



English edition

Legislation

Volume 60

20 April 2017

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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/702

of 4 April 2017

entering a name in the register of protected designations of origin and protected geographical indications (Marche (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Marche' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Marche' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Marche' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.5. — Oils and fats (butter, margarine, oil, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 474, 17.12.2016, p. 6.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 4 April 2017.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2017/703**of 5 April 2017****entering a name in the register of protected designations of origin and protected geographical indications (Vitelloni Piemontesi della coscia (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Vitelloni Piemontesi della coscia' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Vitelloni Piemontesi della coscia' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Vitelloni Piemontesi della coscia' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.1. Fresh meat (and offal), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*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, 5 April 2017.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 481, 23.12.2016, p. 21.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/704**of 19 April 2017****amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector**

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⁾, and in particular Article 187 thereof,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ⁽²⁾ ('the SAA') was signed on 16 June 2008 and entered into force on 1 June 2015. Article 27(3) of the SAA provides for a duty-free access on imports into the Union for products originating in Bosnia and Herzegovina of headings 1701 and 1702 of the Combined Nomenclature, within the limit of an annual tariff quota of 12 000 tonnes.
- (2) The Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union ⁽³⁾ ('the Protocol') was signed on 15 December 2016. Its signature on behalf of the European Union and the Member States and its provisional application has been authorised by Council Decision (EU) 2017/75 ⁽⁴⁾.
- (3) Article 2(1) of the Protocol provides for changes to the existing tariff quotas for sugar originating in Bosnia and Herzegovina with effect from 1 February 2017. The relevant annual tariff quota for sugar is being increased from 12 000 tonnes to 13 210 tonnes.
- (4) Commission Regulation (EC) No 891/2009 ⁽⁵⁾ provides for the opening and the administration of tariff quotas in the sugar sector, including those originating in Bosnia and Herzegovina. To implement the tariff quotas for sugar laid down in the Protocol, it is therefore necessary to amend that Regulation accordingly.
- (5) Since the Protocol applies from 1 February 2017, the proposed amendments should apply from the same date and enter into force on the day of its publication.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 891/2009 is amended as follows:

- (1) In Article 1, point (f) is replaced by the following:

'(f) Article 27(3) of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ^(*), as amended by the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union ^(**),

^(*) OJ L 164, 30.6.2015, p. 2.

^(**) OJ L 12, 17.1.2017, p. 3.'

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 164, 30.6.2015, p. 2.

⁽³⁾ OJ L 12, 17.1.2017, p. 3.

⁽⁴⁾ Council Decision (EU) 2017/75 of 21 November 2016 on the signing, on behalf of the Union and its Member States, and provisional application of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union (OJ L 12, 17.1.2017, p. 1).

⁽⁵⁾ Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009, p. 82).

(2) In Annex I, Part II is replaced by the text 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*.

It shall apply from 1 February 2017.

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

Done at Brussels, 19 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

'Part II: Balkans sugar

Third Country or Customs Territories	Order number	CN code	Quantities (tonnes)	In quota rate (EUR/ton)
Albania	09.4324	1701 and 1702	1 000	0
Bosnia and Herzegovina	09.4325	1701 and 1702	13 210	0
Serbia	09.4326	1701 and 1702	181 000	0
Former Yugoslav Republic of Macedonia	09.4327	1701 and 1702	7 000	0

