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Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 479/2013

of 13 May 2013

on the waiver from the requirement to submit entry and exit summary declarations for Union goods that are moved across the Neum corridor

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Treaty of Accession of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act concerning the Conditions of Accession of Croatia, and in particular Article 43 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 9 December 2011, the Member States of the Union and Croatia signed the Treaty concerning the accession of Croatia to the European Union ('Treaty of Accession'). By virtue of Article 3(3) of the Treaty of Accession it is to enter into force on 1 July 2013 provided that all the instruments of ratification have been deposited before that date.
- (2) According to Article 2 of the Act concerning the conditions of accession of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty Establishing the European Atomic Energy Community ('the Act concerning the conditions of accession'), from the date of accession, the provisions of the original Treaties and the acts adopted by the institutions before accession shall be binding on Croatia under the conditions laid down in those Treaties and in the Act concerning the conditions of accession.
- (3) The territory of Neum ('Neum Corridor') is a place where the territory of Bosnia and Herzegovina reaches the Adriatic coast, thus separating the area of Dubrovnik from the rest of the territory of Croatia. Tourism is of significant importance for the local economy, which is driven by small and medium-sized enterprises dependent on supplies from the rest of the territory of Croatia. The value of such supplies usually does not exceed EUR 10 000 per consignment and 89 % of those goods have the status of goods in free circulation on the territory of Croatia.
- (4) Article 43 of the Act concerning the conditions of accession provides that the Council, acting by qualified majority on a proposal from the Commission, is to define the terms under which the requirement for an entry or exit summary declaration may be waived as regards Union goods that are moved across the Neum Corridor.
- (5) According to Articles 36a, 36b, 182a and 182b of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾ ('the Community Customs Code'), goods brought into or leaving the customs territory of the Union shall be covered, in advance, by a summary declaration submitted electronically which contains the particulars necessary for the performance of risk analysis.
- (6) Given the specific characteristics of the local economy it is appropriate to provide for waivers from the obligation to lodge entry and exit summary declarations for Union goods moved across the Neum Corridor.
- (7) Customs authorities should perform risk analysis and customs security checks on the basis of the data present on the invoice and transport documents accompanying the goods.
- (8) The current arrangements derogate from the principle of electronic pre-departure and pre-arrival submission of safety and security data set up under the Community Customs Code. In order to ensure effective and efficient risk analysis and controls for the purposes of safety and security, Croatia should ensure that the border crossing points at the Neum Corridor have the necessary human resources, equipment and control.
- (9) Where a consignment is found not to fulfil the requirements of this Regulation, the consignment in question should not be allowed to re-enter the territory of Croatia unless an assessment of the risk involved has been carried out and effective and targeted measures based upon a risk analysis have been adopted.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

- (10) In addition to the exchange of information for the purposes of safety and security as provided for under Article 4g(2) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽¹⁾, Croatia should regularly inform the Commission under the procedures of the Common Risk Management Framework of any irregularities found and, where applicable, of measures subsequently adopted with regard to the movement of goods across the Neum Corridor.
- (11) An assessment for the purposes of verifying the proper application of this Regulation should be carried out by the Commission not later than two years after the date of Croatia's accession,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down the rules under which:

- (a) the requirement for an exit summary declaration is waived for Union goods exiting the territory of Croatia to be moved across the Neum corridor;
- (b) the requirement for an entry summary declaration is waived for Union goods when they re-enter the territory of Croatia after having moved across the Neum corridor.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'Union goods' means the goods defined in Article 4(7) of the Community Customs Code;
- (2) 'Area of Dubrovnik' means Dubrovnik and its surrounding area in the territory of Croatia which is separated by the Neum corridor from the mainland territory of Croatia;
- (3) 'Mainland territory of Croatia' means the territory of Croatia except for the area of Dubrovnik;
- (4) 'Neum Corridor' means the area which is a part of the territory of Bosnia and Herzegovina that separates the area of Dubrovnik from the mainland territory of Croatia;
- (5) 'Customs authorities' means the customs authorities of Croatia at the exit and re-entry border crossing points at the Neum Corridor;
- (6) 'Exit' means the exit of goods, either from the area of Dubrovnik into the mainland territory of Croatia through the Neum Corridor, or from the mainland territory of Croatia into the area of Dubrovnik through the Neum Corridor;
- (7) 'Re-entry' means the entry of goods into the area of Dubrovnik from the mainland territory of Croatia through the Neum Corridor, or into the mainland territory of Croatia from the area of Dubrovnik through the Neum Corridor.

Article 3

Waiver from the requirement to submit an exit or an entry summary declaration

- 1. No exit summary declaration shall be required for Union goods upon their exit.
- 2. No entry summary declaration shall be required for Union goods upon their re-entry.

Article 4

Conditions for the application of the waiver

Article 3 shall apply where the following conditions are met:

- (a) the total value of each consignment of Union goods moved across the Neum Corridor does not exceed EUR 10 000 or its equivalency in local currency;
- (b) the goods referred to under point (a) of this Article are accompanied by invoices or transport documents which:
 - (i) include at least the particulars referred to in the first subparagraph of Article 317(2) of Regulation (EEC) No 2454/93, as well as the total value of the goods;
 - (ii) are endorsed with official markings by the customs authorities upon exit;
 - (iii) are presented for verification to the customs authorities upon re-entry.

Article 5

Customs Controls

- 1. The risk analysis associated with the customs controls applied to Union goods moved across the Neum Corridor may be performed by the customs authorities through means other than automated data-processing techniques.
- 2. Croatia shall ensure that the border crossing points at exit from and re-entry into its territory of goods moved through the Neum Corridor have all the necessary resources, equipment, control facilities and capabilities to ensure the application of this Regulation.
- 3. Upon exit, the customs authorities shall:
 - (a) determine a time limit within which the movement of Union goods across the Neum Corridor must be completed;
 - (b) indicate that time limit together with the date of endorsement on the invoice or transport document as referred to in Article 4(b)(ii);
 - (c) where they deem it necessary, seal the space containing the goods or each individual package of goods that are to be moved across the Neum corridor.
- 4. Upon re-entry, the customs authorities shall:
 - (a) carry out risk analysis primarily for security and safety purposes;
 - (b) verify the invoices or transport documents accompanying the goods;

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

(c) check compliance with the time limit referred to in paragraph (3)(a) of this Article;

(d) check the integrity of seals, when affixed in accordance with paragraph (3)(c) of this Article;

(e) where appropriate, physically examine the goods;

(f) remove seals as appropriate.

5. Where the customs authorities establish that conditions referred to in Article 4 have not been complied with, they shall allow the re-entry of such a consignment if:

(a) an effective risk analysis has been carried out;

(b) on the basis of the results of the risk analysis referred to in point (a), the customs authorities have adopted effective measures specifically targeted to prevent risks related to safety and security.

Article 6

Information

Croatia shall inform the Commission about any irregularities found as regards the application of this Regulation as well as concrete measures that have been taken in order to remedy those irregularities at any time but no later than 1 March 2014.

Article 7

Report

The Commission shall submit a report to the Council providing an assessment of the application of this Regulation no later than two years after the date of accession of Croatia.

Article 8

Entry into force

This Regulation shall enter into force subject to, and as from the date of the entry into force of the Treaty of Accession.

