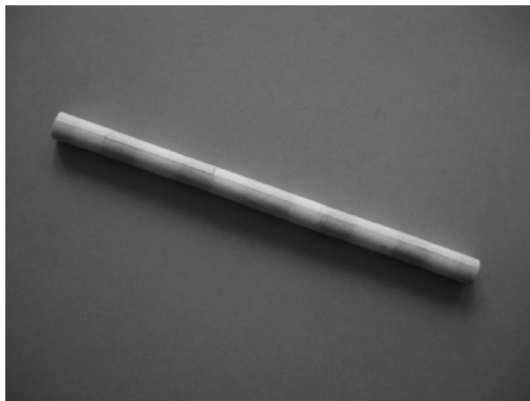
⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

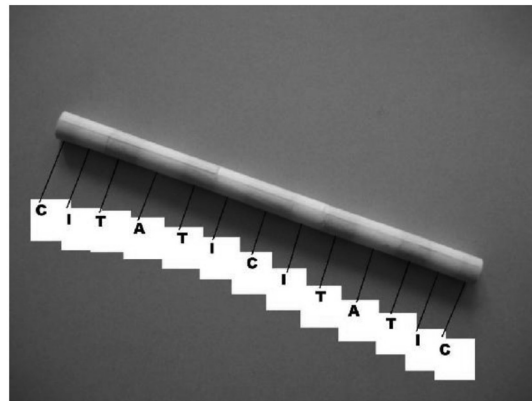
Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An article having the shape of a cylinder with a diameter of approximately 7 mm and a length of approximately 130 mm, consisting of an outer layer of paper that holds the following components in place:</p> <ul style="list-style-type: none"> — three filters of cellulose acetate fibres with activated carbon (C), — four filters of cellulose acetate fibres also containing impregnated fibres (impregnated with an agglutinating substance that does not penetrate into the inner layers of the fibres) (I), — two filters of cellulose acetate fibres (A), — four components of flavourful oriental tobacco of the kind used in cigarettes (T). <p>As far as the cellulose acetate fibres in the different filters are concerned (C, I, A), the fibres are oriented parallel to each other. The fibres form a flexible, spongy body of even thickness, and are readily separable and 'pluckable'.</p> <p>Within the cylinder, the components are placed in the following order:</p> <ul style="list-style-type: none"> — C (approximately 6 mm long), — I (approximately 10 mm long), — T (approximately 10 mm long), — A (approximately 13 mm long), — T (approximately 10 mm long), — I (approximately 10 mm long), — C (approximately 12 mm long), — I (approximately 10 mm long), — T (approximately 10 mm long), — A (approximately 13 mm long), — T (approximately 10 mm long), — I (approximately 10 mm long), — C (approximately 6 mm long). 	5601 22 10	<p>Classification is determined by General Rules 1, 4 and 6 for the interpretation of the Combined Nomenclature (GIR) and the wording of CN codes 5601, 5601 22 and 5601 22 10.</p> <p>The article contains more filtering than tobacco components. The tobacco may remain placed between two filters and hence may not be combusted but only used as a flavouring component in a cigarette. The tobacco constitutes only approximately one third of the volume of the article. Consequently, the different filters give the article its essential character within the meaning of GIR 3(b).</p> <p>The plain cellulose acetate fibres (A) together with the impregnated ones (I) constitute a higher percentage by weight and by volume than the cellulose acetate fibres with activated carbon (C). Consequently, the filters made of the plain and the impregnated cellulose acetate fibres (A, I) give the article its essential character within the meaning of GIR 3(b).</p> <p>The filters made of the plain and the impregnated cellulose acetate fibres (A, I) do not have the required cohesion and strength. Consequently, classification under headings 5602 as 'felt' or 5603 as 'nonwovens' is excluded.</p> <p>The filters made of the plain and the impregnated cellulose acetate fibres (A, I) are not made from a textile 'fabric' within the meaning of Note 1 to Chapter 63. Consequently, classification under heading 6307 is excluded.</p> <p>Within the filters made of the plain and the impregnated cellulose acetate fibres (A, I), the fibres are oriented parallel to each other. Consequently, they are excluded from classification under heading 5601 as 'articles of wadding'.</p> <p>Since filters made of the plain and the impregnated cellulose acetate fibres (A, I) cannot be classified under any heading in accordance to GIR 1 to 3, they are to be classified by application of GIR 4 in the heading appropriate to the goods to which they are most akin.</p> <p>Since the fibres are readily separable and 'pluckable', and form a flexible, spongy body of even thickness, their outward appearance is that of wadding. Consequently, the filters (A, I) are to be classified under heading 5601 (see also the HS Classification Opinion classifying 'rods for making cigarette filter tips' under subheading 5601 22).</p>