COMMISSION IMPLEMENTING REGULATION (EU) 2017/705**of 19 April 2017****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature' or the 'CN'), which is set out in Annex I to that Regulation.
- (2) The current text of CN code 1905 90 60 refers to added sweetening matter, which gives rise to doubt as to the coverage of that CN code and is not precise enough to allow classification on the basis of laboratory analysis. The wording 'with added' should be deleted, because it is impossible to ascertain whether the sugar content is natural, so that the product must be classified under CN code 1905 90 90, or if the sugar has been added, so that the product must be classified under CN code 1905 90 60. The wording 'sweetening matter' is too vague, as it covers all natural and artificial substances with a sweet taste without indicating any threshold for the content of sweetener in the product. This could lead to different minimum thresholds being applied or to a lack of objectivity in proving the presence of sweetening matter in a product.
- (3) A statistical analysis as regards current CN codes 1905 90 60 and 1905 90 90 was undertaken to assess the amounts of customs duties collected at the import of products containing less than 5 %, by weight, of sucrose, invert sugar or isoglucose under each of those CN codes. The statistical analysis showed that in a significant number of imports, products classified in CN code 1905 90 60 should have been classified in CN code 1905 90 90 or vice versa, having regard to the criterion of 'sweetening matter'. Hence, the text of CN code 1905 90 60 needs to be amended in order to introduce a clear criterion for the distinction between the two product groups. The percentage, by weight, of sucrose, invert sugar or isoglucose provides a more objective criterion and is therefore more easily applied for the purposes of laboratory analysis.
- (4) As the CN is also a statistical nomenclature, it is necessary to alter the seventh and eighth digit of the CN codes in question at the same time as the change of the coverage of those CN codes in order to allow proper statistical data handling after the change.
- (5) Taking into account that, in accordance with Article 12 of Regulation (EEC) No 2658/87, Annex I to that Regulation is to be replaced with effect from 1 January 2018, those new CN codes should only apply from 1 January 2018.
- (6) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Chapter 19 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87 is amended as follows:

- (a) the rows for CN codes 1905 90 60 and 1905 90 90 are deleted;

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

(b) the following rows are inserted:

1905 90 70	Containing 5 % or more, by weight, of sucrose, invert sugar or isoglucose	9 + EA MAX 24,2 + AD S/Z ⁽¹⁾	—
1905 90 80	Other	9 + EA MAX 20,7 + AD F/M ⁽¹⁾	—

⁽¹⁾ See Annex 1.'

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*.

It shall apply from 1 January 2018.

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

Done at Brussels, 19 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2017/706**of 19 April 2017****amending Annex VII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin sensitisation and repealing Commission Regulation (EU) 2016/1688****(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 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Articles 13(2) and 131 thereof,

Whereas:

- (1) Regulation (EC) No 1907/2006 establishes requirements for the registration of substances manufactured or imported in the Union on their own, in mixtures or articles. The registrants have to provide the information required by Regulation (EC) No 1907/2006, as appropriate, in order to fulfil the registration requirements.
- (2) Article 13(2) of Regulation (EC) No 1907/2006 provides that test methods used to generate information on intrinsic properties of substances required by that Regulation are to be regularly reviewed and improved with a view to reducing testing on vertebrate animals and the number of animals involved. When appropriate validated test methods become available, the Commission Regulation (EC) No 440/2008 ⁽²⁾ and the Annexes to Regulation (EC) No 1907/2006 should be amended, if relevant, so as to replace, reduce or refine animal testing. The principles of replacement, reduction and refinement, enshrined in Directive 2010/63/EU of the European Parliament and of the Council ⁽³⁾ should be taken into account.
- (3) Pursuant to Regulation (EC) No 1907/2006, *in vivo* studies are required for the generation of information on skin sensitisation in point 8.3 of Annex VII to Regulation (EC) No 1907/2006.
- (4) In recent years, significant scientific progress has been made in the development of alternative test methods for skin sensitisation. Several *in chemico/in vitro* test methods have been validated by the European Union Reference Laboratory for Alternatives to Animal Testing (EURL ECVAM) and/or internationally agreed by the Organisation for Economic Cooperation and Development (OECD). These test methods may allow the generation of adequate information to assess whether a substance causes skin sensitisation without the need to resort to *in vivo* testing, when applied in an appropriate combination in the framework of an integrated approach to testing and assessment (IATA).
- (5) To reduce animal testing, point 8.3 of Annex VII to Regulation (EC) No 1907/2006 should be amended to allow the use of these alternative methods, where adequate information can be obtained through this approach and where the available test methods are applicable for the substance to be tested.
- (6) The currently available alternative test methods agreed by OECD are based on an adverse outcome pathway (AOP) describing the mechanistic knowledge about the development of skin sensitisation. These methods are not intended to be used on their own, but to be applied in combination. For the comprehensive assessment of skin sensitisation, typically methods addressing the first three key events of the AOP should be used.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

