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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1962**of 7 November 2016****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 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (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.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

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, 7 November 2016.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>Unassembled shower doors, designed to be mounted and fixed to the wall, consisting of the following components:</p> <ul style="list-style-type: none"> — two panels, made of single-pane-security glass (ESG EN 12150), measuring 2 100 × 860 × 6 mm (pivoting panel functioning as a door) and 2 100 × 810 × 6 mm (fixed/non pivoting panel), — two aluminium profiles to be fixed on one side of each panel, measuring 2 100 × 25 mm containing rails, a plastic seal and four screw holes, — knobs, beams, plates, hinges, clamps and other fixing devices made of high-grade steel, — screws, hex keys, plugs and anchors, — seals (a magnetic seal, for closing the door panels, and a bellows seal for sealing between fixed and movable parts). <p>The glass possesses a protection, having been soaked and processed, against lime, dirt and cleaning agent sediment.</p> <p>See image of the article already assembled (*).</p>	7020 00 80	<p>Classification is determined by General Rules 1, 2(a), 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7020 00 and 7020 00 80.</p> <p>The article is a composite good, presented unassembled, made up of different components. As the profiles are only on one side of each panel, the product is not considered to be set in a frame (see also the Explanatory Notes to the Combined Nomenclature to Chapter 70, General, second paragraph). The profiles, fixing devices, screws, plugs, seals etc. are components of a subordinate character. It is therefore the glass that gives the product its essential character.</p> <p>Classification under heading 7326 as other articles of steel or under heading 7610 as frames made of aluminium is therefore excluded.</p> <p>Classification under heading 7013 as glassware of a kind used for toilet or similar purposes is also excluded, as only small movable articles are covered (see also the Harmonized System Explanatory Notes to heading 7013, first paragraph, (2)).</p> <p>Classification under heading 7007 as a safety glass is also excluded as this heading covers safety glass but not articles made thereof.</p> <p>The article is therefore to be classified under CN code 7020 00 80 as other articles of glass.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2016/1963**of 9 November 2016****amending Implementing Regulation (EU) 2015/2378 as regards standard forms and linguistic arrangements to be used in relation to Council Directives (EU) 2015/2376 and (EU) 2016/881**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC ⁽¹⁾, and in particular Article 20(5) and (6) thereof,

Whereas:

- (1) Article 8a of Directive 2011/16/EU provides for mandatory automatic exchange of advance cross-border rulings and advance pricing arrangements. A standard form, including linguistic arrangements, should be used for those exchanges and a secure Member State central directory where the information be recorded should be developed.
- (2) Article 8aa of Directive 2011/16/EU provides for mandatory automatic exchange of information on country-by-country reports. Linguistic arrangements should be adopted as regards the form to be used for the exchanges.
- (3) Commission Implementing Regulation (EU) 2015/2378 ⁽²⁾ should therefore be amended accordingly.
- (4) For reasons of coherence and legal certainty, it is appropriate to align the dates of application of this Regulation with the dates by which the laws, regulations and administrative provisions in the Member States necessary to comply with Articles 8a and 8aa of Directive 2011/16/EU should apply.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Administrative Cooperation for Taxation,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendments to Implementing Regulation (EU) 2015/2378**

Implementing Regulation (EU) 2015/2378 is amended as follows:

- (1) The following Article 2a is inserted:

*'Article 2a***Standard forms, including linguistic arrangements, for the mandatory automatic exchange of advance cross-border rulings and advance pricing arrangements**

1. In regard to the forms to be used, “component” and “field” mean a location in a form where information to be exchanged pursuant to Directive 2011/16/EU may be recorded.

⁽¹⁾ OJ L 64, 11.3.2011, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2378 of 15 December 2015 laying down detailed rules for implementing certain provisions of Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Implementing Regulation (EU) No 1156/2012 (OJ L 332, 18.12.2015, p. 19).

2. The form to be used for the mandatory automatic exchange of advance cross-border rulings and advance pricing arrangements pursuant to Article 8a of Directive 2011/16/EU shall comply with Annex VII to this Regulation.