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

Done at Brussels, 13 May 2013.

For the Council

The President

S. COVENEY

COMMISSION IMPLEMENTING REGULATION (EU) No 480/2013**of 24 May 2013****amending Implementing Regulation (EU) No 788/2012 as regards the period of analysis of certain pesticides performed on a voluntary basis****(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, in particular Articles 28 and 29 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin ⁽²⁾ provided, amongst others, for the analysis in 2013 of certain pesticides on a voluntary basis, in particular those pesticides newly added to the programme by that Implementing Regulation or those with very difficult residue definition in order to allow time for official laboratories to validate the methods required for the analysis of those pesticides. As official

laboratories still need some time for the validation of the methods required for the analysis of those pesticides, the analysis of these pesticides should continue to be performed on a voluntary basis in 2014.

- (2) Implementing Regulation (EU) No 788/2012 should therefore be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Implementing Regulation (EU) No 788/2012, the footnote ⁽⁸⁾ is replaced by the following:

‘⁽⁸⁾ To be analysed on voluntary basis in 2013 and 2014.’

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, 24 May 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ OJ L 235, 1.9.2012, p. 8.

COMMISSION REGULATION (EU) No 481/2013**of 24 May 2013****adapting Implementing Regulation (EU) No 788/2012 as regards the number of samples to be taken and analysed by Croatia for the pesticide/product combinations****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty of Accession of Croatia and in particular Article 3(4) thereof,

Having regard to the Act of Accession of Croatia, and in particular Article 50 thereof,

Whereas:

- (1) Croatia is expected to accede to the Union on 1 July 2013.
- (2) Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin ⁽¹⁾ sets out in its Annex II the number of samples per Member State that has to be taken and analysed in accordance with Article 1 of that Regulation.
- (3) As data from only half a year would not be fully comparable with those of other Member States

collected during the whole year 2013, Croatia should participate to the coordinated multiannual programmes of the Union as from January 2014.

- (4) Implementing Regulation (EU) No 788/2012 should therefore be adapted accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In point (5) of Annex II to Implementing Regulation (EU) No 788/2012, the following row is inserted after the row for Hungary:

HR	12 (*) 15 (**)
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Article 2

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Croatia.

It shall apply as from 1 January 2014.

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

Done at Brussels, 24 May 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 235, 1.9.2012, p. 8.

COMMISSION IMPLEMENTING REGULATION (EU) No 482/2013

of 24 May 2013

amending Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

disease virus into the veterinary disease control zones 6 and 4a of the territory of that third country cannot be considered negligible.

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 Article 8(1) and (4) thereof,

(5) Surveillance identified the presence of the foot-and-mouth disease virus in goats and wild game in the intensive surveillance zone in veterinary disease control zone 6. That intensive surveillance zone is not authorised for export of fresh meat to the Union. However, the proximity of that area to the authorised part of veterinary disease control zone 6 from which such exports are authorised constitutes a risk.

Whereas:

(1) Commission Regulation (EU) No 206/2010⁽²⁾ lays down the veterinary certification requirements for the introduction into the Union of certain consignments of live animals or fresh meat. It also lays down the lists of third countries, territories or parts thereof from which those consignments may be introduced into the Union.

(6) The veterinary disease control zone 4a borders other areas of Botswana from which imports of fresh meat into the Union are not authorised. The Commission audit identified shortcomings as regards the animal health surveillance in veterinary disease control zone 4a. In addition, a number of shortcomings were identified as regards the delimitation of that zone from the areas from which imports of fresh meat into the Union are not authorised. Those shortcomings constitute a non-negligible risk as regards foot-and-mouth disease.

(2) Regulation (EU) No 206/2010 provides that consignments of fresh meat intended for human consumption are to be imported into the Union only if they come from the third countries, territories or parts thereof listed in Part 1 of Annex II to that Regulation for which there is a model veterinary certificate corresponding to the consignment concerned listed in that Part.

(7) The Commission audit also found that the system to verify the effectiveness of official controls is well organised in the rest of the territory of Botswana and it has shown improvements compared with the situation reported in the previous audit in 2011.

(3) Four parts of the territory of Botswana are listed in Part 1 of Annex II to Regulation (EU) No 206/2010, as regions from which imports of certain fresh meat into the Union are authorised. Those regions consist of a number of veterinary disease control zones.

(8) In view of the risk of introduction of foot-and-mouth disease through the import of fresh meat from species susceptible to that disease from veterinary disease control zones 6 and 4a of Botswana into the Union, the authorisation to export into the Union such fresh meat from those veterinary disease control zones should however be suspended.

(4) In March 2013, a Commission audit was carried out in Botswana in order to evaluate the animal health control system in place, in particular as regards controls concerning foot-and-mouth disease. The audit found that the risk of introduction of the foot-and-mouth

(9) Regulation (EU) No 206/2010 should therefore be amended accordingly.

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

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 73, 20.3.2010, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

In Part 1 of Annex II to Regulation (EU) No 206/2010, the entry for Botswana is replaced by the following:

BW – Botswana	BW-0	Whole country	EQU, EQW				
	BW-1	The veterinary disease control zones 3c, 4b, 5, 8, 9 and 18	BOV, OVI, RUF, RUW	F	1	11 May 2011	26 June 2012
	BW-2	The veterinary disease control zones, 10, 11, 13 and 14	BOV, OVI, RUF, RUW	F	1		7 March 2002
	BW-3	The veterinary disease control zone 12	BOV, OVI, RUF, RUW	F	1	20 October 2008	20 January 2009
	BW-4	The veterinary disease control zone 4a, except the intensive surveillance buffer zone of 10 km along the boundary with the foot-and-mouth disease vaccination zone and wildlife management areas	BOV	F	1	28 May 2013	18 February 2011
	BW-5	The veterinary disease control zone 6, except the intensive surveillance zone in zone 6 between the border with Zimbabwe and the highway A1	BOV, OVI, RUF, RUW	F	1	28 May 2013	26 June 2012'

Article 2

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, 24 May 2013.

For the Commission
The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 483/2013**of 24 May 2013****amending Annex III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products****(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 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁽¹⁾, and in particular Article 31(1) thereof,

After consulting the Scientific Committee on Consumer Safety,

Whereas:

(1) The Scientific Committee on Consumer Products ('SCCP'), subsequently replaced by the Scientific Committee on Consumer Safety ('SCCS') pursuant to Commission Decision 2008/721/EC of 5 September 2008 setting up an advisory structure of Scientific Committees and experts in the field of consumer safety, public health and the environment and repealing Decision 2004/210/EC ⁽²⁾, concluded in its opinion of 2 October 2007 that the data included in the dossier demonstrate that polidocanol is of low toxicity and does not pose a risk to the health of the consumer when used up to 3 % in leave-on and up to 4 % in rinse-off cosmetic products. In addition, the SCCP maintained that recent scientific evidence did not confirm the assumed local-anaesthetic effect of polidocanol. Thus, its presence in cosmetics and skin care products will not affect cutaneous sensation. It should therefore be included in Annex III to Regulation (EC) No 1223/2009.

(2) The SCCS, in an Addendum of 13-14 December 2011 to the SCCP opinion on polidocanol, confirmed the conclusions of the SCCP.