⁽³⁾ Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

- (7) However, under certain conditions, it may be possible to derive sufficient information without explicitly addressing all three key events by separate test methods. Therefore, the possibility should be given to registrants to scientifically justify the omission of tests addressing certain key events.
- (8) The test method indicated as the first choice for *in vivo* testing, the local lymph node assay (LLNA), provides information on the strength of the sensitisation potential of a substance. The identification of strong skin sensitisers is important to allow appropriate classification and risk assessment of such substances. It therefore should be clarified that the requirement for information allowing an assessment whether a substance should be presumed to be a strong sensitiser applies to all data, irrespective whether they are generated *in vivo* or *in vitro*.
- (9) However, in order to avoid animal testing and the repetition of already performed tests, existing *in vivo* skin sensitisation studies performed according to valid OECD test guidelines or EU test methods and in compliance to good laboratory practice ⁽¹⁾ should be considered valid to fulfil the standard information requirement for skin sensitisation, even if the information derived from them is not sufficient for a conclusion whether a substance can be presumed to be a strong sensitiser.
- (10) In addition, the standard information requirements and adaptation rules in 8.3 of Annex VII to Regulation (EC) No 1907/2006 should be revised in order to remove redundancies with rules set by Annex VI and Annex XI and in the introductory parts of Annex VII to that Regulation as regards the review of available data, the waiving of studies for a toxicological endpoint if the available information indicates that the substance meets the criteria for classification for that toxicological endpoint, or to clarify the intended meaning as regards the waiving of studies for substances that are flammable under certain conditions. Where reference is made to the classification of substances, adaptation rules should be updated to reflect the terminology used in Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾.
- (11) ECHA, in cooperation with Member States and stakeholders, should further develop guidance documents for the application of the test methods and waiving possibilities for the standard information requirements provided by this Regulation for the purposes of Regulation (EC) No 1907/2006. In doing so, ECHA should take full account of the work carried out in OECD, as well as in other relevant scientific and expert groups.
- (12) Regulation (EC) No 1907/2006 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006
- (14) Commission Regulation (EU) 2016/1688 ⁽³⁾ has been adopted without submission of the draft measure for scrutiny to the Council. In order to remedy this omission, the Commission should repeal Regulation (EU) 2016/1688 and replace it by the present Regulation which was submitted in draft for scrutiny to the European Parliament and the Council. Acts adopted under Regulation (EU) 2016/1688 remain valid,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances (codified version)(OJ L 50, 20.2.2004, p. 44).

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ Commission Regulation (EU) 2016/1688 of 20 September 2016 amending Annex VII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin sensitisation (OJ L 255, 21.9.2016, p. 14).

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*.

It shall apply from 11 October 2016.

Regulation (EU) 2016/1688 is repealed with effect from the entry into force of this Regulation.

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

Done at Brussels, 19 April 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Point 8.3 of Annex VII to Regulation (EC) No 1907/2006 shall be replaced by the following:

<p>8.3. Skin sensitisation</p> <p>Information allowing:</p> <ul style="list-style-type: none"> — a conclusion whether the substance is a skin sensitiser and whether it can be presumed to have the potential to produce significant sensitisation in humans (Cat. 1A), and — risk assessment, where required. 	<p>The study(ies) under point 8.3.1 and 8.3.2 do not need to be conducted if:</p> <ul style="list-style-type: none"> — the substance is classified as skin corrosion (Category 1), or — the substance is a strong acid ($\text{pH} \leq 2,0$) or base ($\text{pH} \geq 11,5$), or — the substance is spontaneously flammable in air or in contact with water or moisture at room temperature.
<p>8.3.1. Skin sensitisation, <i>in vitro/in chemico</i></p> <p>Information from <i>in vitro/in chemico</i> test method(s) recognised according to Article 13(3), addressing each of the following key events of skin sensitisation:</p> <ul style="list-style-type: none"> (a) molecular interaction with skin proteins; (b) inflammatory response in keratinocytes; (c) activation of dendritic cells. 	<p>The(se) test(s) do not need to be conducted if:</p> <ul style="list-style-type: none"> — an <i>in vivo</i> study according to point 8.3.2 is available, or — the available <i>in vitro/in chemico</i> test methods are not applicable for the substance or are not adequate for classification and risk assessment according to point 8.3. <p>If information from test method(s) addressing one or two of the key events in column 1 already allows classification and risk assessment according to point 8.3, studies addressing the other key event(s) need not be conducted.</p>
<p>8.3.2. Skin sensitisation, <i>in vivo</i></p>	<p>An <i>in vivo</i> study shall be conducted only if <i>in vitro/in chemico</i> test methods described under point 8.3.1 are not applicable, or the results obtained from those studies are not adequate for classification and risk assessment according to point 8.3.</p> <p>The murine local lymph node assay (LLNA) is the first-choice method for <i>in vivo</i> testing. Only in exceptional circumstances should another test be used. Justification for the use of another <i>in vivo</i> test shall be provided.</p> <p><i>In vivo</i> skin sensitisation studies that were carried out or initiated before 10 May 2017, and that meet the requirements set out in Article 13(3), first subparagraph, and Article 13(4) shall be considered appropriate to address this standard information requirement.'</p>

COMMISSION IMPLEMENTING REGULATION (EU) 2017/707**of 19 April 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, 19 April 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	EG	260,5
	MA	112,1
	TR	133,1
	ZZ	168,6
0707 00 05	MA	79,4
	TR	156,1
	ZZ	117,8
0709 93 10	MA	86,1
	TR	146,0
	ZZ	116,1
0805 10 22, 0805 10 24, 0805 10 28	EG	52,9
	IL	80,6
	MA	51,4
	TN	61,8
	TR	71,1
	ZZ	63,6
	ZZ	63,6
0805 50 10	AR	68,9
	TR	68,5
	ZZ	68,7
0808 10 80	AR	95,4
	BR	106,9
	CL	110,3
	CN	117,8
	NZ	154,9
	US	181,7
	ZA	114,4
	ZZ	125,9
	ZZ	125,9
0808 30 90	AR	138,2
	CL	145,2
	ZA	114,1
	ZZ	132,5

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/708**of 19 April 2017****fixing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 April 2017 under the tariff quotas opened by Regulation (EC) No 341/2007 for garlic**

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⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 341/2007 ⁽²⁾ opened annual tariff quotas for imports of garlic.
- (2) The quantities covered by the applications for 'A' import licences lodged in the first seven calendar days of April 2017, for the subperiod from 1 June 2017 to 31 August 2017, for certain quotas, exceed those available. The extent to which 'A' import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) In order to ensure the efficient management of the measure, 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 quantities covered by the applications for 'A' import licences lodged under Regulation (EC) No 341/2007 for the subperiod from 1 June 2017 to 31 August 2017 shall be multiplied by the allocation coefficient set out 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, 19 April 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⁾ Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

ANNEX

Origin	Reference number	Allocation coefficient — applications lodged for the subperiod from 1 June 2017 to 31 August 2017 (%)
China		
— Traditional importers	09.4105	—
— New importers	09.4100	0,511358
Other third countries		
— Traditional importers	09.4106	—
— New importers	09.4102	—

COMMISSION IMPLEMENTING REGULATION (EU) 2017/709**of 19 April 2017****fixing the allocation coefficient to be applied to the quantities on which applications for import licences and applications for import rights lodged from 1 to 7 April 2017 are based and establishing the quantities to be added to the quantity fixed for the sub-period from 1 October to 31 December 2017 under the tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat**

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⁾, and in particular Article 188 thereof,

Whereas:

- (1) Commission Regulation (EC) No 616/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Brazil, Thailand and other third countries.
- (2) The quantities on which applications for import licences lodged from 1 to 7 April 2017 for the sub-period from 1 July to 30 September 2017 and for the period from 1 July 2017 to 30 June 2018 are based relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities on which applications for import rights lodged from 1 to 7 April 2017 for the sub-period from 1 July to 30 September 2017 and for the period from 1 July 2017 to 30 June 2018 are based relate, for some quotas, to quantities exceeding those available. The extent to which import rights may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Regulation (EC) No 1301/2006.
- (4) The quantities on which applications for import licences lodged from 1 to 7 April 2017 for the sub-period from 1 July to 30 September 2017 are based relate, for some quotas, to quantities less than those available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota sub-period.
- (5) In order to ensure the efficient management of the measure, 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

1. The quantities on which applications for import licences lodged pursuant to Regulation (EC) No 616/2007 for the sub-period from 1 July to 30 September 2017 and for the period from 1 July 2017 to 30 June 2018 are based shall be multiplied by the allocation coefficient set out in part A of the Annex hereto.
2. The quantities for which applications for import licences have not been lodged pursuant to Regulation (EC) No 616/2007, to be added to the sub-period from 1 October to 31 December 2017, are set out in part A of the Annex hereto.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries (OJ L 142, 5.6.2007, p. 3).⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

Article 2

The quantities on which applications for import rights lodged pursuant to Regulation (EC) No 616/2007 for the sub-period from 1 July to 30 September 2017 and for the period from 1 July 2017 to 30 June 2018 are based shall be multiplied by the allocation coefficient set out in part B of the Annex hereto.

Article 3

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, 19 April 2017.

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

*Director-General
Directorate-General for Agriculture and Rural Development*

ANNEX

PART A

Group No	Order No	Allocation coefficient — applications lodged for the sub-period from 1 July to 30 September 2017 (%)	Non-requested quantities to be added to the quantities available for the sub-period from 1 October to 31 December 2017 (in kg)
1	09.4211	0,272108	—
2	09.4212	0,603066	—
4A	09.4214	0,294724	—
	09.4251	0,328299	—
	09.4252	4,176254	—
6A	09.4216	0,275122	—
	09.4260	0,301841	—
7	09.4217	—	12 368 400
8	09.4218	—	3 478 800

Group No	Order No	Allocation coefficient — applications lodged for the period from 1 July 2017 to 30 June 2018 (%)
3	09.4213	0,761614
4B	09.4253	—
6B	09.4261	—
	09.4262	—
	09.4263	0,031307
	09.4264	—
	09.4265	—

PART B

Group No	Order No	Allocation coefficient — applications lodged for the sub-period from 1 July to 30 September 2017 (%)	Non-requested quantities to be added to the quantities available for the sub-period from 1 October to 31 December 2017 (in kg)
5A	09.4215	0,495785	—
	09.4254	0,516528	—
	09.4255	2,409638	—
	09.4256	44,529961	—

Group No	Order No	Allocation coefficient — applications lodged for the period from 1 July 2017 to 30 June 2018 (%)
5B	09.4257	—
	09.4258	—
	09.4259	—

DECISIONS

COUNCIL DECISION (EU) 2017/710

of 3 April 2017

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement (CO₂ Emissions)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) and 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 ⁽²⁾ ('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 XX (Environment) to the EEA Agreement.
- (3) Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EU) No 1014/2010 ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Regulation (EU) No 63/2011 ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) No 725/2011 ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Implementing Regulation (EU) No 429/2012 ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Commission Implementing Regulation (EU) No 396/2013 ⁽⁸⁾ is to be incorporated into the EEA Agreement.
- (9) Commission Regulation (EU) No 397/2013 ⁽⁹⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).

⁽⁴⁾ Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 293, 11.11.2010, p. 15).

⁽⁵⁾ Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 23, 27.1.2011, p. 16).

⁽⁶⁾ Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

⁽⁷⁾ Commission Implementing Regulation (EU) No 429/2012 of 22 May 2012 amending Regulation (EU) No 1014/2010 for the purpose of providing a common format for the notification of errors by manufacturers of passenger cars (OJ L 132, 23.5.2012, p. 11).

⁽⁸⁾ Commission Implementing Regulation (EU) No 396/2013 of 30 April 2013 amending Regulation (EU) No 1014/2010 as regards certain requirements for the monitoring of CO₂ emissions from new passenger cars (OJ L 120, 1.5.2013, p. 1).