3. The key elements referred to in Article 20(5) of Directive 2011/16/EU are the components listed in points (b), (h) and (i) of Article 8a(6) of that Directive and those key elements shall also be sent in English.'

(2) The following Article 2b is inserted:

'Article 2b

Linguistic arrangements for the mandatory automatic exchange of information on the country-by-country report

The key elements referred to in Article 20(6) of Directive 2011/16/EU are the information or explanation included in Table 3 of Section III of Annex III to that Directive and those key elements shall also be sent in English, except if another official language of the Union has been agreed to be used between the sending Member State and all the other Member States to which information is sent pursuant to Article 8aa(2) of Directive 2011/16/EU.'

(3) Annex VII is added as set out in the Annex to this Regulation.

Article 2

Entry into force and application

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

It shall apply from 1 January 2017.

However, Article 1(2) shall apply from 5 June 2017.

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

Done at Brussels, 9 November 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

The following Annex is added to Implementing Regulation (EU) 2015/2378:

‘ANNEX VII

Form referred to in Article 2a

The form for the mandatory automatic exchange of advance cross-border rulings and advance pricing arrangements pursuant to Article 8a of Directive 2011/16/EU contains, in addition to the components listed in Article 8a(6) of that Directive, the following field:

(a) Ruling Reference.’

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1964**of 9 November 2016****concerning the authorisations of a preparation of dolomite-magnesite for dairy cows and other ruminants for dairy production, weaned piglets and pigs for fattening and a preparation of montmorillonite-illite for all animal species as feed additives****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 applications were submitted for the authorisations of a preparation of dolomite-magnesite and a preparation of montmorillonite-illite. Those applications were accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) Those applications concern the authorisations of a preparation of dolomite-magnesite for dairy cows and other ruminants for dairy production, weaned piglets and pig for fattening and a preparation of montmorillonite-illite as feed additives for all animal species to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 1 December 2015 ⁽²⁾ that the preparation of dolomite-magnesite does not have an adverse effect on animal health, on the environment or on human health. The Authority has also concluded that it is efficacious as an anti-caking agent. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) Due to the physiological similarity of the dairy cows with all ruminants for dairy production, it is appropriate to extend the use of this additive to other ruminants for dairy production.
- (6) The Authority concluded in its opinions of 30 October 2014 and 10 September 2015 ⁽³⁾ that the preparation of montmorillonite-illite does not have an adverse effect on animal health, on the environment or on human health. The Authority has also concluded that it is efficacious as an anti-caking agent and as binder. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (7) The assessment of the preparation of dolomite-magnesite and of the preparation of montmorillonite-illite shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those preparations should be authorised as specified in the Annexes to this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ EFSA Journal 2016;14(1):4341⁽³⁾ EFSA Journal 2014;12(11):3904 and EFSA Journal 2015;13(9):4237

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex I, belonging to the additive category 'technological additives' and to the functional group 'anti-caking agents', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

The preparation specified in the Annex II, belonging to the additive category 'technological additives' and to the functional groups 'anti-caking agents' and 'binders', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

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, 9 November 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
Technological additives: anti-caking agents								
1g598	Dolomite-Magnesite	<p><i>Additive composition</i></p> <p>Preparation of natural mixture of: dolomite and magnesite ≥ 40 % (having a minimum content of: carbonates 24 %).</p> <p><i>Characterisation of the active substance</i></p> <p>Dolomite: CAS number 16389-88-1 $(\text{CaMg})(\text{CO}_3)_2$</p> <p>Magnesite: CAS number 546-93-0 MgCO_3</p> <p>Talc (hydrated silicates of magnesium): CAS number 14807-96-6 $\text{Mg}_3\text{Si}_4\text{O}_{10}(\text{OH})_2$ Talc ≥ 35 %</p> <p>Chlorite (aluminium–magnesium): CAS number 1318-59-8 $(\text{Mg,Fe,Al})_6(\text{Si, Al})_4\text{O}_{10}(\text{OH})_8$</p> <p>Iron (structural) 6 % (average)</p>	<p>Dairy cows and other ruminants for dairy production</p> <p>Weaned piglets</p> <p>Pigs for fattening</p>	—	5 000	20 000	<ol style="list-style-type: none"> For use in weaned piglets until 35 kg. In the labelling of the additive and premixtures containing it, the following shall be indicated: 'The additive dolomite-magnesite is rich in (inert) iron'. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection. 	30 November 2026

