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Contents

[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.

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

DECISIONS

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2017/192

of 8 November 2016

on the conclusion of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(6)(a) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ([1]),

Whereas:

(1) In accordance with Council Decision 2014/122/EU ([2]), the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons to take account of the accession of the Republic of Croatia to the European Union was signed on 4 March 2016, subject to its conclusion at a later date.

(2) The Protocol should be concluded on behalf of the European Union and its Member States,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the Republic of Croatia's participation as a Contracting Party following its accession to the European Union ([3]) is hereby approved on behalf of the European Union and its Member States.

([1]) Consent given on 14 September 2016 (not yet published in the Official Journal).
([2]) Council Decision 2014/122/EU of 11 February 2014 on the signing, on behalf of the European Union and its Member States, of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union (OJ L 69, 8.3.2014, p. 2).
([3]) The text of the Protocol has been published in the *Official Journal of the European Union* (OJ L 31, 4.2.2017, p. 3).

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union and its Member States, tothe notification provided for in Article 6 of the Protocol, in order to express the consent of the European Union and its Member States to be bound by the Protocol ([1]).

Article 3

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

Done at Brussels, 8 November 2016.

For the Council
The President
P. KAŽIMÍR

([1]) The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL TO THE AGREEMENT

between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union

THE EUROPEAN UNION

and

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN, and

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

hereinafter referred to as 'the Member States',

of the one part,

and

THE SWISS CONFEDERATION,

hereinafter referred to as 'Switzerland',

of the other part,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD to the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (hereinafter referred to as 'the Agreement'), which entered into force on 1 June 2002,

HAVING REGARD to the Protocol of 26 October 2004 to the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as Contracting Parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union ('the 2004 Protocol'), which entered into force on 1 April 2006,

HAVING REGARD to the Protocol of 27 May 2008 to the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation as Contracting Parties of the Republic of Bulgaria and Romania pursuant to their accession to the European Union ('the 2008 Protocol'), which entered into force on 1 June 2009,

HAVING REGARD to the accession of the Republic of Croatia to the European Union on 1 July 2013,

WHEREAS the Republic of Croatia should become a Contracting Party to the Agreement,

HAVE AGREED UPON THE FOLLOWING PROVISIONS:

Article 1

1. The Republic of Croatia hereby becomes a Contracting Party to the Agreement.

2. From the entry into force of this Protocol the provisions of the Agreement shall be binding on Croatia under the same conditions as the present Contracting Parties and under the terms and conditions laid down in this Protocol.

Article 2

The following amendments shall be made to the main body of the Agreement and Annex I thereto:

(a) Croatia is hereby added to the list of Contracting Parties together with the European Union and its Member States.

(b) In Article 10 of the Agreement the following paragraphs 1c, 2c, 3c, 4d, 4e and 5c shall be inserted at the end of the corresponding paragraphs 1b, 2b, 3b, 4c and 5b:

'1c. Switzerland may maintain, until the end of the second year after the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, quantitative limits in respect of access by workers employed in Switzerland and for self-employed persons who are nationals of Croatia for the following two categories of residence: residence for a period of more than four months and less than one year and residence for a period equal to, or exceeding, one year. There shall be no quantitative restrictions on residence of less than four months.

Before the end of the transitional period mentioned above, the Joint Committee shall review the functioning of the transitional period applied to nationals of Croatia on the basis of a report from Switzerland. Upon completion of the review, and no later than at the end of the period mentioned above, Switzerland shall notify the Joint Committee whether it will continue applying quantitative limits to workers employed in Switzerland. Switzerland may continue to apply such measures for five years after the entry into force of the aforementioned Protocol. In the absence of such notification, the transitional period shall expire at the end of the two-year period specified in the first subparagraph.

At the end of the transitional period laid down in this paragraph all quantitative limits applicable to nationals of Croatia shall be abolished. Croatia is entitled to introduce the same quantitative limits for Swiss nationals for the same periods.';

'2c. Switzerland and Croatia may maintain, until the end of the second year after the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, for workers of one of these Contracting Parties employed in their own territory the controls on the priority of workers integrated into the regular labour market and the wage and working conditions applicable to nationals of the other Contracting Party concerned. The same controls may be maintained for persons providing services referred to in Article 5(1) of this Agreement in the following four sectors: horticulture; construction, including related branches; security activities; industrial cleaning (NACE codes [1] 01.41, 45.1 to 4, 74.60 and 74.70 respectively). Switzerland shall, during the transitional periods mentioned in paragraphs 1c, 2c, 3c and 4d, give preference to workers who are nationals of Croatia over workers who are nationals of non-EU and non-EFTA countries as regards access to its labour market. The controls on the priority of workers integrated into the regular labour market shall not apply to providers of services liberalised by a specific agreement between the Contracting Parties concerning the provision of services (including the Agreement on certain aspects of government procurement in so far as it covers the provision of services). Over this period qualification requirements may be maintained for residence permits of less than four months [2] and for persons providing services referred to in Article 5(1) of this Agreement in the four sectors mentioned above.

Within two years of the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, the Joint Committee shall review the functioning of the transitional measures contained in this paragraph on the basis of a report prepared by each of the Contracting Parties implementing them. Upon completion of the review, and no later than two years after the entry into force of the aforementioned Protocol, a Contracting Party which has implemented the transitional measures contained in this paragraph, and has notified the Joint Committee of its intention to continue applying them, may continue to do so until the end of the fifth year after the entry into force of the aforementioned Protocol. In the absence of such notification, the transitional period shall expire at the end of the two-year period specified in the first subparagraph.

At the end of the transitional period laid down in this paragraph all restrictions referred to in this paragraph shall be abolished.'

'3c. Upon entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, and until the end of the period described in paragraph 1c, Switzerland shall reserve on a yearly basis (pro rata temporis), within its overall quota for third countries for workers employed in Switzerland and for self-employed persons who are nationals of Croatia a minimum number of new residence permits [3] according to the following schedule:

Until the end of	Number of permits for a period of one year or more	Number of permits for a period of more than four months and less than one year
First year	54	543
Second year	78	748
Third year	103	953

[1] NACE:Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1).

[2] Workers may apply for short-term residence permits under the quotas mentioned in subparagraph 3c for periods of even less than four months.

[3] These permits will be granted in addition to the quotas referred to in Article 10 of this Agreement, which are reserved for employed and self-employed persons who are nationals of the Member States at the time of the signing of this Agreement (21 June 1999) and of the Member States that became Contracting Parties to this Agreement by virtue of the 2004 and 2008 Protocols. These permits are also additional to permits granted through existing bilateral trainee exchange agreements between Switzerland and the new Member States.