(1)	(2)	(3)
<p>The percentage by weight of the different materials in the article is as follows:</p> <ul style="list-style-type: none"> — C: approximately 17 %, — I: approximately 16 %, — A: approximately 8 %, — T: approximately 41 %, — paper: approximately 18 %. <p>The article is designed to be cut up and to be used in the production of filter cigarettes. It is not evident from the objective characteristics of the article how it will be cut up.</p> <p>(See photographs nos. 664 A and B) (*)</p>		<p>The impregnation of the cellulose acetate fibres (I) does not exclude classification under heading 5601, because the agglutinating substance does not penetrate into the inner layers of the fibres (see the HS explanatory notes to heading 5601, (A), fourth paragraph).</p> <p>The article is therefore to be classified under CN code 5601 22 10 as 'articles of wadding of man-made fibres'.</p>

(*) The photographs are purely for information.



664 A



664 B

COMMISSION IMPLEMENTING REGULATION (EU) No 385/2013
of 22 April 2013
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*.

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

Done at Brussels, 22 April 2013.

*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)
<p>A product composed of 25 wipes made of non-wovens with a size of approximately 15 cm × 20 cm per wipe, put up in a plastic bag for retail sale.</p> <p>Amongst other ingredients the wipes are impregnated with water, soybean oil, sweet almond oil (<i>Prunus dulcis</i>), cetyl alcohol, xanthan gum, perfume/fragrance, citronellol, geraniol, glycerine, tetrasodium EDTA and disodium cocoamphodiacetate.</p> <p>According to the information provided the product is used to remove make-up, tone and purify normal and combination skin.</p>	3304 99 00	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 2 to Section VI, Note 4 to Chapter 33 and the wording of CN codes 3304 and 3304 99 00.</p> <p>The surface-active agent (disodium cocoamphodiacetate) contained in the product does not give the product its essential character as it has only the function of an emulsifier. Consequently, classification under heading 3401 is excluded (see also Harmonised System Explanatory Notes to heading 3401, exclusion (c)).</p> <p>Note 4 to Chapter 33 cannot be applied as the essential character of the product is that of skin care. Classification under heading 3307 is therefore also excluded.</p> <p>As the product is used to remove make-up, tone and purify the skin it is a preparation for the care of the skin (see also the Harmonised System Explanatory Notes to heading 3304).</p> <p>The product is therefore to be classified under heading 3304 as preparation for the care of the skin.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 386/2013
of 22 April 2013
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 auth-

orities 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*.

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

Done at Brussels, 22 April 2013.

*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)
<p>Product consisting of 20 µg to 5 mg recombinant human glycoprotein (laminin) in an aqueous storage buffer.</p> <p>The product is intended for use for coating cell culture vessels. It serves as a matrix for growing stem cells by improving the surface of such vessels to which the cells can adhere.</p> <p>The product does not provide nourishment for the stem cells and is to be used in combination with a cell culture medium in order to maintain or grow stem cells.</p>	3504 00 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 3504 00 and 3504 00 90.</p> <p>As the product only serves as a matrix for growing stem cells and is to be used in combination with a cell culture medium it cannot be considered as a prepared culture medium of heading 3821 (see also the Harmonised System Explanatory Notes (HSEN) to heading 3821, exclusions).</p> <p>Classification of the product under heading 3822 is excluded because it is not used in the evaluation of physical, biophysical or biochemical processes or in analytical reactions (see also the HSEN to heading 3822, first paragraph).</p> <p>Laminins are other protein substances of heading 3504, not covered by a more specific heading (see also the HSEN to heading 3504, letter (B)).</p> <p>The product is therefore to be classified as other protein substance of heading 3504.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 387/2013
of 23 April 2013
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*.

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

Done at Brussels, 23 April 2013.