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
		Chlorite ≥ 16 % Free of quartz and asbestos <i>Analytical method</i> ⁽¹⁾ Characterisation of the feed additive: — X-ray diffraction (XRD), together with — atomic absorption spectrophotometry (AAS).						

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

ANNEX II

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
Technological additives: binders								
1g557	Montmorillonite-Illite	<p><i>Additive composition</i></p> <p>Preparation of montmorillonite-illite mixed layer clay mineral: phyllosilicates ≥ 75 %.</p> <p><i>Characterisation of active substance</i></p> <p>Phyllosilicates ≥ 75 %:</p> <p>≥ 35 % montmorillonite-illite (swellable)</p> <p>≥ 30 % illite/muscovite</p> <p>≤ 15 % kaolinite(non-swellable)</p> <p>Quartz ≤ 20 %</p> <p>Iron (structural) 3,6 % (average)</p> <p>Free of asbestos</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>For the determination in feed additive:</p> <p>— X-ray diffraction (XRD),</p> <p>— inductively coupled plasma atomic emission spectroscopy (ICP-AES)</p>	All animals species	—	10 000	20 000	<p>1. The instructions for use shall indicate the following:</p> <p>— ‘The simultaneous oral use with macrolides shall be avoided’,</p> <p>— ‘In addition, for poultry, the simultaneous use with robenidine shall be avoided’.</p> <p>2. For poultry: the simultaneous oral use with coccidiostats other than robenidine is contraindicated with level of montmorillonite-illite above 10 000 mg/kg of complete feed.</p> <p>3. In the labelling of feed additive and premixtures containing it, the following shall be indicated: ‘The additive, montmorillonite-illite, is rich in (inert) iron’.</p> <p>4. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.</p>	30 November 2026

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
							5. The total amount of different sources of montmorillonite-illite in complete feedingstuff shall not exceed the permitted maximum level of 20 000 mg/kg of complete feedingstuff.	

Technological additives: anti-caking agent

1g557	Montmorillonite-illite	<p><i>Additive composition</i></p> <p>Preparation of montmorillonite-illite mixed layer clay mineral: phyllosilicates ≥ 75 %</p> <p><i>Characterisation of active substance</i></p> <p>Phyllosilicates ≥ 75 %:</p> <p>≥ 35 % montmorillonite/illite (swellable)</p> <p>≥ 30 % illite/muscovite</p> <p>≤ 15 % kaolinite (non-swellable)</p> <p>Quartz ≤ 20 %</p> <p>Iron (structural) 3,6 % (average)</p> <p>Free of asbestos</p>	All animals species	—	20 000	20 000	<p>1. Indicate in the instructions for use:</p> <ul style="list-style-type: none"> — ‘The simultaneous oral use with macrolides shall be avoided’, — in poultry: ‘The simultaneous use with robenidine shall be avoided’. <p>2. For poultry: the simultaneous oral use with coccidiostats other than robenidine is contraindicated.</p> <p>3. In the labelling of feed additive and premixtures containing it, the following shall be indicated: ‘The additive, montmorillonite-illite, is rich in (inert) iron’.</p> <p>4. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.</p>	30 November 2026
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Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					mg of additive/kg of complete feedingstuff with a moisture content of 12 %			
		<p><i>Analytical method</i> ⁽¹⁾</p> <p>For the determination in feed additive:</p> <ul style="list-style-type: none"> — X-ray diffraction (XRD), — inductively coupled plasma atomic emission spectroscopy (ICP-AES). 					<p>5. The total amount of different sources of montmorillonite-illite in complete feedingstuff shall not exceed the permitted maximum level of 20 000 mg/kg of complete feedingstuff.</p>	

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1965**of 9 November 2016****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽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, 9 November 2016.