(3) Given that polidocanol was found in both injectable and topical medicinal products at concentrations even lower than the ones considered safe by the SCCP, the Commission requested the opinion of the European Medicines Agency on the classification of topical

products containing the substance. The opinion, formulated by the Committee for Medicinal Products for Human Use on 25 October 2011, concluded that products containing polidocanol do not automatically qualify as medicinal products falling under the definition of medicinal product provided in Article 1(2) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use ⁽³⁾. In addition, polidocanol used in topical products at the suggested concentrations and for the suggested topical use (3 % for leave-on products and 4 % for rinse-off products) acts as detergent or ionic surfactant and these products do not present the characteristics of medicinal products.

(4) Regulation (EC) No 1223/2009 should therefore be amended accordingly.

(5) The application of the abovementioned restrictions should be deferred by 12 months to allow the industry to make the necessary adjustments to product formulations.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1223/2009 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*.

It shall apply from 1 April 2014.

⁽¹⁾ OJ L 342, 22.12.2009, p. 59.

⁽²⁾ OJ L 241, 10.9.2008, p. 21.

⁽³⁾ OJ L 311, 28.11.2001, p. 67.

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

Done at Brussels, 24 May 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

The following entry shall be inserted in Annex III to Regulation (EC) No 1223/2009:

Reference number	Substance identification				Restrictions			Wording of conditions of use and warnings
	Chemical name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
'257	Polidocanol	Laureth-9	3055-99-0	221-284-4	(a) Leave-on products (b) Rinse-off products	(a) 3,0 % (b) 4,0 %		

COMMISSION IMPLEMENTING REGULATION (EU) No 484/2013**of 24 May 2013****amending Regulation (EC) No 718/2007 implementing Council Regulation (EC) No 1085/2006
establishing an instrument for pre-accession assistance (IPA)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) ⁽¹⁾ ('the IPA Regulation'), and in particular Article 3(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) ⁽²⁾ provides for detailed rules for the implementation of the IPA Regulation.

(2) In order to achieve the objectives under areas of assistance of transition assistance and institution building component, for some operations, like those contributing to the resolution of the refugees' and displaced persons' housing problem in the Western Balkans the eligibility of expenditure for purchase of land and existing buildings is indispensable and

constitutes a core of the action. The eligibility of the expenditure for purchase of land and existing buildings should be provided for in a new derogation.

(3) Regulation (EC) No 718/2007 should therefore be amended accordingly.

(4) The provisions laid down in this Regulation are in accordance with the opinion of the IPA Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 66(3) of Regulation (EC) No 718/2007, the following point (d) is added:

'(d) purchase of land and existing buildings when justified by the nature of the operation'.

Article 2

This Regulation shall enter into force on the day following 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, 24 May 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 210, 31.7.2006, p. 82.

⁽²⁾ OJ L 170, 29.6.2007, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 485/2013

of 24 May 2013

amending Implementing Regulation (EU) No 540/2011, as regards the conditions of approval of the active substances clothianidin, thiamethoxam and imidacloprid, and prohibiting the use and sale of seeds treated with plant protection products containing those active substances

(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 alternative of Article 21(3), Article 49(2) and Article 78(2) thereof,

Whereas:

- (1) The active substances clothianidin, thiamethoxam and imidacloprid were included in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽²⁾ by Commission Directives 2006/41/EC ⁽³⁾, 2007/6/EC ⁽⁴⁾ and 2008/116/EC ⁽⁵⁾.
- (2) Commission Directive 2010/21/EU ⁽⁶⁾ amended Annex I to Directive 91/414/EEC as regards the specific provisions relating to the neonicotinoids clothianidin, thiamethoxam and imidacloprid.
- (3) Active substances included in Annex I to Directive 91/414/EEC are deemed to be approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to 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 ⁽⁷⁾.
- (4) In spring 2012, new scientific information on the sub-lethal effects of neonicotinoids on bees was published. The Commission, in accordance with Article 21(2) of Regulation (EC) No 1107/2009, asked the European Food Safety Authority, hereinafter 'the Authority', for

scientific and technical assistance to assess this new information and to review the risk assessment of neonicotinoids as regards their impact on bees.

- (5) The Authority presented its conclusions on the risk assessment for bees for clothianidin, thiamethoxam and imidacloprid on 16 January 2013 ⁽⁸⁾.
- (6) The Authority identified for certain crops high acute risks for bees from plant protection products containing the active substances clothianidin, thiamethoxam or imidacloprid. The Authority identified in particular high acute risks for bees from exposure via dust as regards several crops, from consumption of residues in contaminated pollen and nectar as regards some crops and from exposure via guttation fluid as regards maize. In addition, unacceptable risks due to acute or chronic effects on colony survival and development could not be excluded for several crops. Furthermore the Authority identified a number of data gaps for each of the evaluated crops. In particular as regards long term risk to honey bees from dust exposure, from residues in pollen and nectar and from exposure from guttation fluid.
- (7) In the light of the new scientific and technical knowledge, the Commission considered that there are indications that the approved uses of clothianidin, thiamethoxam and imidacloprid no longer satisfy the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 with respect to their impact on bees and that the high risk for bees could not be excluded except by imposing further restrictions. In particular, pending the evaluation of the Authority on foliar uses it considered that the risk for bees from foliar applications is similar to the risk identified by the Authority for seed treatment applications and soil treatment, due to the systemic translocation of the active substances clothianidin, thiamethoxam and imidacloprid through the plant.
- (8) The Commission invited the notifiers to submit their comments.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 187, 8.7.2006, p. 24.

⁽⁴⁾ OJ L 43, 15.2.2007, p. 13.

⁽⁵⁾ OJ L 337, 16.12.2008, p. 86.

⁽⁶⁾ OJ L 65, 13.3.2010, p. 27.

⁽⁷⁾ OJ L 153, 11.6.2011, p. 1.

⁽⁸⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment for bees for the active substance clothianidin. *EFSA Journal* 2013; 11(1):3066. [58 pp.] doi:10.2903/j.efsa.2013.3066.

Conclusion on the peer review of the pesticide risk assessment for bees for the active substance imidacloprid. *EFSA Journal* 2013; 11(1):3068. [55 pp.] doi:10.2903/j.efsa.2013.