Until the end of	Number of permits for a period of one year or more	Number of permits for a period of more than four months and less than one year
Fourth year	133	1 158
Fifth year	250	2 000

3d. If Switzerland and/or Croatia applies to workers employed on their own territory the measures described in paragraphs 1c, 2c and 3c and in case of serious disturbances on their labour markets or threat thereof, they shall notify the circumstances to the Joint Committee before the end of the period provided for in paragraph 1c.

The Joint Committee will decide whether the notifying country may continue to apply transitional measures on the basis of this notification. If it issues a favourable opinion, the notifying country may continue to apply to workers employed on its own territory the measures described in paragraphs 1c, 2c and 3c until the end of the seventh year after the entry into force of the aforementioned Protocol. In this case, the annual number of residence permits referred to in paragraph 1c shall be:

Until the end of	Number of permits for a period of one year or more	Number of permits for a period of more than four months and less than one year
Sixth year	260	2 100
Seventh year	300	2 300.’;

‘4d. At the end of the period described in paragraphs 1c and 3d, and up to the end of the tenth year after the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party the following provisions shall be applicable: If the number of new residence permits of one of the categories referred to in paragraph 1c issued to employed and self-employed persons of Croatia in a given year exceeds the average for the three years preceding the reference year by more than 10 %, Switzerland may, for the application year, unilaterally limit the number of new residence permits for periods of one year or more for employed and self-employed persons of Croatia to the average of the three years preceding the application year, plus 5 %, and the number of new residence permits for a period of more than four months and less than one year to the average of the three years preceding the application year, plus 10 %. Permits may be limited to the same number for the year following the application year.

By way of derogation from the preceding subparagraph, the following provisions shall apply at the end of the sixth and seventh reference years: If the number of new residence permits of one of the categories referred to in paragraph 1c issued to employed and self-employed persons of Croatia in a given year exceeds the average for the year that precedes the reference year by more than 10 %, Switzerland may, for the application year, unilaterally limit the number of new residence permits for periods of one year or more for employed and self-employed persons of Croatia to the average of the three years preceding the application year, plus 5 %, and the number of new residence permits for a period of more than four months and less than one year to the average of the three years preceding the application year, plus 10 %. Permits may be limited to the same number for the year following the application year.

4e. For the purposes of the application of paragraph 4d:

(1) the term “reference year” is a given year that is calculated from the first day of the month in which the Protocol enters into force;

(2) the term “application year” refers to the year following the reference year.’;

‘5c. The transitional provisions of paragraphs 1c, 2c, 3c and 4d, and in particular those of paragraph 2c concerning the priority of workers integrated into the regular labour market and controls on wage and working conditions, shall not apply to employed and self-employed persons who, at the time of the entry into force of the Protocol to this Agreement regarding the participation of the Republic of Croatia as a Contracting Party, are authorised to pursue an economic activity on the territories of the Contracting Parties. In particular, such persons shall enjoy occupational and geographical mobility.

The holders of residence permits valid for less than one year shall be entitled to have their permits renewed; the exhaustion of quantitative limits may not be invoked against them. The holders of residence permits valid for a period of one year or more shall automatically be entitled to have their permits extended. Such employed and self-employed persons shall therefore enjoy the rights to free movement accorded to established persons by the basic provisions of this Agreement, and in particular Article 7 thereof, from the entry into force of the aforementioned Protocol.'.

(c) In Article 27(2) of Annex I to the Agreement, the reference to 'Article 10(2), (2a), (2b), (4a), (4b) and (4c)' shall be replaced by a reference to 'Article 10(2b), (2c), (4c) and (4d).'

Article 3

By derogation from Article 25 of Annex I to the Agreement, the transitional periods of Annex 1 to this Protocol shall apply.

Article 4

Annexes II and III respectively to the Agreement shall be amended in accordance with Annexes 2 and 3 to this Protocol.

Article 5

1. Annexes 1, 2 and 3 to this Protocol shall form an integral part thereof.

2. This Protocol, together with the 2004 and 2008 Protocols, shall form an integral part of the Agreement.

Article 6

1. This Protocol shall be ratified or approved by the Council of the European Union, on behalf of the Member States and the European Union, and by Switzerland in accordance with their own procedures.

2. The Contracting Parties shall notify each other of the completion of these procedures.

Article 7

This Protocol shall enter into force on the first day of the first month following the date of the last notification of ratification or approval.

Article 8

This Protocol shall remain in force for the same duration and in accordance with the same arrangements as the Agreement.

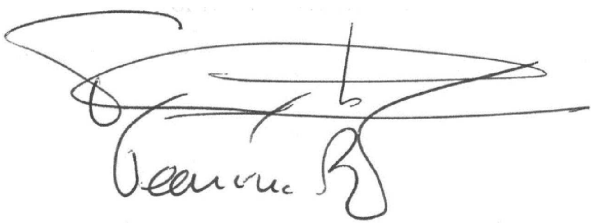
Article 9

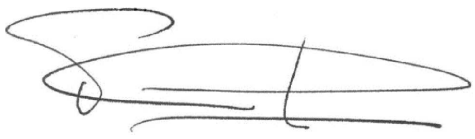
1. This Protocol, as well as the Declarations annexed thereto, shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of those texts being equally authentic.

2. The Croatian language versions of the Agreement, including all Annexes and Protocols thereto and the Final Act shall be equally authentic. The Joint Committee established by Article 14 of the Agreement shall approve the authentic text of the Agreement in the Croatian language.