For the Commission,
On behalf of the President,
Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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	97,4	
	ZZ	97,4	
0707 00 05	TR	141,2	
	ZZ	141,2	
0709 93 10	MA	55,7	
	TR	139,3	
	ZZ	97,5	
0805 20 10	MA	88,4	
	ZZ	88,4	
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	JM	103,8	
	PE	122,6	
	TR	67,9	
	ZZ	98,1	
	AR	67,2	
0805 50 10	BR	79,0	
	CL	69,9	
	TR	93,7	
	UY	38,4	
	ZA	65,7	
	ZZ	69,0	
	0806 10 10	BR	318,3
		IN	166,0
		PE	373,7
		TR	141,0
US		380,6	
ZZ		275,9	
0808 10 80		AR	260,6
	AU	236,5	
	CL	139,2	
	NZ	139,2	
	ZA	139,5	
	ZZ	183,0	
	0808 30 90	CN	82,6
TR		179,1	
ZZ		130,9	

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (EU) 2016/1966

of 20 September 2016

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XIX (Consumer protection) to the EEA Agreement (Alternative Dispute Settlement System)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XIX (Consumer protection) to the EEA Agreement.
- (3) Regulation (EU) No 524/2013 of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) 2015/1051 ⁽³⁾ is to be incorporated into the EEA Agreement.
- (5) Directive 2013/11/EU of the European Parliament and of the Council ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (6) Annex XIX (Consumer protection) to the EEA Agreement should therefore be amended accordingly.
- (7) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex XIX (Consumer protection) to the EEA Agreement, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2015/1051 of 1 July 2015 on the modalities for the exercise of the functions of the online dispute resolution platform, on the modalities of the electronic complaint form and on the modalities of the cooperation between contact points provided for in Regulation (EU) No 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes (OJ L 171, 2.7.2015, p. 1).

⁽⁴⁾ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).

Article 2

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

Done at Brussels, 20 September 2016.

For the Council
The President
I. KORČOK

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No ...
of ...
amending Annex XIX (Consumer protection) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) It is necessary to establish specific transitional modalities pending full implementation of the translation function of the online dispute resolution platform referred to in Article 5 of Regulation (EU) No 524/2013 as regards the Icelandic language.
- (3) Commission Implementing Regulation (EU) 2015/1051 of 1 July 2015 on the modalities for the exercise of the functions of the online dispute resolution platform, on the modalities of the electronic complaint form and on the modalities of the cooperation between contact points provided for in Regulation (EU) No 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes ⁽²⁾ is to be incorporated into the EEA Agreement.
- (4) Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC ⁽³⁾ is to be incorporated into the EEA Agreement.
- (5) Annex XIX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XIX to the EEA Agreement shall be amended as follows:

1. The following is added in point 7d (Directive 2009/22/EC of the European Parliament and of the Council):
' , amended by:
 - **32013 R 0524**: Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 (OJ L 165, 18.6.2013, p. 1),
 - **32013 L 0011**: Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 (OJ L 165, 18.6.2013, p. 63).'
2. The following indents are added in point 7f (Regulation (EC) No 2006/2004 of the European Parliament and of the Council):
 - **32013 R 0524**: Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 (OJ L 165, 18.6.2013, p. 1),

⁽¹⁾ OJ L 165, 18.6.2013, p. 1.

⁽²⁾ OJ L 171, 2.7.2015, p. 1.

⁽³⁾ OJ L 165, 18.6.2013, p. 63.

— **32013 L 0011**: Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 (OJ L 165, 18.6.2013, p. 63).

