

Official Journal

of the European Union

L 267



English edition

Legislation

Volume 56

9 October 2013

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Price: EUR 3

(¹) Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 961/2013

of 8 October 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, 8 October 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

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	48,7
	ZZ	48,7
0707 00 05	MK	36,9
	TR	116,3
	ZZ	76,6
0709 93 10	TR	123,8
	ZZ	123,8
0805 50 10	AR	109,9
	CL	102,1
	IL	100,2
	TR	93,2
	ZA	118,6
	ZZ	104,8
0806 10 10	BR	244,6
	MK	32,3
	TR	138,3
	ZZ	138,4
0808 10 80	AR	101,1
	BA	56,1
	BR	89,2
	CL	140,8
	NZ	144,6
	US	119,2
	ZA	140,0
	ZZ	113,0
0808 30 90	AR	199,8
	CL	199,9
	TR	123,6
	ZA	165,9
	ZZ	172,3

⁽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 7 October 2013

amending Decision 2009/821/EC as regards the list of border inspection posts

(notified under document C(2013) 6383)

(Text with EEA relevance)

(2013/491/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 20(1) and (3) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 6(4) and Article 6(5) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 6(2) thereof,

Whereas:

- (1) Commission Decision 2009/821/EC ⁽⁴⁾ lays down a list of border inspection posts approved in accordance with Directives 91/496/EEC and 97/78/EC. That list is set out in Annex I to that Decision.
- (2) Following communication from Denmark, Germany, Spain, France, Italy and the UK, the entries for the border inspection posts in those Member States should be amended in the list set out in Annex I to Decision 2009/821/EC.

- (3) Following satisfactory audits carried out by the Commission audit service (formerly referred to as Commission inspection service), the Food and Veterinary Office (FVO), additional approval categories could be added to four border inspection posts in Croatia and a new border inspection post at London-Gateway in the United Kingdom should be added to the entries for those Member States in the list set out in Annex I to Decision 2009/821/EC. As the Treaty of Accession of Croatia entered into force on 1 July 2013 and as the above audit was carried out before, the amendments to the Croatian BIPs should be applicable retroactively from 1 July 2013 to ensure that no obstacles to existing trade are created.
- (4) Poland has communicated that the border inspection post at Świnoujście should be deleted from the list of entries for that Member State. The list of entries for this Member State as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (5) Decision 2009/821/EC should therefore be amended accordingly.
- (6) 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

Annex I to Decision 2009/821/EC is amended in accordance with the Annex to this Decision.

Article 2

The amendment set out in point (5) of the Annex shall apply retroactively from 1 July 2013.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in TRACES (OJ L 296, 12.11.2009, p. 1).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 7 October 2013.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

Annex I to Decision 2009/821/EC is amended as follows:

(1) in the part concerning Denmark, the entry for the port at Esbjerg is replaced by the following:

'Esbjerg	DK EBJ 1	P	E D & F Man Terminals Denmark ApS	HC-NT(6), NHC-NT(4)(6)(11)'	
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(2) the part concerning Germany is amended as follows:

(a) the entry for the airport at Hannover-Langenhagen is replaced by the following:

'Hannover-Langenhagen	DE HAJ 4	A		HC-T(FR)(2), HC-NT(2), NHC(2)	O (10)'
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(b) the entry for the airport at Schönefeld is replaced by the following:

'Schönefeld	DE SXF 4	A		HC(2), NHC	O'
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(3) the part concerning Spain is amended as follows:

(a) the entry for the airport at Barcelona is replaced by the following:

'Barcelona	ES BCN 4	A	Iberia	HC(2), NHC-T(CH)(2), NHC-NT(2)	O
			Swissport	HC(2), NHC(2)	O
			WFS	HC(2)'	

(b) the entry for the airport at Madrid is replaced by the following:

'Madrid	ES MAD 4	A	Iberia	HC-T(FR)(2), HC-NT(2), NHC(2)	U, E, O
			Swissport	HC(2), NHC-T(CH)(2), NHC-NT(2)	O
			PER4	HC-T(CH)(2)	
			WFS: World Wide Flight Services	HC(2), NHC-T(CH)(2), NHC-NT	O'

(4) the part concerning France is amended as follows:

(a) the entry for the airport at Marseille is replaced by the following:

'Marseille Aéroport	FR MRS 4	A		HC-T(CH)(1)(2), HC-NT'	
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(b) the entry for the port at Réunion Port Réunion is replaced by the following

'Réunion — Port Réunion	FR LPT 1	P		HC(1)(2), NHC-T(FR)(2), NHC-NT'	
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(c) the entry for the airport at Orly is replaced by the following:

'Orly	FR ORY 4	A	SFS	HC-T(1)(2), HC-NT(2), NHC-NT'	
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(d) the entry for the airport at Toulouse-Blagnac is replaced by the following:

'Toulouse-Blagnac	FR TLS 4	A		HC-T(1)(2), HC-NT(2), NHC(2)	O (14)'
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(5) the part concerning Croatia is amended as follows:

(a) the entries for the roads at Bajakovo and Karasovići are replaced by the following:

'Bajakovo	HR VUK 3	R		HC, NHC	U, E, O
Karasovići	HR KRS 3	R		HC(2), NHC(2)	O'

(b) the entries for the ports at Ploče and Rijeka are replaced by the following:

'Ploče	HR PLE 1	P		HC(2), NHC(2)	
Rijeka	HR RJK 1	P		HC(2), NHC(2)'	

(6) in the part concerning Italy, the entry for the port at Venezia is replaced by the following:

'Venezia	IT VCE 1	P		HC, NHC'	
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(7) in the part concerning Poland, the entry for the port at Świnoujście is deleted.