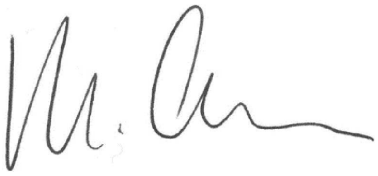
Съставено в Брюксел на четвърти март през две хиляди и шестнадесета година.
Hecho en Bruselas, el cuatro de marzo de dos mil dieciséis.
V Bruselu dne čtvrtého března dva tisíce šestnáct.
Udfærdiget i Bruxelles den fjerde marts to tusind og seksten.
Geschehen zu Brüssel am vierten März zweitausendsechzehn.
Kahe tuhande kuueteistkümnenda aasta märtsikuu neljandal päeval Brüsselis.
Έγινε στις Βρυξέλλες, στις τέσσερις Μαρτίου δύο χιλιάδες δεκαέξι.
Done at Brussels on the fourth day of March in the year two thousand and sixteen.
Fait à Bruxelles, le quatre mars deux mille seize.
Sastavljeno u Bruxellesu četvrtog ožujka godine dvije tisuće šesnaeste.
Fatto a Bruxelles, addì quattro marzo duemilasedici.
Briselē, divi tūkstoši sešpadsmitā gada ceturtajā martā.
Priimta du tūkstančiai šešioliktų metų kovo ketvirtą dieną Briuselyje.
Kelt Brüsszelben, a kétezer-tizenhatodik év március havának negyedik napján.
Magħmul fi Brussell, fir-raba' jum ta' Marzu fis-sena elfejn u sittax.
Gedaan te Brussel, vier maart tweeduizend zestien.
Sporządzono w Brukseli dnia czwartego marca roku dwa tysiące szesnastego.
Feito em Bruxelas, em quatro de março de dois mil e dezasseis.
Întocmit la Bruxelles la patru martie două mii șaisprezece.
V Bruseli štvrtého marca dvetisícšestnásť.
V Bruslju, dne četrtega marca leta dva tisoč šestnajst.
Tehty Brysselissä neljäntenä päivänä maaliskuuta vuonna kaksituhattakuusitoista.
Som skedde i Bryssel den fjärde mars år tjugohundrasexton.

За Европейския съюз	За държавите-членки
Por la Unión Europea	Por los Estados miembros
Za Evropskou unii	Za členské státy
For Den Europæiske Union	For medlemsstaterne
Für die Europäische Union	Für die Mitgliedstaaten
Euroopa Liidu nimel	Liikmesriikide nimel
Για την Ευρωπαϊκή Ένωση	Για τα κράτη μέλη
For the European Union	For the Member States
Pour l'Union européenne	Pour les États membres
Za Europsku uniju	Za države članice
Per l'Unione europea	Per gli Stati membri
Eiropas Savienības vārdā –	Dalībvalstu vārdā –
Europos Sąjungos vardu	Valstybių narių vardu
Az Európai Unió részéről	A tagállamok részéről
Għall-Unjoni Ewropea	Għall-Istati Membri
Voor de Europese Unie	Voor de lidstaten
W imieniu Unii Europejskiej	W imieniu Państw Członkowskich
Pela União Europeia	Pelos Estados-Membros
Pentru Uniunea Europeană	Pentru statele membre
Za Európsku úniu	Za členské štáty
Za Evropsko unijo	Za države članice
Euroopan unionin puolesta	Jäsenvaltioiden puolesta
För Europeiska unionen	För medlemsstaterna





За Конфедерация Швейцария
Por la Confederación Suiza
Za Švýcarskou konfederaci
For Det Schweiziske Forbund
Für die Schweizerische Eidgenossenschaft
Šveitsi Konföderatsiooni nimel
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Za Švicarsku Konfederaciju
Per la Confederazione Svizzera
Šveices Konfederācijas vārdā –
Šveicarijos Konfederacijos vardu
A Svájci Államszövetség részéről
Għall-Konfederazzjoni Svizzera
Voor de Zwitserse Bondsstaat
W imieniu Konfederacji Szwajcarskiej
Pela Confederação Suíça
Pentru Confederația Elvețiană
Za Švajčiarsku konfederáciu
Za Švicarsko konfederacijo
Sveitsin valaliiton puolesta
För Schweiziska edsförbundet



ANNEX 1

TRANSITIONAL MEASURES ON THE PURCHASE OF AGRICULTURAL LAND

Croatia may maintain in force for seven years from the date of entry into force of this Protocol the restrictions laid down in its legislation, existing at the time of the signing of this Protocol, on the acquisition of agricultural land by Swiss nationals and by legal persons set up in accordance with the laws of Switzerland. In no instance may a Swiss national be treated less favourably in respect of the acquisition of agricultural land than at the date of the signing of this Protocol or be treated in a more restrictive way than a national of a country other than the Contracting Parties to the agreement or Contracting Parties to the Agreement on the European Economic Area.

Self-employed farmers who are Swiss nationals and who wish to establish themselves and reside in Croatia shall not be subject to the provisions of the preceding paragraph or to any procedures other than those to which the nationals of Croatia are subject.

A general review of these transitional measures shall be held in the third year following the date of entry into force of this Protocol. The Joint Committee may decide to shorten or terminate the transitional period indicated in the first paragraph.

If there is sufficient evidence that, upon expiry of the transitional period, there will be serious disturbances or threat of serious disturbances on Croatia's agricultural land market, Croatia shall notify such circumstances to the Joint Committee before the end of the seven-year transitional period specified in the first paragraph. In this case, Croatia may continue to apply the measures described in the first paragraph until ten years after the entry into force of this Protocol. This extension may be limited to selected geographical areas particularly affected.

ANNEX 2

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is hereby amended as follows:

1. In Point 1 of Section A: (Acts Referred to), the following act is inserted:

   Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1) adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of the Republic of Croatia.

2. Paragraph 1 of the Section 'Unemployment Insurance' of the Protocol to Annex II shall apply to workers who are nationals of the Republic of Croatia until the end of the seventh year after the entry into force of this Protocol.

ANNEX 3

Annex III to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is hereby amended as follows:

The two following indents are added to point 1a:

— Act of Accession of the Republic of Croatia (OJ L 112 of 24 April 2012, p. 10), Annex III (List referred to in Article 15 of the Act of Accession of the Republic of Croatia: adaptations to acts adopted by the institutions — OJ L 112 of 24 April 2012, p. 41),

Article 23, paragraph 5 of Directive 2005/36/EC is replaced by the following:

"5. Without prejudice to Article 43b, each Member State shall recognise evidence of formal qualifications as doctor giving access to the professional activities of doctor with basic training and specialised doctor, as nurse responsible for general care, as dental practitioner, as specialised dental practitioner, as veterinary surgeon, as midwife, as pharmacist and as architect held by nationals of the Member States and issued by the former Yugoslavia, or whose training commenced,

(a) for Slovenia, before 25 June 1991, and

(b) for Croatia, before 8 October 1991,

where the authorities of the aforementioned Member States attest that such evidence has the same legal validity within their territory as the evidence which they issue and, with respect to architects, as the evidence of formal qualifications specified for those Member States in Annex VI, point 6, as regards access to the professional activities of doctor with basic training, specialised doctor, nurse responsible for general care, dental practitioner, specialised dental practitioner, veterinary surgeon, midwife, pharmacist with respect to the activities referred to in Article 45, paragraph 2, and architect with respect to the activities referred to in Article 48, and the pursuit of such activities.