3. The following is inserted after point 7i (Directive 2011/83/EU of the European Parliament and of the Council):

‘7j. **32013 R 0524**: Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) As regards the EFTA States, the ODR platform referred to in Article 5 of the Regulation shall be accessible within 40 working days from the entry into force of Decision of the EEA Joint Committee No .../... of ... [this EEA Joint Committee decision].
- (b) The ODR platform shall be accessible in all the languages referred to in Article 129(1) of the EEA Agreement.
- (c) By way of derogation from Article 5(4)(e) of the Regulation, the ODR platform’s translation functions into and from the Icelandic language shall initially be available only as regards the result of an ADR procedure transmitted by an ADR entity. Iceland shall ensure that users of the ODR platform may obtain the translation of all other information into and from the Icelandic language through its ODR contact point, where that information is necessary for the resolution of the dispute and is exchanged through the ODR platform in another language. Information on these modalities as regards the Icelandic language shall be provided on the homepage of the ODR platform.

The Commission and Iceland shall endeavour to improve the translation functions provided by the ODR platform as regards the Icelandic language to ensure comparable quality of all functions to that offered for the other languages and shall regularly inform the EEA Joint Committee of their progress. When the translation functions ensure comparable quality as regards the Icelandic language to that offered for the other languages, the EEA Joint Committee shall without undue delay take a decision to terminate the measures laid down in this point.

7ja. **32015 R 1051**: Commission Implementing Regulation (EU) 2015/1051 of 1 July 2015 on the modalities for the exercise of the functions of the online dispute resolution platform, on the modalities of the electronic complaint form and on the modalities of the cooperation between contact points provided for in Regulation (EU) No 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes (OJ L 171, 2.7.2015, p. 1).

7k. **32013 L 0011**: Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) references to other acts in the Directive shall be considered relevant to the extent and in the form that those acts are incorporated into the Agreement.
- (b) as regards the EFTA States, Article 11(2) shall read as follows:

‘2. For the purposes of this Article, ‘habitual residence’ shall be determined in accordance with the following:

- (a) The habitual residence of companies and other bodies, corporate or unincorporated, shall be the place of central administration;

The habitual residence of a natural person acting in the course of his business activity shall be his principal place of business;

- (b) Where the contract is concluded in the course of the operations of a branch, agency or any other establishment, or if, under the contract, performance is the responsibility of such a branch, agency or establishment, the place where the branch, agency or any other establishment is located shall be treated as the place of habitual residence;
- (c) For the purposes of determining the habitual residence, the relevant point in time shall be the time of the conclusion of the contract.’
- (c) in Article 18(2), the following shall be added:
- ‘The Commission shall include on that list competent authorities and single points of contact designated by the EFTA States.’
- (d) in Article 20(4), the following shall be inserted after the words ‘notified to the Commission.’:
- ‘The Commission shall include on that list the ADR entities established in the EFTA States and listed in accordance with paragraph 2.’.

Article 2

The texts of Regulation (EU) No 524/2013, Implementing Regulation (EU) 2015/1051 and Directive 2013/11/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

COMMISSION IMPLEMENTING DECISION (EU) 2016/1967**of 8 November 2016****amending Article 3 of Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.***(notified under document C(2016) 7075)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 3(1) of Commission Decision 2002/757/EC ⁽²⁾ susceptible plants and susceptible wood may only be introduced into the territory of the Union if they comply with the emergency phytosanitary measures contained in points 1a and 2 of Annex I to that Decision. The second subparagraph of Article 3(1) of Decision 2002/757/EC provides for a derogation for bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L., originating in the United States of America. It may be introduced into the Union until 30 November 2016 without complying with the conditions set out in point 2 of Annex I to that Decision, provided that it complies with the conditions set out in Annex II to that Decision.
- (2) Implementing Commission Decision (EU) 2015/893 ⁽³⁾ lays down the requirements for the introduction into the Union of bark-free sawn wood of *Acer* spp. originating in third countries. Those requirements are considered necessary for the phytosanitary protection of Union territory from *Anoplophora glabripennis* (Motschulsky) and no derogation from them should be considered justified. That species of bark-free sawn wood should therefore no longer be subject to the derogation provided for in Decision 2002/757/EC
- (3) In light of the information submitted periodically by Member States to the Commission, it may be concluded that the application of the specific conditions laid down in Annex II to Decision 2002/757/EC is sufficient to prevent the introduction of harmful organisms into the Union. Member States should continue to apply those conditions with regard to bark-free sawn wood of *Quercus* spp. L., originating in the United States of America. The assessment of the technical information submitted by the United States shows that the Kiln Drying Sawn Hardwood Lumber Certification Program, referred to in Article 6a(3) of Decision 2002/757/EC, is functioning effectively.
- (4) Therefore the authorisation for the derogation in respect of bark-free sawn wood of *Quercus* spp. L. originating in the United States of America should be extended until 31 December 2026 in order to avoid any unnecessary disruptions of trade with regard to that wood.
- (5) Decision 2002/757/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 Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ Commission Decision 2002/757/EC of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (OJ L 252, 20.9.2002, p. 37).⁽³⁾ Commission Implementing Decision 2015/893/EC of 9 June 2015 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky) (OJ L 146, 11.6.2015, p. 16).

