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Legislation

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Contents

[1] Text with EEA relevance

EN

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

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

DECISIONS

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2016/949

of 6 June 2016

on the signing, on behalf of the Union and its Member States, of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, to take account of the accession of the Republic of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(5) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

(1) Pursuant to Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, is to be agreed by the conclusion of a protocol to the Agreement. Pursuant to Article 6(2) of the Act of Accession, a simplified procedure is to apply to such an accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.

(2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned. The negotiations were successfully concluded with Mongolia by means of a *note verbale* dated 2 December 2014.

(3) The Protocol should be signed, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, to take account of the accession of the Republic of Croatia to the European Union [1] is hereby authorised, subject to the conclusion of the Protocol.

[1] The text of the Protocol will be published together with the Decision on its conclusion.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

Article 3

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

Done at Luxembourg, 6 June 2016.

For the Council
The President
H.G.J. KAMP

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/950

of 15 June 2016

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2,4-DB, beta-cyfluthrin, carfentrazone ethyl, *Coniothyrium minitans* Strain CON/M/91-08 (DSM 9660), cyazofamid, deltamethrin, dimethenamid-P, ethofumesate, fenamidone, flufenacet, flurtamone, foramsulfuron, fosthiazate, imazamox, iodosulfuron, iprodione, isoxaflutole, linuron, maleic hydrazide, mesotrione, oxasulfuron, pendimethalin, picoxystrobin, silthiofam and trifloxystrobin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular the first paragraph of Article 17 thereof,

Whereas:

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

(2) The approval periods of the active substances carfentrazone ethyl, cyazofamid, ethofumesate, fenamidone, foramsulfuron, imazamox, isoxaflutole, linuron, mesotrione, oxasulfuron, pendimethalin and trifloxystrobin were derogated from by Commission Regulation (EU) No 823/2012 ([3]). The approval of those substances will expire on 31 July 2016.

(3) The approval periods of the active substances 2,4-DB, beta-cyfluthrin, *Coniothyrium minitans* Strain CON/M/91-08 (DSM 9660), deltamethrin, dimethenamid-P, flufenacet, flurtamone, fosthiazate, iodosulfuron, iprodione, maleic hydrazide, picoxystrobin and silthiofam were derogated from by Regulation (EU) No 823/2012. The approval of these substances will expire on 31 October 2016.

(4) Applications for the renewal of the approval of those substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ([4]).

(5) Due to the fact that the assessment of the substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

([3]) Commission Regulation (EU) No 823/2012 of 14 September 2012 derogating from Implementing Regulation (EU) No 540/2011 as regards the expiry dates of the approval of the active substances 2,4-DB, benzoic acid, beta-cyfluthrin, carfentrazone ethyl, *Coniothyrium minitans* Strain CON/M/91-08 (DSM 9660), cyazofamid, cyfluthrin, deltamethrin, dimethenamid-P, ethofumesate, ethoxysulfuron, fenamidone, flazasulfuron, flufenacet, flurtamone, foramsulfuron, fosthiazate, imazamox, iodosulfuron, iprodione, isoxaflutole, linuron, maleic hydrazide, mecoprop, mecoprop-P, mesosulfuron, mesotrione, oxadiargyl, oxasulfuron, pendimethalin, picoxystrobin, propiconazole, propineb, propoxycarbazone, propyzamide, pyraclostrobin, silthiofam, trifloxystrobin, warfarin and zoxamide (OJ L 250, 15.9.2012, p. 13).

([4]) Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 June 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) in the sixth column, expiration of approval, of row 29, Ethofumesate, the date is replaced by '31 July 2017';

(2) in the sixth column, expiration of approval, of row 40, Deltamethrin, the date is replaced by '31 October 2017';

(3) in the sixth column, expiration of approval, of row 41, Imazamox, the date is replaced by '31 July 2017';

(4) in the sixth column, expiration of approval, of row 42, Oxasulfuron, the date is replaced by '31 July 2017';

(5) in the sixth column, expiration of approval, of row 44, Foramsulfuron, the date is replaced by '31 July 2017';

(6) in the sixth column, expiration of approval, of row 46, Cyazofamid, the date is replaced by '31 July 2017';