Such an attestation must be accompanied by a certificate issued by those same authorities stating that such persons have effectively and lawfully been engaged in the activities in question within their territory for at least three consecutive years during the five years prior to the date of issue of the certificate."

The following Article 43b is inserted into Directive 2005/36/EC:

"Acquired rights in midwifery shall not apply to the following qualifications which were obtained in Croatia before 1 July 2013: viša medicinska sestra ginekološko-opstetričkog smjera (High Gynaecology-Obstetrical Nurse), medicinska sestra ginekološko-opstetričkog smjera (Gynaecology-Obstetrical Nurse), viša medicinska sestra primaljskog smjera (High Nurse with Midwifery Degree), medicinska sestra primaljskog smjera (Nurse with Midwifery Degree), ginekološko-opstetrička primalja (Gynaecology-Obstetrical Midwife) and primalja (Midwife)."

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part A

The following indent is added to point 2a:

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part B (1)

The following indent is added to point 3a:

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part B (2)

The following indent is added to point 5a:

— Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ L 158 of 10 June 2013, p. 368), Annex Part C

DECLARATION BY SWITZERLAND ON AUTONOMOUS MEASURES AS OF THE DATE OF SIGNING

Switzerland will provide provisional access to its labour market for citizens of the Republic of Croatia, based on its national legislation, before the entry into force of the transitional arrangements contained in this Protocol. For this purpose, Switzerland will open specific quotas for short-term as well as long-term working permits, as defined in Article 10, paragraph 1 of the Agreement, in favour of citizens from the Republic of Croatia, as of the date of the signing of this Protocol. The quotas will consist of 50 long-term permits and 450 short-term permits per year. In addition, 1 000 short-term workers per year will be admitted for a stay of less than four months.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/193

of 3 February 2017

amending Annex II to Decision 2007/777/EC and Annex I to Regulation (EC) No 798/2008 as regards the entries for Ukraine in the lists of third countries from which the introduction of certain commodities into the Union is authorised in relation to highly pathogenic avian influenza

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ([1]), and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ([2]), and in particular Articles 23(1), 24(2), 25(2) and 28(1) thereof,

Whereas:

(1) Commission Decision 2007/777/EC ([3]) lays down animal and public health rules on imports into the Union, and the transit and storage in the Union, of consignments of certain meat products and consignments of treated stomachs, bladders and intestines which have undergone one of the treatments laid down in Part 4 of Annex II thereto.

(2) Part 2 of Annex II to Decision 2007/777/EC sets out the list of third countries or parts thereof from which the introduction into the Union of consignments of meat products and treated stomachs, bladders and intestines into the Union is authorised, provided that those commodities comply with the treatment referred to in that list. Where third countries are regionalised for the purposes of inclusion in that list, their regionalised territories are set out in Part I of that Annex.

(3) Part 4 of Annex II to Decision 2007/777/EC sets out the treatments referred to in Part 2 of that Annex, assigning a code to each of those treatments. That Part sets out a non-specific treatment 'A' and specific treatments 'B' to 'F' listed in descending order of severity.

(4) Commission Regulation (EC) No 798/2008 ([4]) lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products. It provides that those commodities are only to be imported into, and transit through the Union, from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.

(5) The veterinary certification requirements laid down in Regulation (EC) No 798/2008 take into account whether or not specific conditions are required due to the disease status of those third countries, territories, zones or compartments, including sampling and testing for different poultry diseases, as appropriate. Those specific conditions, as well as the model veterinary certificates required to accompany the commodities for imports into

([1]) OJ L 18, 23.1.2003, p. 11.
([2]) OJ L 343, 22.12.2009, p. 74.
([3]) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).
([4]) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

and transit through the Union, are set out in Part 2 of Annex I to that Regulation. Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).

(6) Ukraine is listed in Part 2 of Annex II to Decision 2007/777/EC as a third country from which the introduction into the Union of meat products and treated stomachs, bladders and intestines of poultry, farmed featherd game, farmed ratites and wild game birds which have been subjected to a non-specific treatment 'A' are authorised from the whole of its territory.

(7) Furthermore, Ukraine is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of poultry and poultry products are authorised from the whole of its territory.

(8) On 30 November 2016, Ukraine confirmed the presence of HPAI of subtype H5N8 on its territory and it may therefore no longer be considered as being free from that disease. The veterinary authorities of Ukraine, therefore, are no longer able to issue veterinary certificates for consignments of poultry and poultry products intended for export to the Union.

(9) Subsequently, on 4 January 2017, Ukraine confirmed the presence of HPAI of subtype H5N8 in holdings in two other regions of its territory. The veterinary authorities of Ukraine have confirmed that they have implemented a stamping-out policy in order to control HPAI and limit its spread.

(10) Ukraine has submitted information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI and that information has now been evaluated by the Commission. On the basis of that evaluation, as well as the guarantees provided by Ukraine, it is appropriate to conclude that limiting the restrictions on the introduction into the Union of consignments of poultry and poultry products to the areas affected by HPAI, which the veterinary authorities of Ukraine have placed under restrictions due to the current outbreaks, should be sufficient to cover the risks associated with the introduction into the Union of the poultry and poultry products.

(11) Furthermore, in order to prevent the introduction of the HPAI virus into the Union, meat products and treated stomachs, bladders and intestines obtained from poultry, farmed feathered game and wild game birds from the area of Ukraine affected by HPAI and which the veterinary authorities of Ukraine have placed under restriction due to the current outbreaks should undergo at least 'treatment D' as listed in Part 4 of Annex II to Decision 2007/777/EC.

(12) Regulation (EC) No 798/2008 and Decision 2007/777/EC should therefore be amended accordingly.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part 1 and Part 2 of Annex II to Decision 2007/777/EC are amended in accordance with Annex I to this Regulation.