*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)
<p>A product presented in gelatine capsules, put up for retail sale. Each capsule contains the following ingredients:</p> <ul style="list-style-type: none"> — powdered bark of cat's claw 500 mg <i>(Uncaria tomentosa)</i> — ascorbyl palmitate 57 mg — microcrystalline cellulose 79 mg — rice flour 17 mg — silica 32 mg <p>The product contains approximately 17 % by weight, of starch/glucose.</p> <p>According to the label the product is presented as a food supplement for human consumption.</p>	2106 90 98	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(a) to Chapter 30, Additional Note 1 to Chapter 30 and the wording of CN codes 2106, 2106 90 and 2106 90 98.</p> <p>As the concentration of active substance or substances contained in the product is not indicated on the label, the packaging or the accompanying user directions, the requirements of Additional Note 1 to Chapter 30 are not fulfilled. Consequently, classification under heading 3004 as a medicament is excluded.</p> <p>The product is a food preparation presented in the form of capsules. The casing is a factor that, together with the content, determines the use and character of the product (see judgment of the Court of Justice of the European Union in joined cases C-410/08 to C-412/08 <i>Swiss Caps</i> [2009] ECR p.I-11991, paragraphs 29 and 32).</p> <p>The product is therefore to be classified under CN code 2106 90 98 as food preparations not elsewhere specified or included (see also Harmonised System Explanatory Notes to heading 2106, point (16)).</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 388/2013**of 26 April 2013****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, 26 April 2013.

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

Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	71,1
	TN	88,0
	TR	121,6
	ZZ	93,6
0707 00 05	AL	65,0
	TR	130,2
	ZZ	97,6
0709 93 10	TR	101,0
	ZZ	101,0
0805 10 20	EG	52,1
	IL	72,3
	MA	50,0
	TN	69,6
	TR	60,8
	ZZ	61,0
0805 50 10	TR	94,4
	ZA	116,4
	ZZ	105,4
0808 10 80	AR	110,9
	BR	102,8
	CL	116,4
	CN	95,9
	MK	28,7
	NZ	149,9
	US	194,8
	ZA	107,6
	ZZ	113,4
0808 30 90	AR	108,4
	CL	120,8
	CN	69,8
	NZ	199,4
	ZA	116,7
	ZZ	123,0

⁽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'.

DECISIONS

COMMISSION DECISION

of 25 April 2013

concerning the non-inclusion of formaldehyde for product-type 20 in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

(notified under document C(2013) 2284)

(Text with EEA relevance)

(2013/204/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC.
- (2) Formaldehyde (EC No 200-001-8, CAS No 50-00-0) is included in that list for use in, inter alia, product-type 20, preservatives for food or feedstocks, as defined in Annex V to Directive 98/8/EC.
- (3) Two companies ('the applicants') submitted a dossier to Germany for the evaluation of formaldehyde for use in product-type 20 by 31 October 2008 in accordance with Article 9 of Regulation (EC) No 1451/2007. Pursuant to Article 11 of Directive 98/8/EC, the dossiers made reference to two products containing formaldehyde (the 'reference products').
- (4) In a series of meetings and letters, the Commission informed the applicants and Member States that it considered the reference products to be included in the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽³⁾, and hence

excluded from the scope of Directive 98/8/EC by virtue of Article 1(2)(o) of that Directive. The Commission stated that it would not decide to include formaldehyde for product-type 20 in Annex I, IA or IB to Directive 98/8/EC. It therefore invited the applicants to discontinue their participation in the review programme in accordance with Article 11(1) of Regulation (EC) No 1451/2007 and apply for authorisation of the reference products in accordance with Regulation (EC) No 1831/2003, for which it offered practical help, as well as its best efforts to avoid market disruption during the transition from one regulatory regime to the other.

- (5) Following the Commission's advice, one of the applicants informed the Commission of its intention to discontinue its participation in the review programme in accordance with Article 11(1) of Regulation (EC) No 1451/2007 on 10 September 2009. The other applicant chose to remain in the review programme despite the advice.
- (6) The Commission repeated its position in a letter of 25 May 2010 to Germany and the remaining applicant. By letter of 17 August 2010, Germany replied that the remaining applicant declined to discontinue its participation in the review programme, which gave Germany no other option but to continue the evaluation.
- (7) As confirmed by 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⁽⁴⁾, products used for the preservation of food or feed are covered by Regulation (EC) No 1831/2003 and Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives⁽⁵⁾. Therefore, such products are excluded from the scope of Directive 98/8/EC by virtue of Article 1(2)(o) of that Directive. Therefore, in the interest on legal certainty, it should be decided that formaldehyde will not be included in Annex I, IA or IB to the Directive for product-type 20.
- (8) Formaldehyde is not known to be used as a food additive, and not approved for such use in accordance with Regulation (EC) No 1333/2008.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.⁽²⁾ OJ L 325, 11.12.2007, p. 3.⁽³⁾ OJ L 268, 18.10.2003, p. 29.⁽⁴⁾ OJ L 167, 27.6.2012, p. 1.⁽⁵⁾ OJ L 354, 31.12.2008, p. 16.