(7) in the sixth column, expiration of approval, of row 47, 2,4-DB, the date is replaced by '31 October 2017';

(8) in the sixth column, expiration of approval, of row 48, Beta-cyfluthrin, the date is replaced by '31 October 2017';

(9) in the sixth column, expiration of approval, of row 50, Iprodione, the date is replaced by '31 October 2017';

(10) in the sixth column, expiration of approval, of row 51, Linuron, the date is replaced by '31 July 2017';

(11) in the sixth column, expiration of approval, of row 52, Maleic hydrazide, the date is replaced by '31 October 2017';

(12) in the sixth column, expiration of approval, of row 53, Pendimethalin, the date is replaced by '31 July 2017';

(13) in the sixth column, expiration of approval, of row 59, Trifloxystrobin, the date is replaced by '31 July 2017';

(14) in the sixth column, expiration of approval, of row 60, Carfentrazone ethyl, the date is replaced by '31 July 2017';

(15) in the sixth column, expiration of approval, of row 61, Mesotrione, the date is replaced by '31 July 2017';

(16) in the sixth column, expiration of approval, of row 62, Fenamidone, the date is replaced by '31 July 2017';

(17) in the sixth column, expiration of approval, of row 63, Isoxaflutole, the date is replaced by '31 July 2017';

(18) in the sixth column, expiration of approval, of row 64, Flurtamone, the date is replaced by '31 October 2017';

(19) in the sixth column, expiration of approval, of row 65, Flufenacet, the date is replaced by '31 October 2017';

(20) in the sixth column, expiration of approval, of row 66, Iodosulfuron, the date is replaced by '31 October 2017';

(21) in the sixth column, expiration of approval, of row 67, Dimethenamid-P, the date is replaced by '31 October 2017';

(22) in the sixth column, expiration of approval, of row 68, Picoxystrobin, the date is replaced by '31 October 2017';

(23) in the sixth column, expiration of approval, of row 69, Fosthiazate, the date is replaced by '31 October 2017';

(24) in the sixth column, expiration of approval, of row 70, Silthiofam, the date is replaced by '31 October 2017';

(25) in the sixth column, expiration of approval, of row 71, *Coniothyrium minitans* Strain CON/M/91-08 (DSM 9660), the date is replaced by '31 October 2017'.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/951

of 15 June 2016

approving the low-risk active substance *Trichoderma atroviride* strain SC1, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(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 Article 22(1) in conjunction with Article 13(2) thereof,

Whereas:

(1) In accordance with Article 7(1) of Regulation (EC) No 1107/2009, France received on 6 November 2012 an application from BI-PA NV for the approval of the active substance *Trichoderma atroviride* strain SC1. In accordance with Article 9(3) of that Regulation, France, as rapporteur Member State, notified the Commission on 5 February 2013 of the admissibility of the application.

(2) On 27 May 2014, the rapporteur Member State submitted a draft assessment report to the Commission with a copy to the European Food Safety Authority (hereinafter 'the Authority'), assessing whether that active substance can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009.

(3) The Authority complied with Article 12(1) of Regulation (EC) No 1107/2009. In accordance with Article 12(3) of Regulation (EC) No 1107/2009, it requested that the applicant supply additional information to the Member States, the Commission and the Authority. The assessment of the additional information by the rapporteur Member State was submitted to the Authority in the format of an updated draft assessment report in February 2015.

(4) On 21 April 2015 the Authority communicated to the applicant, the Member States and the Commission its conclusion on whether the active substance *Trichoderma atroviride* strain SC1 can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 ([2]). The Authority made its conclusion available to the public.

(5) On 10 December 2015 the Commission presented to the Standing Committee on Plants, Animals, Food and Feed the review report for *Trichoderma atroviride* strain SC1 and a draft Regulation providing that *Trichoderma atroviride* strain SC1 is approved.

(6) The applicant was given the possibility to submit comments on the review report.

(7) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance, and in particular the uses which were examined and detailed in the review report, that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. Those approval criteria are therefore deemed to be satisfied. It is therefore appropriate to approve *Trichoderma atroviride* strain SC1.