Article 2

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended in accordance with Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the third 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, 3 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

(1) In Part 1 of Annex II to Decision 2007/777/EC, the following new entry for Ukraine is inserted between the entry for Russia and the entry for the United States:

Country	Territory		Description of territory
	ISO code	Version	
'Ukraine	UA	01/2016	Whole country
	UA-1	01/2016	Whole country of Ukraine, excluding the area UA-2
	UA-2	01/2016	The territories of Ukraine described under UA-2 in column 3 of the table in Part 1 of Annex I to Commission Regulation (EC) No 798/2008, subject to the dates referred to in columns 6A and 6B of that table.';

(2) in Part 2 of Annex II to Decision 2007/777/EC, the entry for Ukraine is replaced by the following:

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian (excluding ungulates, solipeds and leporidae)
'UA	Ukraine UA	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
	Ukraine UA-1	XXX	XXX	XXX	XXX	A	A	A	XXX	XXX	XXX	A	A	XXX
	Ukraine UA-2	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX'

ANNEX II

In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for Ukraine is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status (6)
			Model(s)	Additional guarantees		Closing date (1)	Opening date (2)			
1	2	3	4	5	6	6A	6B	7	8	9
'UA — Ukraine	UA-0	Whole country	EP, E							
	UA-1	The whole country of Ukraine excluding area UA-2	WGM							
			POU, RAT							
	UA-2	Area of Ukraine corresponding to:								
	UA-2.1	Kherson Oblast (region)	WGM		P2	30.11.2016				
			POU, RAT		P2	30.11.2016				
	UA-2.2	Odessa Oblast (region)	WGM		P2	4.1.2017				
			POU, RAT		P2	4.1.2017				
	UA-2.3	Chernivtsi Oblast (region)	WGM		P2	4.1.2017				
			POU, RAT		P2	4.1.2017'				

COMMISSION IMPLEMENTING REGULATION (EU) 2017/194

of 3 February 2017

concerning the authorisation of the preparation of *Lactobacillus diolivorans* DSM 32074 as a feed additive for all animal species

(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 an application was submitted for the authorisation of the preparation of *Lactobacillus diolivorans* DSM 32074. This application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) This application concerns the authorisation of the preparation of *Lactobacillus diolivorans* DSM 32074 as a feed additive for all animal species to be classified in the category 'technological additives'.

(4) The European Food Safety Authority ('the Authority') concluded in its opinion of 12 July 2016 ([2]) that, under the proposed conditions of use, the preparation of *Lactobacillus diolivorans* DSM 32074 does not have an adverse effect on animal health, human health or the environment. However, the additive should be considered to have the potential to be a respiratory sensitiser. The Authority also concluded that the concerned preparation has the potential to improve the production of silage prepared from easy, moderately difficult and difficult to ensile material. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the methods of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of the preparation of *Lactobacillus diolivorans* DSM 32074 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

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

([1]) OJ L 268, 18.10.2003, p. 29.
([2]) *EFSA Journal* 2016; 14(9):4556.

Article 2

Entry into force

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, 3 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

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
					CFU of additive/kg of fresh material			
Technological additives: silage additives								
1k20752	*Lactobacillus diolivorans* DSM 32074	*Additive composition* Preparation of *Lactobacillus diolivorans* DSM 32074 containing a minimum of 3×10^{11} CFU/g additive. *Characterisation of the active substance* Viable cells of *Lactobacillus diolivorans* DSM 32074. *Analytical method* (1) Enumeration in the feed additive: spread plate method on MRS agar (EN 15787). Identification of the feed additive: Pulsed Field Gel Electrophoresis (PFGE).	All animal species	—	—	—	1. In the directions for use of the additive and premixture, indicate the storage conditions. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1×10^8 CFU/kg fresh material. 3. 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.	24 February 2027

(1) Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) 2017/195

of 3 February 2017

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of several active substances listed in Part B of the Annex to Implementing Regulation (EU) No 686/2012 (AIR IV renewal programme)

(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 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 ([1]), and in particular the first paragraph of Article 17 thereof,

Whereas:

(1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ([2]) sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009. Part B of the Annex to Implementing Regulation (EU) No 540/2011 sets out the active substances approved under Regulation (EC) No 1107/2009.

(2) Applications for the renewal of the approval of the active substances included in this Regulation were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ([3]). However, the approval of those substances may expire for reasons beyond the control of the applicant before a decision has been taken on the renewal of their approval. It is therefore necessary to extend their approval periods in accordance with Article 17 of Regulation (EC) No 1107/2009.

(3) In view of the time and resources necessary for completing the assessment of applications for the renewal of approvals of the large number of active substances the approvals of which are expiring between 2019 and 2021, Commission Implementing Decision C(2016)6104 ([4]) established a work programme grouping together similar active substances and setting priorities on the basis of safety concerns for human and animal health or the environment as provided for in Article 18 of Regulation (EC) No 1107/2009.

(4) The presumed low risk substances should be prioritised in accordance with Implementing Decision C(2016)6104. The approval of those substances should therefore be extended by a period as short as possible. Taking into account the distribution of responsibilities and work among Member States acting as rapporteurs and co-rapporteurs and the available resources necessary for assessment and decision-making, that period should be of one year for the active substances aluminium ammonium sulphate, aluminium silicate, blood meal, calcium carbonate, carbon dioxide, extract from tea tree, fat distilation residues, fatty acids c7 to c20, garlic extract, gibberellic acid, gibberellin, hydrolysed proteins, iron sulphate, kieselgur (diatomaceous earth), pepper dust extraction residue (PDER), plant oils/rape seed oil, potassium hydrogen carbonate, quartz sand, fish oil, repellents by smell of animal or plant origin/sheep fat, repellents by smell of animal or plant origin/tall oil crude, repellents by smell of animal or plant origin/tall oil pitch, sodium aluminium silicate, straight chain lepidopteran pheromones, and urea.

(5) For active substances which do not fall in the prioritised categories in Implementing Decision C(2016)6104, the approval period should be extended by either two or three years, taking into account the present date of expiry, the fact that according to Article 6(3) of Implementing Regulation (EU) No 844/2012 the supplementary dossier for an active substance shall be submitted no later than 30 months before expiry of the approval, the need to

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).
([3]) Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).
([4]) Commission Implementing Decision of 28 September 2016 on the establishment of a work programme for the assessment of applications for the renewal of approvals of active substances expiring in 2019, 2020 and 2021 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council (OJ C 357, 29.9.2016, p. 9).

ensure a balanced distribution of responsibilities and work among Member States acting as rapporteurs and co-rapporteurs and the available resources necessary for assessment and decision-making. It is therefore appropriate to extend the approval periods for bifenthrin, cymoxanil and metazachlor by two years, and to extend the approval periods of active substances 2,5-dichlorobenzoic acid methylester, acetic acid, aclonifen, aluminium phosphide, calcium carbide, calcium phosphide, denathonium benzoate, dodemorph, ethylene, imidacloprid, magnesium phosphide, metamitron, plant oils/citronella oil, plant oils/clove oil, plant oils/spear mint oil, pyrethrins, and sulcotrione by three years.