⁽⁹⁾ Commission Regulation (EU) No 397/2013 of 30 April 2013 amending Regulation (EC) No 443/2009 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new passenger cars (OJ L 120, 1.5.2013, p. 4).

- (10) Regulation (EU) No 333/2014 of the European Parliament and of the Council ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (11) Commission Delegated Regulation (EU) 2015/6 ⁽²⁾ is to be incorporated into the EEA Agreement.
- (12) Regulation (EC) No 443/2009 repeals Decision No 1753/2000/EC of the European Parliament and of the Council ⁽³⁾, which is incorporated into the EEA Agreement and is consequently to be repealed under the EEA Agreement.
- (13) Annex XX (Environment) to the EEA Agreement should therefore be amended accordingly.
- (14) 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 the Union's behalf, within the EEA Joint Committee on the proposed amendment to Annex XX (Environment) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Luxembourg, 3 April 2017.

For the Council
The President
R. GALDES

⁽¹⁾ Regulation (EU) No 333/2014 of the European Parliament and of the Council of 11 March 2014 amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (OJ L 103, 5.4.2014, p. 15).

⁽²⁾ Commission Delegated Regulation (EU) 2015/6 of 31 October 2014 amending Annex I to Regulation (EC) No 443/2009 of the European Parliament and of the Council in order to take into account the evolution of the mass of new passenger cars registered in 2011, 2012 and 2013 (OJ L 3, 7.1.2015, p. 1).

⁽³⁾ Decision No 1753/2000/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO₂ from new passenger cars (OJ L 202, 10.8.2000, p. 1).

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2017
of ...
amending Annex XX (Environment) 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 (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) No 429/2012 of 22 May 2012 amending Regulation (EU) No 1014/2010 for the purpose of providing a common format for the notification of errors by manufacturers of passenger cars ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Implementing Regulation (EU) No 396/2013 of 30 April 2013 amending Regulation (EU) No 1014/2010 as regards certain requirements for the monitoring of CO₂ emissions from new passenger cars ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Regulation (EU) No 397/2013 of 30 April 2013 amending Regulation (EC) No 443/2009 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new passenger cars ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Regulation (EU) No 333/2014 of the European Parliament and of the Council of 11 March 2014 amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars ⁽⁸⁾ is to be incorporated into the EEA Agreement.
- (9) Commission Delegated Regulation (EU) 2015/6 of 31 October 2014 amending Annex I to Regulation (EC) No 443/2009 of the European Parliament and of the Council in order to take into account the evolution of the mass of new passenger cars registered in 2011, 2012 and 2013 ⁽⁹⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 15.

⁽³⁾ OJ L 23, 27.1.2011, p. 16.

⁽⁴⁾ OJ L 194, 26.7.2011, p. 19.

⁽⁵⁾ OJ L 132, 23.5.2012, p. 11.

⁽⁶⁾ OJ L 120, 1.5.2013, p. 1.

⁽⁷⁾ OJ L 120, 1.5.2013, p. 4.

⁽⁸⁾ OJ L 103, 5.4.2014, p. 15.

⁽⁹⁾ OJ L 3, 7.1.2015, p. 1.

- (10) Regulation (EC) No 443/2009 repeals Decision No 1753/2000/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO₂ from new passenger cars ⁽¹⁾, which is incorporated into the EEA Agreement and which is consequently to be repealed under the EEA Agreement.
- (11) Annex XX to the EEA Agreement should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The text of point 21ae (Decision No 1753/2000/EC of the European Parliament and of the Council) is replaced by the following:

‘32009 R 0443: Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community’s integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1), as amended by:

- **32013 R 0397:** Commission Regulation (EU) No 397/2013 of 30 April 2013 (OJ L 120, 1.5.2013, p. 4),
- **32014 R 0333:** Regulation (EU) No 333/2014 of the European Parliament and of the Council of 11 March 2014 (OJ L 103, 5.4.2014, p. 15),
- **32015 R 0006:** Commission Delegated Regulation (EU) 2015/6 of 31 October 2014 (OJ L 3, 7.1.2015, p. 1).