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) EFSA Journal 2015;13(4):4092. Available online: www.efsa.europa.eu

(8) The Commission further considers that *Trichoderma atroviride* strain SC1 is a low-risk active substance pursuant to Article 22 of Regulation (EC) No 1107/2009. *Trichoderma atroviride* strain SC1 is not a substance of concern and fulfils the conditions set in point 5 of Annex II to Regulation (EC) No 1107/2009. *Trichoderma atroviride* strain SC1 is a wild-type strain isolated from decaying hazelnut wood in Italy. It is not pathogenic or virulent to humans or animals. The additional exposure of humans, animals and the environment by the uses approved under Regulation (EC) No 1107/2009 is expected to be negligible compared to exposure expected through realistic natural situations.

(9) It is therefore appropriate to approve *Trichoderma atroviride* strain SC1 as a low-risk substance for a period of 15 years. In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 ([1]) should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Approval of a low-risk active substance

The active substance *Trichoderma atroviride* strain SC1, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

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

Article 3

Entry into force

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

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

Done at Brussels, 15 June 2016.

For the Commission
The President
Jean-Claude JUNCKER

([1]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity (1)	Date of approval	Expiration of approval	Specific provisions
Trichoderma atroviride strain SC1 Accession number CBS 122089 in the collection of the Centraalbureau voor Schimmelcultures (CBS) in Utrecht, The Netherland CIPAC No: 988	Not applicable	minimum concentration 1×10^{10} CFU/g	6 July 2016	6 July 2031	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 *Trichoderma atroviride* strain SC1, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that microorganisms are considered as potential sensitizers. Conditions of use shall include risk mitigation measures, where appropriate. Strict maintenance of environmental conditions and quality control analysis during the manufacturing process shall be assured by the producer.

(1) Further details on identity and specification of active substance are provided in the review report.

ANNEX II

In Part D of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'7	*Trichoderma atroviride* strain SC1 Accession number CBS 122089 in the collection of the Centraalbureau voor Schimmelcultures (CBS) in Utrecht, The Netherland CIPAC No: 988	Not applicable	minimum concentration 1×10^{10} CFU/g	6 July 2016	6 July 2031	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 *Trichoderma atroviride* strain SC1, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that microorganisms are considered as potential sensitizers. Conditions of use shall include risk mitigation measures, where appropriate. Strict maintenance of environmental conditions and quality control analysis during the manufacturing process shall be assured by the producer.'

(*) Further details on identity and specification of active substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/952

of 15 June 2016

approving the low-risk active substance *Saccharomyces cerevisiae* strain LAS02 in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(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 Article 22(1) in conjunction with Article 13(2) thereof,

Whereas:

(1) In accordance with Article 7(1) of Regulation (EC) No 1107/2009, France received on 9 April 2013 an application from Agrolevures et Dérivés for the approval of the active substance *Saccharomyces cerevisiae* strain LAS02. In accordance with Article 9(3) of that Regulation, France, as rapporteur Member State, notified the applicant, the other Member States, the Commission and the European Food Safety Authority (hereinafter 'the Authority') of the admissibility of the application on 15 October 2013.

(2) On 4 December 2014, the rapporteur Member State submitted a draft assessment report to the Commission with a copy to the Authority, assessing whether that active substance can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009.

(3) The Authority complied with Article 12(1) of Regulation (EC) No 1107/2009. In accordance with Article 12(3) of Regulation (EC) No 1107/2009, it requested that the applicant supply additional information to the Member States, the Commission and the Authority. The assessment of the additional information by the rapporteur Member State was submitted to the Authority in the format of an updated draft assessment report on 14 September 2015.

(4) On 3 December 2015, the Authority communicated to the applicant, the Member States and the Commission its conclusion on whether the active substance *Saccharomyces cerevisiae* strain LAS02 can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 ([2]). The Authority made its conclusion available to the public.

(5) On 7 March 2016, the Commission presented to the Standing Committee on Plants, Animals, Food and Feed the review report for *Saccharomyces cerevisiae* strain LAS02 and a draft Regulation providing that *Saccharomyces cerevisiae* strain LAS02 is approved as a low-risk active substance.

(6) The applicant was given the possibility to submit comments on the review report.