(8) the part concerning the United Kingdom is amended as follows:

(a) the entry for the airport at Edinburgh is replaced by the following:

'Edinburgh	GB EDI 4	A	Extrordinaire		O(14)'
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(b) the following entry for a new border inspection post at the port at London-Gateway is inserted between the entry for the port at Liverpool and the entry for the airport at Manchester:

'London Gateway	GB LGP 1	P		HC(1), NHC'	
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(c) the entry for the airport at East Midlands is replaced by the following:

'East Midlands	GB EMA 4	A		HC-NT(1)(2), NHC-NT(2)'	
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COMMISSION DECISION

of 7 October 2013

authorising Germany to maintain the limit values for antimony, arsenic, barium, lead and mercury beyond the entry into application of the limit values for chemical substances according to Article 55, 2nd sentence of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys in application of the Order of the President of the General Court of 15 May 2013 (T-198/12R)

(notified under document C(2013) 6387)

(Only the German text is authentic)

(Text with EEA relevance)

(2013/492/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 266 thereof,

Having regard to the Order of the President of the General Court of 15 May 2013 in Case T-198/12R,

Whereas:

- (1) Directive 2009/48/EC of the European Parliament and of the Council ⁽¹⁾ lays down rules on the safety of toys and on their free movement in the Union. According to Article 54 of that Directive, Member States must bring into force national provisions complying with Directive 2009/48/EC by 20 January 2011, and they have to apply them as from 20 July 2011. According to the second sentence of Article 55 of that Directive, Part III of Annex II to Directive 2009/48/EC on chemical properties is applicable as from 20 July 2013. Part III of that Annex includes migration limits for 19 elements.
- (2) On 20 January 2011, Germany requested the Commission, pursuant to Article 114(4) TFEU, the permission to retain the existing provisions provided in German law for the elements: lead, arsenic, mercury, barium and antimony, as well as for nitrosamines and nitrosatable substances released from toy material, beyond the date of entry into force of Annex II, Part III, to Directive 2009/48/EC.
- (3) By Commission Decision 2012/160/EU ⁽²⁾, the Commission granted the German Government's request and approved the maintenance of the national provisions

for nitrosamines and nitrosatable substances. As regards the limit values for arsenic, antimony and mercury – which correspond to the limit values which had been established by Council Directive 88/378/EEC ⁽³⁾ – the Commission did not approve the maintenance of the German national provisions. As regards the limit values for lead and barium – which also correspond to the values which had been established by Directive 88/378/EEC – the Commission provisionally approved the maintenance of the German national provisions, until the entry into force of new Union limit values for lead and barium or until 21 July 2013, whichever date came first.

- (4) On 14 May 2012, the German Government brought an action for annulment of the Commission Decision of 1 March 2012 before the General Court. In addition, on 13 February 2013, the German Government applied for interim relief requesting the provisional approval of the national provisions maintaining the limit values for antimony, arsenic, barium, lead and mercury, pending the Court's decision on the main action.
- (5) By Order of 15 May 2013 in Case T-198/12R, the President of the General Court granted the interim relief measure sought by the German Government. The President considered that under paragraphs 4 and 6 of Article 114 TFEU only the Commission is competent to authorise applications to maintain limit values submitted to it by the Member States ⁽⁴⁾. Accordingly, the Commission was ordered to authorise that the national provisions notified by the Federal Republic of Germany concerning limit values for antimony, arsenic, barium, lead and mercury in toys be maintained pending the Court's decision in the main proceedings.
- (6) On 26 July 2013, the Commission lodged an appeal against the Order of the President of the General Court (C-426/13P(R)). In accordance with Article 60 of the Statute of the Court of Justice of the European Union, an appeal does not have suspensory effect.

⁽¹⁾ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

⁽²⁾ Commission Decision 2012/160/EU of 1 March 2012 concerning the national provisions notified by the German Federal Government maintaining the limit values for lead, barium, arsenic, antimony, mercury and nitrosamines and nitrosatable substances in toys beyond the entry into application of Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys (OJ L 80, 20.3.2012, p. 19).

⁽³⁾ Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys (OJ L 187, 16.7.1988, p. 1).

⁽⁴⁾ Paragraph 39 of the Order.

- (7) The Commission hereby complies with the Order of 15 May 2013 in case T-198/12R and, as required, authorises that the provisions notified by the Federal Republic of Germany concerning limit values for antimony, arsenic, barium, lead and mercury be maintained. The Commission however continues to pursue legal action against the measures notified by the Federal Republic of Germany before the General Court with the main proceedings (T-198/12R) and before the Court of Justice with the appeal to the Order of 15 May 2013 (C-426/13 P(R)),

HAS ADOPTED THIS DECISION:

Article 1

In accordance with the Court's Order of 15 May 2013 in case T-198/12R, the Commission authorises that the national provisions notified by the Federal Republic of Germany concerning limit values for antimony, arsenic, barium, lead and mercury in toys be maintained beyond 20 July 2013.

Article 2

This Decision is provisional.

It is only valid until the General Court has rendered its judgment in case T-198/12R or the Court of Justice has decided on the Commission's appeal against the President of the General Court's order of 15 May 2013 in case T-198/12R (Case C-426/13 P(R)) whichever of the two events occurs earlier.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 7 October 2013.

For the Commission

Antonio TAJANI

Vice-President

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