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

- (a) The following subparagraph shall be added in Article 7(2):

‘If the pool includes only manufacturers established in the EFTA States, the manufacturers shall file the information with the EFTA Surveillance Authority. If the pool includes at least one manufacturer established in the Union and at least one manufacturer established in the EFTA States, the manufacturers shall file the information with the Commission and the EFTA Surveillance Authority.’

- (b) The following subparagraph shall be added in Article 7(3):

‘The EFTA Surveillance Authority shall notify manufacturers established in the EFTA States.’

- (c) The following subparagraph shall be added in Article 7(4):

‘If the pool includes only manufacturers established in the EFTA States, the manufacturers shall jointly inform the EFTA Surveillance Authority. If the pool includes or is extended to include at least one manufacturer established in the Union and at least one manufacturer established in the EFTA States, the manufacturers shall jointly inform both the Commission and the EFTA Surveillance Authority.’

- (d) In Article 7(5), the words ‘Articles 81 and 82 of the Treaty’ shall read ‘Articles 53 and 54 of the EEA Agreement’ and the word ‘Community’ shall read ‘EEA’.

- (e) In Article 7(7) and Article 10(1), the words ‘or the EFTA Surveillance Authority’ shall be inserted after the word ‘Commission’.

- (f) The data reported by the EFTA States shall also be kept in the central register referred to in Article 8(4).

⁽¹⁾ OJ L 202, 10.8.2000, p. 1.

- (g) The following subparagraph shall be added in Article 8(4):

‘The EFTA Surveillance Authority shall make the calculations set out in subparagraph 1 for manufacturers established in the EFTA States and notify each manufacturer established in the EFTA States in accordance with the second subparagraph.’

- (h) Without prejudice to Protocol 1 to the Agreement, in Article 8(5) and (6), Article 11(3), (4), (5) and (6), the words ‘or the EFTA Surveillance Authority, as the case may be,’ shall be inserted after the word ‘Commission’.

- (i) The following subparagraphs shall be added in Article 9(1):

‘Where the manufacturer or pool manager is established in an EFTA State, the EFTA Surveillance Authority shall impose the excess emissions premium.’

The amounts of the excess emissions premium shall be distributed between the Commission and the EFTA Surveillance Authority proportionally to the share of the registrations of new passenger cars registered in the EU or in the EFTA States, respectively, relative to the total number of new passenger cars registered in the EEA.’

- (j) The following subparagraphs shall be added in Article 9(3):

‘The European Commission shall use its established means for collecting excess emissions premiums as stipulated in Commission Decision 2012/100/EU under paragraph 1 also in relation to the registrations in EFTA States of manufacturers established in the EU.’

The EFTA Surveillance Authority shall determine the means for collecting excess emissions premiums under paragraph 1. These means shall be based on the Commission’s means.’

- (k) The following subparagraph shall be added in Article 9(4):

‘For the EFTA States, the EFTA States shall determine the allocation of the amounts of the excess emissions premium.’

- (l) Without prejudice to Protocol 1 to the Agreement, in Article 11(2) and (4) second subparagraph, the words ‘, or, in the case of a manufacturer established in the EFTA States, to the EFTA Surveillance Authority,’ shall be inserted after the word ‘Commission’.

- (m) The following subparagraph shall be added in Article 12(2):

‘Suppliers or manufacturers established in the EFTA States shall send applications pursuant to this Article to the Commission. The Commission shall give the same priority to such applications as to other applications pursuant to this Article.’

- (n) The following subparagraph shall be added in Article 12(4):

‘Commission Decisions approving innovative technologies pursuant to this Article are generally applicable and shall be incorporated into the EEA Agreement.’

- (o) This Regulation shall not apply to Liechtenstein.’

2. The following is inserted after point 21ae (Decision No 1753/2000/EC of the European Parliament and of the Council:

‘21aea. **32011 R 0063**: Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 23, 27.1.2011, p. 16).