(7) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance, and in particular the uses which were examined and detailed in the review report, that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. Those approval criteria are therefore deemed to be satisfied. It is therefore appropriate to approve *Saccharomyces cerevisiae* strain LAS02.

([1]) OJ L 309, 24.11.2009, p. 1.
([2]) EFSA Journal 2015;13(12):4322. Available online: www.efsa.europa.eu

(8) The Commission further considers that *Saccharomyces cerevisiae* strain LAS02 is a low-risk active substance pursuant to Article 22 of Regulation (EC) No 1107/2009. *Saccharomyces cerevisiae* strain LAS02 is not a substance of concern and fulfils the conditions set in point 5 of Annex II to Regulation (EC) No 1107/2009. *Saccharomyces cerevisiae* strain LAS02 is a naturally occurring yeast, which is widely used in food. It is also widely present in the environment. The additional exposure of humans, animals and the environment by the uses approved under Regulation (EC) No 1107/2009 is expected to be negligible compared to exposure expected through realistic natural situations.

(9) It is therefore appropriate to approve *Saccharomyces cerevisiae* strain LAS02 as a low-risk substance for a period of 15 years. In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 ([1]) should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Approval of a low-risk active substance

The active substance *Saccharomyces cerevisiae* strain LAS02, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Amendment to Implementing Regulation (EU) No 540/2011

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

Article 3

Entry into force

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

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

Done at Brussels, 15 June 2016.

For the Commission
The President
Jean-Claude JUNCKER

([1]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity (1)	Date of approval	Expiration of approval	Specific provisions
Saccharomyces cerevisae strain LAS02 Accession number in the collection of the 'Collection Nationale de Cultures de Microorganismes' (CNCM) of the Pasteur Institute: CNCM I-3936	Not applicable	Minimum concentration: 1×10^{13} CFU/kg	6 July 2016	6 July 2031	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 *Saccharomyces cerevisiae* strain LAS02, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that *Saccharomyces cerevisiae* strain LAS02 is to be considered as a potential sensitizer. Conditions of use shall include risk mitigation measures, where appropriate. Strict maintenance of environmental conditions and quality control analysis during the manufacturing process shall be assured by the producer.

(1) Further details on identity and specification of active substance are provided in the review report.

ANNEX II

In Part D of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'6	*Saccharomyces cerevisae* strain LAS02 Accession number in the collection of the 'Collection Nationale de Cultures de Microorganismes' (CNCM) of the Pasteur Institute: CNCM I-3936	Not applicable	Minimum concentration: 1×10^{13} CFU/kg	6 July 2016	6 July 2031	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 *Saccharomyces cerevisiae* strain LAS02, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that *Saccharomyces cerevisiae* strain LAS02 is to be considered as a potential sensitizer. Conditions of use shall include risk mitigation measures, where appropriate. Strict maintenance of environmental conditions and quality control analysis during the manufacturing process shall be assured by the producer.'

(*) Further details on identity and specification of active substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/953

of 15 June 2016

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

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]),

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

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 15 June 2016.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MA	119,0
	TR	69,0
	ZZ	94,0
0709 93 10	TR	147,7
	ZZ	147,7
0805 50 10	AR	147,8
	MA	179,9
	TR	153,1
	ZA	166,3
	ZZ	161,8
0808 10 80	AR	124,3
	BR	97,2
	CL	130,5
	CN	102,3
	NZ	151,6
	US	120,4
	ZA	113,2
	ZZ	119,9
0809 10 00	TR	262,4
	ZZ	262,4
0809 29 00	TR	467,4
	US	888,6
	ZZ	678,0
0809 30 10, 0809 30 90	TR	107,9
	ZZ	107,9

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

DECISIONS

COUNCIL DECISION (EU) 2016/954

of 9 June 2016

authorising enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 329(1) thereof,

Having regard to the requests made by the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia, the Republic of Finland and the Kingdom of Sweden,

Having regard to the proposal from the European Commission,

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

Whereas:

(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice in which the free movement of persons is ensured. For the progressive establishment of such an area, the Union is to adopt measures relating to judicial cooperation in civil matters with cross-border implications.