(6) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where no supplementary dossier in accordance with Implementing Regulation (EU) No 844/2012 is submitted no later than 30 months before the respective expiry date laid down in the Annex to this Regulation, the Commission will set the expiry date at the same date as before this Regulation or at the earliest date thereafter.

(7) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission will adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.

(8) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation

Article 2

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

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

Done at Brussels, 3 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(A) Part A is amended as follows:

(1) in the sixth column, expiration of approval, of row 215, Aclonifen, the date is replaced by '31 July 2022';

(2) in the sixth column, expiration of approval, of row 216, Imidacloprid, the date is replaced by '31 July 2022';

(3) in the sixth column, expiration of approval, of row 217, Metazachlor, the date is replaced by '31 July 2021';

(4) in the sixth column, expiration of approval, of row 218, Acetic acid, the date is replaced by '31 August 2022';

(5) in the sixth column, expiration of approval, of row 219, Aluminium ammonium sulphate, the date is replaced by '31 August 2020';

(6) in the sixth column, expiration of approval, of row 220, Aluminium silicate, the date is replaced by '31 August 2020';

(7) in the sixth column, expiration of approval, of row 222, Blood meal, the date is replaced by '31 August 2020';

(8) in the sixth column, expiration of approval, of row 223, Calcium carbide, the date is replaced by '31 August 2022';

(9) in the sixth column, expiration of approval, of row 224, Calcium carbonate, the date is replaced by '31 August 2020';

(10) in the sixth column, expiration of approval, of row 225, Carbon dioxide, the date is replaced by '31 August 2020';

(11) in the sixth column, expiration of approval, of row 226, Denathonium benzoate, the date is replaced by '31 August 2022';

(12) in the sixth column, expiration of approval, of row 227, Ethylene, the date is replaced by '31 August 2022';

(13) in the sixth column, expiration of approval, of row 228, Extract from tea tree, the date is replaced by '31 August 2020';

(14) in the sixth column, expiration of approval, of row 229, Fat distilation residues, the date is replaced by '31 August 2020';

(15) in the sixth column, expiration of approval, of row 230, Fatty acids C7 to C20, the date is replaced by '31 August 2020';

(16) in the sixth column, expiration of approval, of row 231, Garlic extract, the date is replaced by '31 August 2020';

(17) in the sixth column, expiration of approval, of row 232, Gibberellic acid, the date is replaced by '31 August 2020';

(18) in the sixth column, expiration of approval, of row 233, Gibberellin, the date is replaced by '31 August 2020';

(19) in the sixth column, expiration of approval, of row 234, Hydrolysed proteins, the date is replaced by '31 August 2020';

(20) in the sixth column, expiration of approval, of row 235, Iron sulphate, the date is replaced by '31 August 2020';

(21) in the sixth column, expiration of approval, of row 236, Kieselgur (diatomaceous earth), the date is replaced by '31 August 2020';

(22) in the sixth column, expiration of approval, of row 239, Pepper dust extraction residue (PDER), the date is replaced by '31 August 2020';

(23) in the sixth column, expiration of approval, of row 240, Plant oils/Citronella oil, the date is replaced by '31 August 2022';

(24) in the sixth column, expiration of approval, of row 241, Plant oils/Clove oil, the date is replaced by '31 August 2022';

(25) in the sixth column, expiration of approval, of row 242, Plant oils/Rape seed oil, the date is replaced by '31 August 2020';

(26) in the sixth column, expiration of approval, of row 243, Plant oils/Spear mint oil, the date is replaced by '31 August 2022';

(27) in the sixth column, expiration of approval, of row 244, Potassium hydrogen carbonate, the date is replaced by '31 August 2020';

(28) in the sixth column, expiration of approval, of row 246, Pyrethrins, the date is replaced by '31 August 2022';

(29) in the sixth column, expiration of approval, of row 247, Quartz sand, the date is replaced by '31 August 2020';

(30) in the sixth column, expiration of approval, of row 248, Fish oil, the date is replaced by '31 August 2020';

(31) in the sixth column, expiration of approval, of row 249, Repellents by smell of animal or plant origin/sheep fat, the date is replaced by '31 August 2020';

(32) in the sixth column, expiration of approval, of row 250, Repellents by smell of animal or plant origin/tall oil crude, the date is replaced by '31 August 2020';

(33) in the sixth column, expiration of approval, of row 251, Repellents by smell of animal or plant origin/tall oil pitch, the date is replaced by '31 August 2020';

(34) in the sixth column, expiration of approval, of row 253, Sodium aluminium silicate, the date is replaced by '31 August 2020';

(35) in the sixth column, expiration of approval, of row 255, Straight Chain Lepidopteran Pheromones, the date is replaced by '31 August 2020';

(36) in the sixth column, expiration of approval, of row 257, Urea, the date is replaced by '31 August 2020';

(37) in the sixth column, expiration of approval, of row 260, Aluminium phosphide, the date is replaced by '31 August 2022';

(38) in the sixth column, expiration of approval, of row 261, Calcium phosphide, the date is replaced by '31 August 2022';

(39) in the sixth column, expiration of approval, of row 262, Magnesium phosphide, the date is replaced by '31 August 2022';

(40) in the sixth column, expiration of approval, of row 263, Cymoxanil, the date is replaced by '31 August 2021';

(41) in the sixth column, expiration of approval, of row 264, Dodemorph, the date is replaced by '31 August 2022';

(42) in the sixth column, expiration of approval, of row 265, 2,5-Dichlorobenzoic acid methylester, the date is replaced by '31 August 2022';

(43) in the sixth column, expiration of approval, of row 266, Metamitron, the date is replaced by '31 August 2022';

(44) in the sixth column, expiration of approval, of row 267, Sulcotrione, the date is replaced by '31 August 2022';

(B) In Part B, in the sixth column, expiration of approval, of row 23, Bifenthrin, the date is replaced by '31 July 2021'.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/196

of 3 February 2017

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, 3 February 2017.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	116,2
	TN	311,6
	TR	163,3
	ZZ	197,0
0707 00 05	MA	80,2
	TR	187,3
	ZZ	133,8
0709 91 00	EG	79,4
	ZZ	79,4
0709 93 10	MA	130,8
	TR	256,7
	ZZ	193,8
0805 10 22, 0805 10 24, 0805 10 28	EG	40,0
	IL	72,3
	MA	46,6
	TN	53,7
	TR	73,5
	ZZ	57,2
0805 21 10, 0805 21 90, 0805 29 00	EG	90,8
	IL	130,5
	JM	112,4
	MA	88,3
	TR	83,9
	ZZ	101,2
0805 22 00	IL	139,7
	MA	91,9
	ZZ	115,8
0805 50 10	EG	85,5
	TR	93,8
	ZZ	89,7
0808 10 80	CN	139,4
	US	205,0
	ZZ	172,2
0808 30 90	CL	81,7
	CN	112,5
	TR	154,0
	ZA	99,6
	ZZ	112,0