Conclusion on the peer review of the pesticide risk assessment for bees for the active substance thiamethoxam. *EFSA Journal* 2013; 11(1):3067. [68 pp.] doi:10.2903/j.efsa.2013.3067. Available online: www.efsa.europa.eu/efsajournal.htm

- (9) The conclusions of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 15 March 2013 in the format of addenda to the review reports for clothianidin, thiamethoxam and imidacloprid.
- (10) The Commission has come to the conclusion that a high risk for bees cannot be excluded except by imposing further restrictions.
- (11) It is confirmed that the active substances clothianidin, thiamethoxam and imidacloprid are to be deemed to have been approved under Regulation (EC) No 1107/2009. In order to minimise the exposure of bees, it is, however, appropriate to restrict the uses of those active substances, to provide for specific risk mitigation measures for the protection of bees and to limit the use of the plant protection products containing those active substances to professional users. In particular the uses as seed treatment and soil treatment of plant protection products containing clothianidin, thiamethoxam or imidacloprid should be prohibited for crops attractive to bees and for cereals except for uses in greenhouses and for winter cereals. Foliar treatments with plant protection products containing clothianidin, thiamethoxam or imidacloprid should be prohibited for crops attractive to bees and for cereals with the exception of uses in greenhouses and uses after flowering. Crops which are harvested before flowering are not considered attractive to bees.
- (12) Concerning applications of clothianidin, thiamethoxam or imidacloprid which may be authorised under the present Regulation, it is appropriate to require further confirmatory information.
- (13) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (14) Risks for bees from treated seeds have been identified in particular from exposure via dust as regards several crops, from consumption of residues in contaminated pollen and nectar as regards some crops and from exposure via guttation fluid as regards maize. Taking into consideration those risks linked with the use of treated seeds, the use and the placing on the market of seeds treated with plant protection products containing clothianidin, thiamethoxam or imidacloprid should be prohibited for seeds of crops attractive to bees and for seeds of cereals except for winter cereals and seeds used in greenhouses.
- (15) Member States should be provided with time to withdraw authorisations for plant protection products containing clothianidin, thiamethoxam or imidacloprid.
- (16) For plant protection products containing clothianidin, thiamethoxam or imidacloprid, where Member States grant any period of grace in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest 30 November 2013. Within two years from the date of entry into force of the present Regulation the Commission will initiate without undue delay a review of the new scientific information which it has received.
- (17) Article 36(3) of Regulation (EC) No 1107/2009 provides that Member States may, under certain circumstances, impose further risk mitigation measures or restrictions to the placing on the market or use of the plant protection products containing clothianidin, thiamethoxam or imidacloprid. Concerning the placing on the market and use of the seeds treated with plant protection products containing clothianidin, thiamethoxam or imidacloprid, Regulation (EC) No 1107/2009 provides for the possibility of Member States to take emergency measures pursuant to Article 71 thereof.
- (18) The prohibition of placing on the market of treated seeds should apply only as of 1 December 2013 in order to allow for a sufficient period of transition. National interim protective measures already taken pursuant to Article 71 of Regulation (EC) No 1107/2009 may be maintained until that date in accordance with Article 71(3) of that Regulation.
- (19) Seeds treated with plant protection products containing clothianidin, thiamethoxam or imidacloprid, which are subject to the restrictions referred to in Article 1 of this Regulation, may be used for experiments or tests for research or development purposes pursuant to Article 54 of Regulation (EC) No 1107/2009.
- (20) The Standing Committee on the Food Chain and Animal Health did not deliver an opinion. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) No 540/2011

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

Article 2

Prohibition of placing on the market of treated seeds

Seeds of crops listed in Annex II which have been treated with plant protection products containing clothianidin, thiamethoxam or imidacloprid shall not be used or placed on the market with the exception of seeds used in greenhouses.

*Article 3***Transitional measures**

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary amend or withdraw existing authorisations for plant protection products containing clothianidin, thiamethoxam or imidacloprid as active substance by 30 September 2013.

*Article 4***Period of grace**

Any period of grace granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 30 November 2013 at the latest.

*Article 5***Entry into force**

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

However, Article 2 shall apply as of 1 December 2013.

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

Done at Brussels, 24 May 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Amendments to the Annex to Implementing Regulation (EU) No 540/2011

1. The column 'Specific provisions' of row 121, Clothianidin, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

'PART A

Only professional uses as insecticide may be authorised.

Uses as seed treatment or soil treatment shall not be authorised for the following cereals, when such cereals are sown from January to June:

barley, millet, oats, rice, rye, sorghum, triticale, wheat.

Foliar treatments shall not be authorised for the following cereals:

barley, millet, oats, rice, rye, sorghum, triticale, wheat.

Uses as seed treatment, soil treatment or foliar application shall not be authorised for the following crops with the exception of uses in greenhouses and with the exception of foliar treatments after flowering:

Alfalfa (*Medicago sativa*)

almonds (*Prunus amygdalus*; *P. communis*; *Amygdalus communis*)

anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*)

apples (*Malus pumila*; *M. sylvestris*; *M. communis*; *Pyrus malus*)

apricots (*Prunus armeniaca*)

avocados (*Persea americana*)

bananas (*Musa sapientum*; *M. cavendishii*; *M. nana*);

beans (*Phaseolus* spp.)

blackberry (*Rubus fruticosus*)

blueberries, European blueberry, wild bilberry, whortleberry (*Vaccinium myrtillus*); American blueberry (*V. corymbosum*)

broad beans, horse beans (*Vicia faba* var. *major*; var. *equina*; var. *Minor*)

buckwheat (*Fagopyrum esculentum*)

carobs, carob-tree, locust bean (*Ceratonia siliqua*)

castor oil seed (*Ricinus communis*)

cherries (*Prunus avium*)

chestnuts (*Castanea* spp.)

chick peas (*Cicer arietinum*)

chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*)

clovers (*Trifolium* spp.)

coffee (*Coffea* spp. *arabica*, *robusta*, *liberica*)

cotton (*Gossypium* spp.)

cowpeas, black eyed peas (*Vigna unguiculata*)

cranberries (*Vaccinium macrocarpon*); European cranberries (*Vaccinium oxycoccus*)

cucumbers (*Cucumis sativus*)

currants black (*Ribes nigrum*); red and white (*R. rubrum*)

dates (*Phoenix dactylifera*)

elderberries (*Sambucus nigra*)

gooseberries (*Ribes uva-crispa*)

grapefruit (*C. paradisi*)

grapes (*Vitis vinifera*)

groundnuts/peanuts (*Arachis hypogea*)

hazelnut (*Corylus avellana*)

hemp (*Cannabis sativa*)

japanese rose (*Rosa rugosa*)

kiwi fruit (*Actinidia chinensis*)

leguminous: birdsfoot/trefoil (*Lotus corniculatus*); lespedeza (*Lespedeza* spp.); kudzu (*Pueraria lobata*); sesbania (*Sesbania* spp.); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*)

lemons and limes Lemon (*Citrus limon*); sour lime (*C. aurantiifolia*); sweet lime (*C. limetta*)

lentils (*Lens esculenta*; *Ervum lens*)

linseed (*Linum usitatissimum*)

lupins (*Lupinus* spp.)

maize/corn (*Zea mays*)

melon seeds (*Cucumis melo*)

mustard seeds: white mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*)

okra (*Abelmoschus esculentus*); gombo (*Hibiscus esculentus*)

olives (*Olea europaea*)

oranges: sweet orange (*Citrus sinensis*); bitter orange (*C. aurantium*)

peaches and nectarines (*Prunus persica*; *Amygdalus persica*; *Persica laevis*)

pears (*Pyrus communis*)

peas garden pea (*Pisum sativum*); field pea (*P. arvense*)

peppermint (*Mentha* spp.: *M. piperita*)

persimmons (*Diospyros kaki*; *D. virginiana*)

pistachios (*Pistacia vera*)

plums and sloes greengage, mirabelle, damson (*Prunus domestica*); sloe (*P. spinosa*)

poppy seed (*Papaver somniferum*)

pumpkins, squash, gourds and marrows (*Cucurbita* spp.)

pyrethrum, (*Chrysanthemum cinerariifolium*)

quinces (*Cydonia oblonga*; *C. vulgaris*; *C. japonica*)

rapeseed (*Brassica napus* var. *oleifera*)

raspberries (*Rubus idaeus*)

safflower seed (*Carthamus tinctorius*)

serradella/birds foot (*Ornithopus sativus*)

sesame seed (*Sesamum indicum*)

soybeans (*Glycine soja*)

spices: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*)

strawberries (*Fragaria* spp.)

sunflower seed (*Helianthus annuus*)

tangerine (*Citrus tangerina*); mandarin (*Citrus reticulata*); clementine (*C. unshiu*);

turnips and turnip rapes (*Brassica rapa* var. *rapifera* and *oleifera* spp.)

vetches Spring/common vetch (*Vicia sativa*)

viper's Grass (*Scorzonera hispanica*)

walnuts (*Jugland* spp.: *J. regia*)

watermelons (*Citrullus vulgaris*)

ornamentals flowering in year of treatment.