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

- (a) Without prejudice to Protocol 1 to the Agreement, in Article 7(1), the words ‘, or the EFTA Surveillance Authority, as the case may be,’ shall be inserted after the word ‘Commission’;

- (b) Article 7(2) and the email set out in Annex I shall not apply as regards the EFTA Surveillance Authority.

- 21aeb. **32011 R 0725**: Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).
- 21aec. **32010 R 1014**: Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 293, 11.11.2010, p. 15), as amended by:
- **32012 R 0429**: Commission Implementing Regulation (EU) No 429/2012 of 22 May 2012 (OJ L 132, 23.5.2012, p. 11),
 - **32013 R 0396**: Commission Implementing Regulation (EU) No 396/2013 of 30 April 2013 (OJ L 120, 1.5.2013, p. 1).

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

- (a) In Articles 8 and 9, the words ‘, or, in the case of a manufacturer established in the EFTA States, to the EFTA Surveillance Authority,’ shall be inserted after the word ‘Commission’.
- (b) Article 9(5) shall not apply as regards the EFTA Surveillance Authority.’

Article 2

The texts of Regulations (EC) No 443/2009, (EU) No 1014/2010, (EU) No 63/2011, (EU) No 397/2013 and (EU) No 333/2014 and Implementing Regulations (EU) No 725/2011, (EU) No 429/2012 and (EU) No 396/2013 and Delegated Regulation (EU) 2015/6 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) 2017/711**of 18 April 2017****on a request for derogation by the Kingdom of Denmark and the Federal Republic of Germany in accordance with Article 9(4) of Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community***(notified under document C(2017) 2371)***(Only the Danish and German texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) Directive 98/41/EC aims at enhancing the safety and possibilities of rescue of passengers and crew on board passenger ships and ensuring that search and rescue and the aftermath of any accident can be dealt with more effectively.
- (2) Article 5(1) of Directive 98/41/EC requires certain information to be recorded regarding every passenger ship that departs from a port located in a Member State to undertake a voyage of more than twenty miles from the point of departure.
- (3) Article 9(4) of Directive 98/41/EC allows Member States to request the Commission to derogate from this requirement.
- (4) By letter of 29 September 2015, the Kingdom of Denmark and the Federal Republic of Germany transmitted to the Commission a request to derogate from the requirement to record information specified in Article 5(1) of Directive 98/41/EC concerning persons on board all passenger ships travelling on the route Rostock-Gedser and vice versa.
- (5) The Commission requested on 5 November 2015 additional information from the Kingdom of Denmark and the Federal Republic of Germany, in order to allow it to assess the request. On 25 May 2016, the Kingdom of Denmark and the Federal Republic of Germany submitted their response.
- (6) The Commission, assisted by EMSA, assessed the derogation request on the basis of the information at its disposal.
- (7) The Kingdom of Denmark and the Federal Republic of Germany provided the following information: (1) the annual probability of the significant wave height's exceeding two metres is less than 10 % on the identified routes; (2) the ships to which the derogation would apply are engaged in regular services; (3) the voyages do not exceed thirty miles from the point of departure; (4) the sea area where the passenger ships are sailing is provided with shore-based navigational guidance and reliable weather forecast services as well as adequate and sufficient search and rescue facilities; (5) the profile of the journey and the schedule of the voyages are not compatible with registering passenger details in a synchronised way with land transport; and (6) the derogation request would not have any adverse effect on competition.
- (8) The final outcome of the assessment demonstrates that all the conditions for the approving the derogation are fulfilled.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

⁽¹⁾ OJ L 188, 2.7.1998, p. 35.

HAS ADOPTED THIS DECISION:

Article 1

The derogation request of the Kingdom of Denmark and the Federal Republic of Germany pursuant to Article 9(4) of Directive 98/41/EC regarding recording information specified in Article 5(1) of this Directive for persons on board all passenger ships in regular service sailing on the route Rostock-Gedser and vice versa, is hereby approved.

Article 2

This Decision is addressed to the Kingdom of Denmark and the Federal Republic of Germany.

Done at Brussels, 18 April 2017.

For the Commission
Violeta BULC
Member of the Commission

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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