- (9) Two applications for authorisation of formaldehyde as a feed additive in accordance with Regulation (EC) No 1831/2003 are currently under assessment. The phase-out period for products containing formaldehyde and used for the preservation of feed and placed on the market as biocidal products should take into account the time necessary to regulate such products in accordance with Regulation (EC) No 1831/2003.
- (10) 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

Formaldehyde (EC No 200-001-8, CAS No 50-00-0) shall not be included in Annex I, IA or IB to Directive 98/8/EC for product-type 20.

Article 2

Products placed on the market as biocidal products for use as feed preservatives and containing formaldehyde shall no longer be placed on the market with effect from 1 July 2015.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 April 2013.

For the Commission

Janez POTOČNIK

Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 25 April 2013

allowing Member States to extend provisional authorisations granted for the new active substances acequinocyl, aminopyralid, ascorbic acid, flubendiamide, gamma-cyhalothrin, ipconazole, metaflumizone, orthosulfamuron, *Pseudomonas* sp. strain DSMZ 13134, pyridalil, pyroxsulam, spiromesifen, thien carbazon and topramezone

(notified under document C(2013) 2246)

(Text with EEA relevance)

(2013/205/EU)

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Directive 91/414/EEC shall continue to apply to active substances for which a decision has been adopted in accordance with Article 6(3) of Directive 91/414/EEC before 14 June 2011.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2003 the Netherlands received an application from Agro-Kanesho for the inclusion of the active substance acequinocyl in Annex I to Directive 91/414/EEC. Commission Decision 2003/636/EC ⁽³⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (3) In accordance with Article 6(2) of Directive 91/414/EEC, in April 2004 the United Kingdom received an application from Dow AgroSciences Ltd for the inclusion of the active substance aminopyralid in Annex I to Directive 91/414/EEC. Commission Decision 2005/778/EC ⁽⁴⁾ confirmed that the dossier was complete and could be

considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

- (4) In accordance with Article 6(2) of Directive 91/414/EEC, in September 2004 the Netherlands received an application from Citrex Nederland BV for the inclusion of the active substance ascorbic acid in Annex I to Directive 91/414/EEC. Commission Decision 2005/751/EC ⁽⁵⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (5) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2006 Greece received an application from Bayer CropScience AG for the inclusion of the active substance flubendiamide in Annex I to Directive 91/414/EEC. Commission Decision 2006/927/EC ⁽⁶⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (6) In accordance with Article 6(2) of Directive 91/414/EEC, in August 2001 the United Kingdom received an application from Pytech Chemicals GmbH for the inclusion of the active substance gamma-cyhalothrin in Annex I to Directive 91/414/EEC. Commission Decision 2004/686/EC ⁽⁷⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (7) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2007 the United Kingdom received an application from Kureha GmbH for the inclusion of the active substance ipconazole in Annex I to Directive 91/414/EEC. Commission Decision 2008/20/EC ⁽⁸⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 309, 24.11.2009, p. 1.

⁽³⁾ OJ L 221, 4.9.2003, p. 42.

⁽⁴⁾ OJ L 293, 9.11.2005, p. 26.

⁽⁵⁾ OJ L 282, 26.10.2005, p. 18.

⁽⁶⁾ OJ L 354, 14.12.2006, p. 54.

⁽⁷⁾ OJ L 313, 12.10.2004, p. 21.

⁽⁸⁾ OJ L 1, 4.1.2008, p. 5.