PART B

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on clothianidin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 27 January 2006 and the conclusions of the addendum of the review report on clothianidin as finalised in the Standing Committee on the Food Chain and Animal Health on 15 March 2013 shall be taken into account.

In this overall assessment Member States shall pay particular attention to:

- the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climate conditions,
- the risk to granivorous birds and mammals when the substance is used as a seed dressing.

Member States shall ensure that:

- the seed coating shall only be performed in professional seed treatment facilities. Those facilities must apply the best available techniques in order to ensure that the release of dust during application to the seed, storage, and transport can be minimised,
- adequate seed drilling equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust emission,
- the conditions of the authorisation include, where appropriate, risk mitigation measures to protect bees,
- monitoring programmes are initiated to verify the real exposure of bees to clothianidin in areas extensively used by bees for foraging or by beekeepers, where and as appropriate.

Conditions of use shall include risk mitigation measures, where appropriate.

The notifier shall submit confirmatory information as regards:

- (a) the risk to pollinators other than honey bees;
- (b) the risk to honey bees foraging in nectar or pollen in succeeding crops;
- (c) the potential uptake via roots to flowering weeds;

- (d) the risk to honey bees foraging on insect honey dew;
- (e) the potential guttation exposure and the acute and the long-term risk to colony survival and development, and the risk to bee brood resulting from such exposure;
- (f) the potential exposure to dust drift following drill and the acute and the long-term risk to colony survival and development, and the risk to bee brood resulting from such exposure;
- (g) the acute and long term risk to colony survival and development and the risk to bee brood for honeybees from ingestion of contaminated nectar and pollen.

The notifier shall submit that information to the Commission, the Member States and the Authority by 31 December 2014.'

2. The column 'Specific provisions' of row 140, Thiamethoxam of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

'PART A

Only professional uses as insecticide may be authorised.

Uses as seed treatment or soil treatment shall not be authorised for the following cereals, when such cereals are sown from January to June:

barley, millet, oats, rice, rye, sorghum, triticale, wheat.

Foliar treatments shall not be authorised for the following cereals:

barley, millet, oats, rice, rye, sorghum, triticale, wheat.

Uses as seed treatment, soil treatment or foliar application shall not be authorised for the following crops with the exception of uses in greenhouses and with the exception of foliar treatment after flowering:

Alfalfa (*Medicago sativa*)

almonds (*Prunus amygdalus*; *P. communis*; *Amygdalus communis*)

anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*)

apples (*Malus pumila*; *M. sylvestris*; *M. communis*; *Pyrus malus*)

apricots (*Prunus armeniaca*)

avocados (*Persea americana*)

bananas (*Musa sapientum*; *M. cavendishii*; *M. nana*)

beans (*Phaseolus* spp.)

blackberry (*Rubus fruticosus*)

blueberries, European blueberry, wild bilberry, whortleberry (*Vaccinium myrtillus*); American blueberry (*V. corymbosum*)

broad beans, horse beans (*Vicia faba* var. *major*; var. *equina*; var. *Minor*)

buckwheat (*Fagopyrum esculentum*)

carobs, carob-tree, locust bean (*Ceratonia siliqua*)

castor oil seed (*Ricinus communis*)

cherries (*Prunus avium*)

chestnuts (*Castanea* spp.)

chick peas (*Cicer arietinum*)

chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*)

clovers (*Trifolium* spp.)

coffee (*Coffea* spp. *arabica*, *robusta*, *liberica*)

cotton (*Gossypium* spp.)

cowpeas, black eyed peas (*Vigna unguiculata*)

cranberries (*Vaccinium macrocarpon*); European cranberries (*Vaccinium oxycoccus*)

cucumbers (*Cucumis sativus*)

currants black (*Ribes nigrum*); red and white (*R. rubrum*)

dates (*Phoenix dactylifera*)

elderberries (*Sambucus nigra*)

gooseberries (*Ribes uva-crispa*)

grapefruit (*C. paradisi*)

grapes (*Vitis vinifera*)

groundnuts/peanuts (*Arachis hypogea*)

hazelnut (*Corylus avellana*)

hemp (*Cannabis sativa*)

japanese rose (*Rosa rugosa*)

kiwi fruit (*Actinidia chinensis*)

leguminous: birdsfoot/trefoil (*Lotus corniculatus*); lespedeza (*Lespedeza* spp.); kudzu (*Pueraria lobata*); sesbania (*Sesbania* spp.); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*)

lemons and limes Lemon (*Citrus limon*); sour lime (*C. aurantiifolia*); sweet lime (*C. limetta*)

lentils (*Lens esculenta*; *Ervum lens*)

linseed (*Linum usitatissimum*)

lupins (*Lupinus* spp.)

maize/corn (*Zea mays*)

melon seeds (*Cucumis melo*)

mustard seeds: white mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*)

okra (*Abelmoschus esculentus*); gombo (*Hibiscus esculentus*)

olives (*Olea europaea*)

oranges: sweet orange (*Citrus sinensis*); bitter orange (*C. aurantium*)

peaches and nectarines (*Prunus persica*; *Amygdalus persica*; *Persica laevis*)

pears (*Pyrus communis*)

peas garden pea (*Pisum sativum*); field pea (*P. arvense*)

peppermint (*Mentha* spp.: *M. piperita*)

persimmons (*Diospyros kaki*; *D. virginiana*)

pistachios (*Pistacia vera*)

plums and sloes greengage, mirabelle, damson (*Prunus domestica*); sloe (*P. spinosa*)

poppy seed (*Papaver somniferum*)

pumpkins, squash, gourds and marrows (*Cucurbita* spp.)

pyrethrum, (*Chrysanthemum cinerariifolium*)

quinces (*Cydonia oblonga*; *C. vulgaris*; *C. japonica*)

rapeseed (*Brassica napus* var. *oleifera*)

raspberries (*Rubus idaeus*)

safflower seed (*Carthamus tinctorius*)

serradella/birds foot (*Ornithopus sativus*)

sesame seed (*Sesamum indicum*)

soybeans (*Glycine soja*)

spices: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*)

strawberries (*Fragaria* spp.)

sunflower seed (*Helianthus annuus*)

tangerine (*Citrus tangerina*); mandarin (*Citrus reticulata*) clementine (*C. unshiu*);

turnips and turnip rapes (*Brassica rapa* var. *rapifera* and *oleifera* spp.)

vetches Spring/common vetch (*Vicia sativa*)

viper's Grass (*Scorzonera hispanica*)

walnuts (*Jugland* spp.: *J. regia*)

watermelons (*Citrullus vulgaris*)

ornamentals flowering in year of treatment.