(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

COMMISSION IMPLEMENTING DECISION (EU) 2017/197

of 2 February 2017

amending Implementing Decision (EU) 2016/1138 as regards certain deadlines for the use of UN/Cefact standards in the exchange of information on fisheries

(notified under document C(2017) 457)

THE EUROPEAN COMMISSION,

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

Having regard to the Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([1]), and in particular Articles 111 and 116 thereof,

Having regard to Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy ([2]), and in particular Article 146j thereof,

Whereas:

(1) Flag Member State systems should be capable of sending vessel monitoring system messages and replying to requests for vessel monitoring system data using the United Nations Centre for Trade Facilitation and Electronic Business (UN/Cefact) standard in accordance with Article 146f of Regulation (EU) No 404/2011.

(2) Article 146d of Regulation (EU) No 404/2011 provides that all transmission messages, including vessel monitoring system data, shall be done using the electronic network for fisheries data exchanges 'Transportation layer' made available by the Commission to the Member States.

(3) Commission Implementing Decision (EU) 2016/1138 ([3]) fixes the deadlines for the use of UN/Cefact standards in the exchanges of fisheries data.

(4) The delivery of the Transportation Layer network was delayed by 4 months and Member States need sufficient time for installation and testing.

(5) It is therefore appropriate to postpone certain deadlines set by Implementing Decision (EU) 2016/1138 for the use of these UN/Cefact standards.

(6) Implementing Decision (EU) 2016/1138 should therefore be amended accordingly.

([1]) OJ L 343, 22.12.2009, p. 1.
([2]) OJ L 112, 30.4.2011, p. 1.
([3]) Commission Implementing Decision (EU) 2016/1138 of 11 July 2016 amending the formats based on the UN/Cefact standard for the exchange of information on fisheries (OJ L 188, 13.7.2016, p. 26).

HAS ADOPTED THIS DECISION:

Article 1

Exchange of vessel monitoring system data

Article 1 of Implementing Decision (EU) 2016/1138 is replaced by the following:

'*Article 1*

1. As from 1 February 2017, the format to be used to report vessel monitoring system data referred to in Article 146f of Regulation (EU) No 404/2011 and the respective implementation documents are amended as set out in UN/Cefact P 1000-7 format: Vessel Position domain specifications published on the Master Data Register page of the European Commission Fisheries website.

2. As from 1 July 2018, flag Member State systems shall be capable of replying to requests for vessel monitoring system data as referred to in Article 146f(3) of Implementing Regulation (EU) No 404/2011 using the format amended pursuant to Paragraph 1 of this Article.'

Article 2

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 2 February 2017.

For the Commission
Karmenu VELLA
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/198

of 2 February 2017

as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

(notified under document C(2017) 460)

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 third sentence of Article 16(3) thereof,

Whereas:

(1) Commission Implementing Decision 2012/756/EU ([2]) provided for measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, hereinafter 'the specified organism', the causal agent of kiwi canker. That Implementing Decision expired on 31 March 2016.

(2) Several Member States requested that the measures of Implementing Decision 2012/756/EU continue to apply, due to the ongoing phytosanitary risk posed by the specified organism. For this reason, the same measures, as the measures set out in that Implementing Decision, should be adopted concerning the introduction into the Union of plants for planting of *Actinidia* Lindl. (hereinafter 'the specified plants') from third countries, as well as their movement within the Union.

(3) Moreover, experience gained during the application of Implementing Decision 2012/756/EU shows that, as equivalent alternatives to visual inspections, destruction of all specified plants or individual testing thereof also constitute appropriate measures to prevent the spread of the specified organism within certain zones, and that those measures provide an equally efficient response in the case of an outbreak of the specified organism, therefore those measures should also be allowed for specified plants originating in the Union or in third countries. In addition, that experience also shows that a zone of a width of 100 m, instead of 500 m, around a pest free place or pest free site of production, with a degree of isolation and protection from the outside environment that effectively excludes the specified organism, is sufficient for achieving the objectives of this Decision.

(4) Member States should, if necessary, adapt their legislation in order to comply with this Decision.

(5) This Decision should apply until 31 March 2020 to allow time to monitor the evolution of the situation.

(6) 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

Prohibition of harmful organism Pseudomonas *syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

Pseudomonas syringae pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (hereinafter 'the specified organism'), shall not be introduced into or spread within the Union.

([1]) OJ L 169, 10.7.2000, p. 1.

([2]) Commission Implementing Decision 2012/756/EU of 5 December 2012 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto (OJ L 335, 7.12.2012, p. 49).

Article 2

Introduction of *Actinidia* Lindl. into the Union

Live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl. (hereinafter 'the specified plants'), originating in third countries may only be introduced into the Union if they comply with the specific requirements for introduction, as set out in Annex I.

Article 3

Movement of the specified plants within the Union

The specified plants may only be moved within the Union if they meet the requirements, as set out in Annex II.

Article 4

Surveys and notifications of the specified organism

1. Member States shall conduct official annual surveys for the presence of the specified organism on the specified plants.

Member States shall notify the results of those surveys to the Commission and to the other Member States by 31 January of the year following the year of the survey.

2. Where a professional operator suspects or becomes aware that the specified organism is present in plants, plant products or other objects which are under that operator's control, and in an area where the presence of that organism was previously unknown, it shall immediately notify the responsible official body thereof, in order for that body to take the appropriate actions. Where appropriate, the professional operator shall also immediately take precautionary measures to prevent the establishment and spread of the specified organism.

Article 5

Compliance

Member States shall immediately inform the Commission of the measures they have taken to comply with this Decision.

Article 6

Application

This Decision shall apply until 31 March 2020.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 2 February 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

Specific requirements for introduction into the union, as referred to in Article 2

SECTION I

Phytosanitary certificate

(1) Specified plants originating in third countries shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of Article 13(1)(ii) of Directive 2000/29/EC (hereinafter 'the certificate'), which includes under the heading 'Additional declaration' the information set out in points (2) and (3).