(2) Pursuant to Article 81 of the Treaty on the Functioning of European Union (TFEU), those measures are to include promoting the compatibility of the rules applicable in the Member States concerning conflict of laws, including measures concerning family law with cross-border implications.

(3) On 16 March 2011, the Commission adopted a proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, and a proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships.

(4) At its meeting of 3 December 2015 the Council concluded that it would not be possible to reach an agreement within a reasonable period by the Union as a whole for the adoption of the regulations.

(5) In these circumstances, Malta, Croatia and Belgium subsequently addressed requests to the Commission by letters dated 14 December 2015, 15 December 2015 and 17 December 2015 respectively, and Germany, Greece, Spain, France, Italy, Luxembourg, Portugal, Slovenia and Sweden by letters dated 18 December 2015, indicating that they wished to establish enhanced cooperation between themselves in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes and the property consequences of registered partnerships and that the Commission should submit a proposal to the Council to that end. The Czech Republic, the Netherlands, Bulgaria, Austria and Finland addressed the same requests to the

[1] Consent of 7 June 2016 (not yet published in the Official Journal).

Commission by letters dated 28 January 2016, 2 February 2016, 9 February 2016, 16 February 2016 and 26 February respectively. By letter to the Commission dated 18 March 2016, Cyprus indicated its wish to participate in the establishment of the enhanced cooperation; Cyprus reiterated this wish during the work of the Council. In total, 18 Member States have requested such enhanced cooperation.

(6) The enhanced cooperation should provide a clear and comprehensive legal framework in the area of the property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, in the participating Member States, ensure adequate solutions for citizens in terms of legal certainty, predictability and flexibility, and facilitate the circulation of decisions and authentic instruments between the participating Member States.

(7) In accordance with the Member States' requests for the establishment of enhanced cooperation, two substantive acts should implement enhanced cooperation, one concerning matrimonial property regimes and the other concerning the property consequences of registered partnerships. In order to cover the entire scope of enhanced cooperation in the area of the property regimes of international couples and to ensure non-discrimination of citizens, the two substantive implementing acts should be adopted simultaneously.

(8) The conditions laid down in Article 20 of the Treaty on European Union (TEU) and in Articles 326 to 329 TFEU are fulfilled.

(9) The relevant area of the enhanced cooperation, namely jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, is identified by points (a) and (c) of Article 81(2) and (3) TFEU as one of the areas covered by the Treaties. This is not an area of exclusive competence of the Union.

(10) The requirement of last resort in Article 20(2) TEU is fulfilled in that the Council concluded on 3 December 2015 that the objectives of the proposed regulations could not be attained within a reasonable period by the Union as a whole.

(11) Enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, aims to develop judicial cooperation in civil matters having cross-border implications based on the principle of mutual recognition of judgments, and to ensure the compatibility of the rules applicable in the Member States concerning conflict of laws. Thus, it furthers the objectives of the Union, protects its interests and reinforces its integration process as required by Article 20(1) TEU.

(12) Enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, complies with the Treaties and Union law, and it does not undermine the internal market or economic, social and territorial cohesion. It does not constitute a barrier to or discrimination in trade between Member States and does not distort competition between them.

(13) In particular, enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, complies with Union law on judicial cooperation in civil matters, in that enhanced cooperation does not affect the *acquis* in this area.

(14) Enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, respects the competences, rights and obligations of those Member States that do not participate in it. The common rules on jurisdiction, conflict of laws and recognition and enforcement in the participating Member States do not affect the rules of the non-participating Member States. The courts of the non-participating Member States will continue to apply their existing domestic rules to determine the jurisdiction and applicable law and to the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships.

(15) This Decision respects the principles enshrined in the Charter of Fundamental Rights of the European Union, in particular those in Articles 9 and 21 thereof.

(16) Enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, is open, at any time, to all Member States, in accordance with Article 328 TFEU,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia, the Republic of Finland and the Kingdom of Sweden are hereby authorised to establish enhanced cooperation between themselves in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in the matter of property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, by applying the relevant provisions of the Treaties.

Article 2

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

Done at Luxembourg, 9 June 2016.