HAS ADOPTED THIS DECISION:

Article 1

Amendment of Decision 2002/757/EC

The second subparagraph of Article 3(1) of Decision 2002/757/EC is replaced by the following:

'By way of derogation from the first subparagraph, until 31 December 2026 bark-free sawn wood of *Quercus* spp. L. originating in the United States of America may be introduced into the Union without complying with point 2 of Annex I to this Decision, provided that it complies with the conditions set out in Annex II to this Decision.'

Article 2

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2016/1968**of 9 November 2016****concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H5N8 Hungary***(notified under document C(2016) 7245)***(Only the Hungarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,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 ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Although avian influenza is mainly found in birds, infection with the causative virus has occurred occasionally and under certain circumstances also in humans.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent spreads to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live poultry or other captive birds or their products.
- (4) Council Directive 2005/94/EC ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza.
- (5) Hungary notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding on its territory where poultry or other captive birds are kept and it took the measures pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones.
- (6) The Commission has examined those measures and is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority in that Member State, are at sufficient distance to any holding where an outbreak was confirmed.
- (7) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly define at Union level, in collaboration with the affected Member State, the protection and surveillance zones established in Hungary.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

- (8) Accordingly, the protection and surveillance zones in Hungary, where the animal health control measures as laid down in Directive 2005/94/EC are applied, should be defined in the Annex to this Decision and the duration of that regionalisation fixed.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Hungary shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed as protection and surveillance zones in Parts A and B of the Annex to this Decision.

Article 2

This Decision shall apply until 31 December 2016.

Article 3

This Decision is addressed to Hungary.

Done at Brussels, 9 November 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 29 of Directive 2005/94/EC
HU	Hungary		Area comprising:	
			That parts of Orosháza district of Békés county and that parts of Makó district of Csongrád county contained within a circle of radius 3 kilometres, centred on GPS coordinates N46.39057; E20.74251; supplemented with the entire built up areas of Tótkomlós and Nagyér localities	27.11.2016

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
HU	Hungary		Area comprising:	
			The area of the parts of Orosháza and Mezőkovácsháza districts of Békés county and the area of the parts of Makó district of Csongrád county beyond the area described in the protection zone and within the circle of radius 10 kilometres, centred on GPS coordinates N46.39057; E20.74251; supplemented with the entire built up areas of Békés-sámsón, Kaszaper, Végegyháza and Mezőhegyes localities	6.12.2016
			That parts of Orosháza district of Békés county and that parts of Makó district of Csongrád county contained within a circle of radius 3 kilometres, centred on GPS coordinates N46.39057; E20.74251; supplemented with the entire built up areas of Tótkomlós and Nagyér localities	28.11.2016-6.12.2016

CORRIGENDA**Corrigendum to Commission Implementing Regulation (EU) 2016/900 of 8 June 2016 concerning the authorisation of benzoic acid as a feed additive for sows (holder of authorisation DSM Nutritional Product Sp. z o. o.)**

(Official Journal of the European Union L 152 of 9 June 2016)

On page 18, in the Title:

for: '... Product Sp. z o. o. ...',

read: '... Products Ltd ...';

on page 20, in the table of the Annex, in the second column:

for: '... Sp. z o. o.',

read: '... Ltd'.

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