PART B

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on thiamethoxam, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 14 July 2006 and the conclusions of the addendum of the review report on thiamethoxam as finalised in the Standing Committee on the Food Chain and Animal Health on 15 March 2013 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the potential for groundwater contamination, particularly of the active substance and its metabolites NOA 459602, SYN 501406 and CGA 322704, when the active substance is applied in regions with vulnerable soil and/or climatic conditions,
- the protection of aquatic organisms,
- the long-term risk to small herbivorous animals if the substance is used for seed treatment.

Member States shall ensure that:

- the seed coating shall only be performed in professional seed treatment facilities. Those facilities must apply the best available techniques in order to ensure that the release of dust during application to the seed, storage, and transport can be minimised,
- adequate seed drilling equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust emission,
- the conditions of the authorisation include, where appropriate, risk mitigation measures to protect bees,
- monitoring programmes are initiated to verify the real exposure of bees to thiamethoxam in areas extensively used by bees for foraging or by beekeepers, where and as appropriate.

Conditions of use shall include risk mitigation measures, where appropriate.

The notifier shall submit confirmatory information as regards:

- (a) the risk to pollinators other than honey bees;
- (b) the risk to honey bees foraging in nectar or pollen in succeeding crops;
- (c) the potential uptake via roots to flowering weeds;
- (d) the risk to honey bees foraging on insect honey dew;
- (e) the potential guttation exposure and the acute and the long-term risk to colony survival and development, and the risk to bee brood resulting from such exposure;
- (f) the potential exposure to dust drift following drill and the acute and the long-term risk to colony survival and development, and the risk to bee brood resulting from such exposure;
- (g) the acute and long term risk to colony survival and development and the risk to bee brood for honeybees from ingestion of contaminated nectar and pollen.

The notifier shall submit that information to the Commission, the Member States and the Authority by 31 December 2014.'

3. The column 'Specific provisions' of row 216, Imidacloprid, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

'PART A

Only professional uses as insecticide may be authorised.

Uses as seed treatment or soil treatment shall not be authorised for the following cereals, when such cereals are sown from January to June:

barley, millet, oats, rice, rye, sorghum, triticale, wheat.

Foliar treatments shall not be authorised for the following cereals:

barley, millet, oats, rice, rye, sorghum, triticale, wheat.

Uses as seed treatment, soil treatment or foliar application shall not be authorised for the following crops with the exception of uses in greenhouses and with the exception of foliar treatment after flowering:

Alfalfa (*Medicago sativa*)

almonds (*Prunus amygdalus*; *P. communis*; *Amygdalus communis*)

anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*)

apples (*Malus pumila*; *M. sylvestris*; *M. communis*; *Pyrus malus*)

apricots (*Prunus armeniaca*)

avocados (*Persea americana*)

bananas (*Musa sapientum*; *M. cavendishii*; *M. nana*)

beans (*Phaseolus* spp.)

blackberry (*Rubus fruticosus*)

blueberries, European blueberry, wild bilberry, whortleberry (*Vaccinium myrtillus*); American blueberry (*V. corymbosum*)

broad beans, horse beans (*Vicia faba* var. *major*; var. *equina*; var. *Minor*)

buckwheat (*Fagopyrum esculentum*)

carobs, carob-tree, locust bean (*Ceratonia siliqua*)

castor oil seed (*Ricinus communis*)

cherries (*Prunus avium*)

chestnuts (*Castanea* spp.)

chick peas (*Cicer arietinum*)

chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*)

clovers (*Trifolium* spp.)

coffee (*Coffea* spp. *arabica*, *robusta*, *liberica*)

cotton (*Gossypium* spp.)

cowpeas, black eyed peas (*Vigna unguiculata*)

cranberries (*Vaccinium macrocarpon*); European cranberries (*Vaccinium oxycoccus*)

cucumbers (*Cucumis sativus*)

currants black (*Ribes nigrum*); red and white (*R. rubrum*)

dates (*Phoenix dactylifera*)

elderberries (*Sambucus nigra*)

gooseberries (*Ribes uva-crispa*)

grapefruit (*C. paradisi*)

grapes (*Vitis vinifera*)

groundnuts/peanuts (*Arachis hypogea*)

hazelnut (*Corylus avellana*)

hemp (*Cannabis sativa*)

japanese rose (*Rosa rugosa*)

kiwi fruit (*Actinidia chinensis*)

leguminous: birdsfoot/trefoil (*Lotus corniculatus*); lespedeza (*Lespedeza* spp.); kudzu (*Pueraria lobata*); sesbania (*Sesbania* spp.); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*)

lemons and limes Lemon (*Citrus limon*); sour lime (*C. aurantiifolia*); sweet lime (*C. limetta*)

lentils (*Lens esculenta*; *Ervum lens*)

linseed (*Linum usitatissimum*)

lupins (*Lupinus* spp.)

maize/corn (*Zea mays*)

melon seeds (*Cucumis melo*)

mustard seeds: white mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*)

okra (*Abelmoschus esculentus*); gombo (*Hibiscus esculentus*)

olives (*Olea europaea*)

oranges: sweet orange (*Citrus sinensis*); bitter orange (*C. aurantium*)

peaches and nectarines (*Prunus persica*; *Amygdalus persica*; *Persica laevis*)

pears (*Pyrus communis*)

peas garden pea (*Pisum sativum*); field pea (*P. arvense*)

peppermint (*Mentha* spp.: *M. piperita*)

persimmons (*Diospyros kaki*; *D. virginiana*)

pistachios (*Pistacia vera*)

plums and sloes greengage, mirabelle, damson (*Prunus domestica*); sloe (*P. spinosa*)

poppy seed (*Papaver somniferum*)

pumpkins, squash, gourds and marrows (*Cucurbita* spp.)

pyrethrum, (*Chrysanthemum cinerariifolium*)

quinces (*Cydonia oblonga*; *C. vulgaris*; *C. japonica*)

rapeseed (*Brassica napus* var. *oleifera*)

raspberries (*Rubus idaeus*)

safflower seed (*Carthamus tinctorius*)

serradella/birds foot (*Ornithopus sativus*)

sesame seed (*Sesamum indicum*)

soybeans (*Glycine soja*)

spices: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*)

strawberries (*Fragaria* spp.)

sunflower seed (*Helianthus annuus*)

tangerine (*Citrus tangerina*); mandarin (*Citrus reticulata*) clementine (*C. unshiu*);

turnips and turnip rapes (*Brassica rapa* var. *rapifera* and *oleifera* spp.)

vetches Spring/common vetch (*Vicia sativa*)

viper's Grass (*Scorzonera hispanica*)

walnuts (*Jugland* spp.: *J. regia*)

watermelons (*Citrullus vulgaris*)

ornamentals flowering in year of treatment.