- (8) In accordance with Article 6(2) of Directive 91/414/EEC, in November 2005 the United Kingdom received an application from BASF SE for the inclusion of the active substance metaflumizone in Annex I to Directive 91/414/EEC. Commission Decision 2006/517/EC ⁽¹⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (9) In accordance with Article 6(2) of Directive 91/414/EEC, in July 2005 Italy received an application from Isagro SpA for the inclusion of the active substance orthosulfamuron in Annex I to Directive 91/414/EEC. Commission Decision 2006/806/EC ⁽²⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (10) In accordance with Article 6(2) of Directive 91/414/EEC, in August 2008 the Netherlands received an application from Sourcon-Padena GmbH & Co KG for the inclusion of the active substance *Pseudomonas* sp. strain DSMZ 13134 in Annex I to Directive 91/414/EEC. Commission Decision 2008/599/EC ⁽³⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (11) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2006 the Netherlands received an application from Sumitomo Chemical Agro Europe SAS for the inclusion of the active substance pyridalil in Annex I to Directive 91/414/EEC. Commission Decision 2007/669/EC ⁽⁴⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (12) In accordance with Article 6(2) of Directive 91/414/EEC, in February 2006 the United Kingdom received an application from Dow AgroSciences GmbH for the inclusion of the active substance pyroxsulam in Annex I to Directive 91/414/EEC. Commission Decision 2007/277/EC ⁽⁵⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (13) In accordance with Article 6(2) of Directive 91/414/EEC, in April 2002 the United Kingdom received an application from Bayer CropScience AG for the inclusion of the active substance spiromesifen in Annex I to Directive 91/414/EEC. Commission Decision 2003/105/EC ⁽⁶⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (14) In accordance with Article 6(2) of Directive 91/414/EEC, in April 2007 the United Kingdom received an application from Bayer CropScience AG for the inclusion of the active substance thiencarbazono in Annex I to Directive 91/414/EEC. Commission Decision 2008/566/EC ⁽⁷⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (15) In accordance with Article 6(2) of Directive 91/414/EEC, in May 2003 France received an application from BASF SE for the inclusion of the active substance topramezone in Annex I to Directive 91/414/EEC. Commission Decision 2003/850/EC ⁽⁸⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (16) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the conditions relating to the detailed assessment of the active substances and the plant protection products in the light of the requirements laid down by that Directive.
- (17) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The rapporteur Member States submitted the draft assessment reports to the Commission on 15 March 2005 (acequinocyl), on 10 September 2007 (ascorbic acid), on 22 August 2006 (aminopyralid), on 1 September 2008 (flubendiamide), on 13 September 2012 (gamma-cyhalothrin), on 29 May 2008 (ipconazole), on 15 April 2008 (metaflumizone), on 19 July 2012 (orthosulfamuron), on 3 November 2009 (*Pseudomonas* sp. strain DSMZ 13134), on 13 January 2009 (pyridalil), on 20 March 2008 (pyroxsulam), on 9 March 2004 (spiromesifen), on 17 December 2008 (thiencarbazono) and on 26 July 2007 (topramezone).
- (18) Following submission of the draft assessment reports by the rapporteur Member States, it has been found to be necessary to request further information from the applicants and to have the rapporteur Member States

⁽¹⁾ OJ L 201, 25.7.2006, p. 34.

⁽²⁾ OJ L 329, 25.11.2006, p. 74.

⁽³⁾ OJ L 193, 22.7.2008, p. 14.

⁽⁴⁾ OJ L 274, 18.10.2007, p. 15.

⁽⁵⁾ OJ L 116, 4.5.2007, p. 59.

⁽⁶⁾ OJ L 43, 18.2.2003, p. 45.

⁽⁷⁾ OJ L 181, 10.7.2008, p. 52.

⁽⁸⁾ OJ L 322, 9.12.2003, p. 28.

examine that information and submit their assessment. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluation within the timeframe provided for in Directive 91/414/EEC, read in conjunction with Commission Implementing Decisions 2011/490/EU ⁽¹⁾ (acequinocyl, aminopyralid, flubendiamide, metaflumizone, pyroxsulam and thien carbazole), 2011/252/EU ⁽²⁾ (ascorbic acid, ipconazole, *Pseudomonas* sp. strain DSMZ 13134, spiromesifen and topramezone) and 2011/671/EU ⁽³⁾ (gamma-cyhalothrin).

- (19) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible approval in accordance with Article 13(2) of Regulation (EC) No 1107/2009 for acequinocyl, aminopyralid, ascorbic acid, flubendiamide, gamma-cyhalothrin, ipconazole, metaflumizone, ortho-sulfamuron, *Pseudomonas* sp. DSMZ 13134, pyridalil, pyroxsulam, spiromesifen, thien carbazole and topramezone will have been completed within 24 months.

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

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing acequinocyl, aminopyralid, ascorbic acid, flubendiamide, gamma-cyhalothrin, ipconazole, metaflumizone, ortho-sulfamuron, *Pseudomonas* sp. DSMZ 13134, pyridalil, pyroxsulam, spiromesifen, thien carbazole or topramezone for a period ending on 30 April 2015 at the latest.

Article 2

This Decision shall expire on 30 April 2015.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 April 2013.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 201, 4.8.2011, p. 16.

⁽²⁾ OJ L 106, 27.4.2011, p. 11.

⁽³⁾ OJ L 267, 12.10.2011, p. 19.

2013 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 300 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 420 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 910 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 100 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 200 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>