(2) The certificate shall include the information that one of the following points is fulfilled:

(a) The specified plants have been grown throughout their life in a country where the specified organism is known not to occur;

(b) The specified plants have been grown throughout their life in a pest free area, established as regards the specified organism by the National Plant Protection Organisation (hereinafter 'the NPPO') of the country of origin in accordance with the FAO International Standard for Phytosanitary Measures (hereinafter 'ISPM') No 4 ([1]);

(c) The specified plants have been produced in a pest free place or a pest free site of production, established as regards the specified organism by the NPPO in accordance with the FAO ISPM No 10 ([2]). The specified plants have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified organism. At that place or site the specified plants have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and found free from the specified organism.

That place or site of production is surrounded by a zone with a radius of at least 100 m, where one of the following conditions has been fulfilled:

(i) official inspections have been carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and any specified plants showing symptoms of infection, which were found during those inspections were immediately destroyed;

(ii) all specified plants have been immediately destroyed;

(iii) each specified plant has been regularly tested at the most appropriate times and found free from the specified organism;

(d) The specified plants have been produced in a pest free place of production established as regards the specified organism by the NPPO in accordance with the FAO ISPM No 10. At that place the specified plants have been officially inspected, sampled and tested twice at the most appropriate times during the last complete cycle of vegetation prior to the export and found free from the specified organism.

That place of production is surrounded by a zone with a radius of 4 500 m, where one of the following conditions has been fulfilled:

(i) official inspections, sampling and testing have been carried out throughout that zone twice at the most appropriate times during the last complete cycle of vegetation prior to the export. The specified organism has not been found during the official inspections, sampling and testing;

(ii) all specified plants within a radius of 500 m from that place of production have been immediately destroyed;

(iii) each specified plant within a radius of 500 m from that place of production has been regularly tested at the most appropriate times and found free from the specified organism.

([1]) Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2016.
([2]) Requirements for the establishment of pest free places of production and pest free production sites. ISPM No 10 (1999), Rome, IPPC, FAO 2016.

In the case of points (ii) and (iii), all specified plants within that zone at a distance of 500 m to 4 500 m from the place of production have been destroyed or tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in the specified plants is below 0,1 %.

(3) Where the information set out in point (2)(c) or (2)(d) is given, the certificate shall, in addition, include the information that one of the following points is satisfied:

(a) The specified plants have been directly derived from mother plants grown under conditions compliant with points (2)(a) or (2)(b) or 2(c);

(b) The specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from the specified organism;

(c) The specified plants have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in the specified plants is below 0,1 %.

(4) Where the information set out in point (2)(b) is given, the name of the pest free area shall be included under the heading 'Place of Origin' of the certificate.

SECTION II

Inspection

Specified plants introduced into the Union accompanied by a phytosanitary certificate complying with Section I shall be rigorously inspected and, where appropriate, tested for the presence of the specified organism at the point of entry or at the place of destination established in accordance with Commission Directive 2004/103/EC [1].

In case the specified plants are introduced into the Union through a Member State other than the Member State of the destination of those plants, the responsible official body of the Member State of entry shall notify the responsible official body of the Member State of destination.

[1] Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).

ANNEX II

Requirements for movement within the Union, as referred to in Article 3

(1) Specified plants originating in the Union may be moved within the Union only if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC ([1]) and if they meet the requirements set out in point (2).

(2) The specified plants shall satisfy one of the following points:

(a) The specified plants have been grown throughout their life in a Member State where the specified organism is not known to occur;

(b) The specified plants have been grown throughout their life in a protected zone recognised as regards the specified organism in accordance with Article 2(1)(h) of Directive 2000/29/EC;

(c) The specified plants have been grown throughout their life in a pest free area, established as regards the specified organism by the responsible official body of a Member State in accordance with the FAO ISPM No 4 ([2]);

(d) The specified plants have been produced in a pest free place or a pest free site of production, established as regards the specified organism by the responsible official body of the Member State of origin in accordance with the FAO ISPM No 10 ([3]). The specified plants have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes the specified organism. At that place or site the specified plants have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and found free from the specified organism.

That place or site of production is surrounded by a zone with a radius of at least 100 m, where one of the following conditions has been fulfilled:

(i) official inspections have been carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and any specified plants showing symptoms of infection, which were found during those inspections were immediately destroyed;

(ii) all specified plants have been immediately destroyed;

(iii) each specified plant has been regularly tested at the most appropriate times and found free from the specified organism.

(e) The specified plants have been produced in a pest free place of production established as regards the specified organism by the responsible official body of the Member State of origin in accordance with the FAO ISPM No 10. At that place the specified plants have been officially inspected, sampled and tested twice at the most appropriate times during the last complete cycle of vegetation prior to the movement and found free from the specified organism.

That place of production is surrounded by a zone with a radius of 500 m, hereinafter the 'surrounding zone', where one of the following conditions has been fulfilled:

(i) official inspections, sampling and testing have been carried out throughout the surrounding zone twice at the most appropriate times during the last complete cycle of vegetation prior to the movement. The specified organism has not been found during the official inspections, sampling and testing;

(ii) all specified plants within the surrounding zone have been immediately destroyed;

(iii) each specified plant within the surrounding zone has been regularly tested at the most appropriate times and found free from the specified organism.

([1]) Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 8.1.1993, p. 22).

([2]) Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2016.

([3]) Requirements for the establishment of pest free places of production and pest free production sites. ISPM No 10 (1999), Rome, IPPC, FAO 2016.

The surrounding zone is encircled by a zone with a width of 4 km, where one of the following conditions has been fulfilled:

(i) following official inspections, sampling and testing that have been carried out throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement, eradication measures were taken in all cases when the specified organism has been identified on the specified plants. These measures consisted in the immediate destruction of the infected specified plants;

(ii) all specified plants within that zone have been destroyed;

(iii) all specified plants within that zone have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in the specified plants is below 0,1 %.

(3) Where the requirements set out in points (2)(d) or (2)(e) are met, the specified plants shall, in addition, satisfy one of the following requirements:

(a) The specified plants have been directly derived from mother plants grown under conditions compliant with points (2)(a) or (2)(b) or (2)(c) or 2(d);

(b) The specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from the specified organism;

(c) The specified plants have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in the specified plants is below 0,1 %.

(4) The specified plants introduced into the Union in accordance with Annex I from third countries may be moved within the Union only if they are accompanied by the plant passport referred to in point (1).

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