PART B

In assessing applications to authorise plant protection products containing imidacloprid, Member States shall pay particular attention to the criteria in Article 4(3) of Regulation (EC) No 1107/2009, and shall ensure that any necessary data and information is provided before such an authorisation is granted.

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on imidacloprid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 September 2008 and the conclusions of the addendum of the review report on imidacloprid as finalised in the Standing Committee on the Food Chain and Animal Health on 15 March 2013 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment,
- the impact on aquatic organisms, non-target arthropods, earthworms, other soil macroorganisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.

Member States shall ensure that:

- the seed coating shall only be performed in professional seed treatment facilities. Those facilities must apply the best available techniques in order to ensure that the release of dust during application to the seed, storage, and transport can be minimised,

- adequate seed drilling equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust emission,
- the conditions of the authorisation, include, where appropriate, risk mitigation measures to protect bees,
- monitoring programmes are initiated to verify the real exposure of bees to imidacloprid in areas extensively used by bees for foraging or by beekeepers, where and as appropriate.

Conditions of use shall include risk mitigation measures, where appropriate.

The notifier shall submit confirmatory information as regards:

- (a) the risk to pollinators other than honey bees;
- (b) the risk to honey bees foraging in nectar or pollen in succeeding crops;
- (c) the potential uptake via roots to flowering weeds;
- (d) the risk to honey bees foraging on insect honey dew;
- (e) the potential guttation exposure and the acute and the long-term risk to colony survival and development, and the risk to bee brood resulting from such exposure;
- (f) the potential exposure to dust drift following drill and the acute and the long-term risk to colony survival and development, and the risk to bee brood resulting from such exposure;
- (g) the acute and long term risk to colony survival and development and the risk to bee brood for honeybees from ingestion of contaminated nectar and pollen.

The notifier shall submit that information to the Commission, the Member States and the Authority by 31 December 2014.'

ANNEX II

List of seeds, as referred to in Article 2

Seeds treated with plant protection products containing clothianidin, thiametoxam or imidacloprid whose use and placing on the market is prohibited:

Barley, millet, oats, rice, rye, sorghum, triticale, wheat when such cereals are to be sown from January to June.

Alfalfa (*Medicago sativa*)

anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*)

beans (*Phaseolus* spp.)

broad beans, horse beans (*Vicia faba* var. *major*; var. *equina*; var. *minor*)

buckwheat (*Fagopyrum esculentum*)

castor oil seed (*Ricinus communis*)

chick peas (*Cicer arietinum*)

chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*)

clovers (*Trifolium* spp.). coffee (*Coffea* spp. *arabica*, *robusta*, *liberica*)

cotton (*Gossypium* spp.)

cowpeas, black eyed peas (*Vigna unguiculata*)

cucumbers (*Cucumis sativus*)

groundnuts, peanuts (*Arachis hypogaea*)

hemp (*Cannabis sativa*)

leguminous: birdsfoot/trefoil (*Lotus corniculatus*); lespedeza (*Lepedeza* spp.); kudzu (*Pueraria lobata*); sesbania (*Sesbania* spp.); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*)

lentils (*Lens esculenta*; *Ervum lens*)

linseed (*Linum usitatissimum*)

lupins (*Lupinus* spp.)

maize/corn (*Zea mays*)

melon seeds (*Cucumis melo*)

mustard seed white mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*)

okra (*Abelmoschus esculentus*); gombo (*Hibiscus esculentus*)

peas garden pea (*Pisum sativum*); field pea (*P. arvense*)

peppermint (*Mentha* spp.: *M. piperita*)

poppy seed (*Papaver somniferum*)

pumpkins, squash, gourds and marrows (*Cucurbita* spp.)

pyrethrum, (*Chrysanthemum cinerariifolium*)

rapeseed (*Brassica napus* var. *oleifera*)

safflower seed (*Carthamus tinctorius*)

sesame seed (*Sesamum indicum*)

soybeans (*Glycine soja*)

spices: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*)

strawberries (*Fragaria* spp.)

sunflower seed (*Helianthus annuus*)

turnips and turnip rapes (*Brassica rapa* var. *rapifera* and *oleifera* spp.)

vetches Spring/common vetch (*Vicia sativa*)

watermelons (*Citrullus vulgaris*)

ornamentals flowering in year of treatment.

COMMISSION IMPLEMENTING REGULATION (EU) No 486/2013**of 24 May 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 May 2013.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	15,0
	MA	61,6
	TN	74,5
	TR	54,4
	ZZ	51,4
0707 00 05	AL	27,7
	MK	45,5
	TR	132,0
	ZZ	68,4
0709 93 10	MA	110,7
	TR	128,2
	ZZ	119,5
0805 10 20	EG	54,2
	IL	71,7
	MA	77,9
	ZZ	67,9
0805 50 10	AR	87,1
	TR	71,0
	ZA	109,7
	ZZ	89,3
0808 10 80	AR	135,7
	BR	109,6
	CL	135,5
	CN	80,7
	MK	42,6
	NZ	144,6
	US	207,5
	ZA	119,8
0809 29 00	ZZ	122,0
	US	557,8
	ZZ	557,8

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 23 May 2013

amending Decision 2009/821/EC as regards the lists of border inspection posts and veterinary units in Traces*(notified under document C(2013) 2905)***(Text with EEA relevance)**

(2013/235/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 20(1) and (3) thereof,Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 6(4) thereof,Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 6(2) thereof,

Whereas:

- (1) Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces ⁽⁴⁾ lays down a list of border inspection posts approved in accordance with Directives 91/496/EEC and 97/78/EC. That list is set out in Annex I to that Decision.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 296, 12.11.2009, p. 1.

- (2) Denmark has communicated that a new inspection centre has been added to the border inspection post at the port of Esbjerg. The list of entries for that Member State as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (3) Following communication from Germany, Spain, France, Italy, Latvia, the Netherlands and Portugal, the entries for the border inspection posts in those Member States should be amended in the list set out in Annex I to Decision 2009/821/EC.
- (4) The Commission audit service (formerly referred to as Commission inspection service), the Food and Veterinary Office, carried out an audit in Spain, following which it made a number of recommendations to that Member State. Spain has communicated that the one port and several airport border inspection posts should be temporarily suspended. The entries for those border inspection posts set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (5) Italy has communicated that the border inspection post at Brindisi port should be deleted from the list of entries for that Member State. Portugal has communicated that the border inspection post at Viana do Castelo port should be deleted from the list of entries for that Member State. The lists of entries for these Member States as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (6) The United Kingdom has communicated that the border inspection post of Hull should be temporarily suspended. The list of entries for that Member State as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.

- (7) Following a satisfactory audit carried out by the Food and Veterinary Office in Lithuania, the approval of the road border inspection post at Kybartai, which officially opens on 21 May 2013, can be extended to live animals for all categories (U, E and O). The relevant entry for that Member State as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (8) Annex II to Decision 2009/821/EC lays down the list of central units, regional units and local units in the integrated computerised veterinary system (Traces).
- (9) Following communication from Denmark, Germany, Italy, the Netherlands, Austria and the United Kingdom, certain changes should be brought to the list of central, regional and local units in Traces for these Member States, laid down in Annex II to Decision 2009/821/EC.
- (10) Decision 2009/821/EC should therefore be amended accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 2009/821/EC are amended in accordance with the Annex to this Decision.

Article 2

The amendment set out in point (1)(g) of the Annex shall apply from 21 May 2013.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 23 May 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

Annexes I and II to Decision 2009/821/EC are amended as follows:

(1) Annex I is amended as follows:

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

Esbjerg	DK EBJ 1	P	Intercargo Coldstores ApS	HC-T(FR)(1)(2), HC-NT(6), NHC-T(FR)(2), NHC-NT(6)(11)	
			E D & F Man Terminals Denmark ApS	HC-NT(6), NHC-NT(6)(11)	

(b) the part concerning Germany is amended as follows:

(i) the entry for the port at Cuxhaven is replaced by the following:

Cuxhaven	DE CUX 1	P		HC-T(FR)(2)(3)	
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(ii) the entry for the port at Hannover-Langenhagen is replaced by the following:

Hannover-Langenhagen	DE HAJ 4	A		HC(2), NHC(2)	O (10)
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(iii) the entry for the port at Jade-Weser-Port Wilhelmshaven is replaced by the following:

JadeWeserPort Wilhelmshaven	DE WVN 1	P		HC, NHC-T(FR), NHC-NT	
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(c) the part concerning Spain is amended as follows:

(i) the entry for the airport at Almeria is replaced by the following:

Almeria(*)	ES LEI 4	A		HC(2)(*), NHC(2)(*)	O(*)
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(ii) the entry for the airport at Bilbao is replaced by the following:

Bilbao(*)	ES BIO 4	A		HC(2)(*), NHC(2)(*)	O(*)
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(iii) the entry for the airport at Gerona is replaced by the following:

Gerona(*)	ES GRO 4	A		HC(2)(*), NHC(2)(*)	
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(iv) the entry for the port at Las Palmas de Gran Canaria is replaced by the following:

Las Palmas de Gran Canaria	ES LPA 1	P	Productos	HC, NHC	
			Animales(*)		U(*), E(*), O(*)

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

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

(vi) the entry for the port at Málaga is replaced by the following:

'Málaga	ES AGP 1	P		HC, NHC(*)	U(*), E(*), O'
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(vii) the entry for the airport at Palma de Mallorca is replaced by the following:

'Palma de Mallorca(*)	ES PMI 4	A		HC(2)(*), NHC(2)(*)	O(*)'
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(viii) the entries for the airport and port at Santander are replaced by the following:

'Santander(*)	ES SDR 4	A		HC(2)(*), NHC(2)(*)	
Santander(*)	ES SDR 1	P		HC(*), NHC(*)'	

(ix) the entry for the airport at Santiago de Compostela is replaced by the following:

'Santiago de Compostela(*)	ES SCQ 4	A		HC(2)(*), NHC(2)(*)	
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(x) the entry for the airport at Vigo is replaced by the following:

'Vigo(*)	ES VGO 4	A		HC(2)(*), NHC(2)(*)	
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(xi) the entry for the airport at Vitoria is replaced by the following:

'Vitoria(*)	ES VIT 4	A		HC(2)(*), NHC-NT(2)(*), NHC-T(CH)(2)(*)	U(*), E(*), O(*)'
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(d) in the part concerning France, the entry for the port at Sète is replaced by the following:

'Sète	FR SET 1	P		HC(1)(2), NHC-NT'	
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(e) the part concerning Italy is amended as follows:

(i) the entry for the port at Brindisi is deleted;

(ii) the entry for the port at Livorno-Pisa is replaced by the following:

'Livorno-Pisa	IT LIV 1	P	Porto Commerciale	HC, NHC-NT	
			Sintemar(*)	HC(*), NHC(*)	
			Lorenzini	HC, NHC-NT	
			Terminal Darsena Toscana	HC, NHC'	

(iii) the entry for the port at Taranto is replaced by the following:

'Taranto	IT TAR 1	P		HC, NHC-NT'	
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(f) in the part concerning Latvia, the entry for the port at Riga (BFT) is replaced by the following:

'Riga (BFT)	LV RIX 1b	P		HC-T(FR)(2), HC-NT(2)'	
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(g) in the part concerning Lithuania, the entry for the road at Kybartai is replaced by the following:

'Kybartai(13)	LT KBK 3	R		HC, NHC	U, E, O'
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(h) in the part concerning the Netherlands, the entry for the airport at Amsterdam is replaced by the following:

'Amsterdam	NL AMS 4	A	Aviapartner Cargo B.V.	HC(2), NHC-T(FR), NHC-NT(2)	O(14)
			Schiphol Animal Centre		U(8), E
			KLM-2		U, E, O(14)
			Freshport	HC(2), NHC(2)	O(14)'

(i) the part concerning Portugal is amended as follows:

(i) the entry for the airport at Porto is replaced by the following:

'Porto	PT OPO 4	A		HC-T(CH)(2), NHC-NT(2)'	
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(ii) the entry for the port at Viana do Castelo is deleted.

(j) in the part concerning the United Kingdom, the entry for the port at Hull is replaced by the following:

'Hull(*)	GB HUL 1	P		HC-T(1,3)(*), HC-NT (1,3)(*)'	
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(2) Annex II is amended as follows:

(a) in the part concerning Denmark, the entry for the local unit 'DK00100 RØDOVRE' is replaced by the following:

'DK00100	GLOSTRUP'
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(b) in the part concerning Germany, the entry for the local unit 'DE32403 Osnabrueck, Stadt' is deleted;

(c) the part concerning Italy is amended as follows:

(i) the entry for the local unit 'IT00410 TERNI-AREA ORVIETANA' is replaced by the following:

'IT00410	TERNI'
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(ii) the following entries for the regional unit 'IT00010 UMBRIA' are deleted:

'IT00110	CITTA' DI CASTELLO
IT00310	FOLIGNO'

(d) the part concerning the Netherlands is amended as follows:

(i) the entry for the central unit 'NL00000 VWA' is replaced by the following:

'NL00000	NVWA'
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(ii) the entries for the current five regional units VWA NOORD, VWA NOORDWEST, VWA OOST, VWA ZUID and VWA ZUIDWEST are replaced by the following:

'NL00001	NVWA NOORD
NL00002	NVWA NOORDWEST
NL00003	NVWA OOST
NL00004	NVWA ZUID
NL00005	NVWA ZUIDWEST'

(e) the part concerning Austria is amended as follows:

(i) the entry for the local unit 'AT00602 BRUCK AN DER MUR' is replaced by the following:

'AT00602	BRUCK-MÜRZZUSCHLAG'
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(ii) the entry for the local unit 'AT00604 FELDBACH' is replaced by the following:

'AT00604	SÜDOSTSTEIERMARK'
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(iii) the entry for the local unit 'AT00608 HARTBERG' is replaced by the following:

'AT00608	HARTBERG-FÜRSTENFELD'
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(iv) the following entries for the regional unit 'AT00600 STEIERMARK' are deleted:

'AT00605	FÜRSTENFELD
AT00615	MÜRZZUSCHLAG
AT00616	RADKERSBURG'

(f) in the part concerning the United Kingdom, the entry for the local unit 'GB07104 LARNE' is replaced by the following:

'GB07104	MALLUSK'
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In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

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