For the Council
The President
G.A. VAN DER STEUR

DECISION (EU) 2016/955 OF THE EUROPEAN CENTRAL BANK

of 6 May 2016

amending Decision ECB/2013/54 on the accreditation procedures for manufacturers of euro secure items and euro items (ECB/2016/12)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.1, Article 16 and Article 34.3 thereof,

Having regard to Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions ([1]),

Having regard to Regulation (EC) No 2157/1999 of the European Central Bank of 23 September 1999 on the powers of the European Central Bank to impose sanctions (ECB/1999/4) ([2]),

Whereas:

(1) Article 128(1) of the Treaty and Article 16 of the Statute of the European System of Central Banks and of the European Central Bank provide that the European Central Bank (ECB) has the exclusive right to authorise the issue of euro banknotes within the Union. This right includes the competence to take measures to protect the integrity of euro banknotes as a means of payment.

(2) Following the entry into force of Decision ECB/2013/54 ([3]), it became apparent that the ECB's power to impose appropriate and proportionate penalties, including financial penalties, in the event of non-compliance, needs to be strengthened to cover all scenarios that could require sanctions to be imposed pursuant to Article 20 of Decision ECB/2013/54.

(3) Therefore Decision ECB/2013/54 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

Article 20 of Decision ECB/2013/54 is replaced by the following:

'Article 20

Financial penalties in the case of discrepancies in quantities of euro banknotes or banknote paper

1. A manufacturer performing production of euro banknote paper or euro banknotes shall report to the ECB, in accordance with the substantive security requirements, any discrepancy in quantities of euro banknote paper or quantities of partly or fully printed euro banknotes identified during a euro secure activity at its accredited manufacturing site.

([1]) OJ L 318, 27.11.1998, p. 4.
([2]) OJ L 264, 12.10.1999, p. 21.
([3]) Decision ECB/2013/54 of the European Central Bank of 20 December 2013 on the accreditation procedures for manufacturers of euro secure items and euro items and amending Decision ECB/2008/3 (OJ L 57, 27.2.2014, p. 29).

2. If a discrepancy in quantities of euro banknote paper or quantities of partly or fully printed euro banknotes occurs during a euro secure activity at the accredited manufacturing site and is not dealt with by the manufacturer in accordance with the substantive security requirements, the ECB may impose a financial penalty on the manufacturer.

3. The seriousness of the discrepancy shall be taken into account in each case when deciding on the amount of the financial penalty. In particular, the face value of the banknotes constituting the discrepancy and the seriousness of the breach of the substantive security requirements shall be taken into account. If the said face value exceeds EUR 50 000, the ECB shall impose on the manufacturer a financial penalty equal to that face value, unless the circumstances of the case justify the imposition of a different penalty. If the face value is below EUR 50 000, the ECB shall impose on the manufacturer a penalty of EUR 50 000, unless the circumstances of the case justify the imposition of a lower penalty. A financial penalty shall under no circumstances exceed EUR 500 000.

4. A financial penalty shall apply only when an infringement of the substantive security requirements by a manufacturer is clearly verified. Decisions on financial penalties shall follow the procedures laid down in Regulation (EC) No 2532/98 and Regulation (EC) No 2157/1999 of the European Central Bank (ECB/1999/4) (*). In addition to the financial penalties, the ECB may decide to issue a warning decision, or to revoke or suspend a provisional accreditation or accreditation.

(*) Regulation (EC) No 2157/1999 of the European Central Bank of 23 September 1999 on the powers of the European Central Bank to impose sanctions (ECB/1999/4) (OJ L 264, 12.10.1999, p. 21).'

Article 2

Taking effect

This Decision shall take effect on the day of its notification to the addressees.

It shall apply from 1 June 2016.

Article 3

Addressees

This Decision is addressed to manufacturers of euro secure items and euro items and to the national central banks of Member States whose currency is the euro, whenever they perform stock checks, checks on destruction or checks on transport.

Done at Frankfurt am Main, 6 May 2016.

The President of the ECB

Mario DRAGHI

DECISION (EU) 2016/956 OF THE EUROPEAN CENTRAL BANK

of 7 June 2016

amending Decision (EU) 2016/245 (ECB/2016/2) laying down the rules on procurement (ECB/2016/17)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 thereof,

Having regard to Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank [1], and in particular Article 19 thereof,

Whereas:

(1) For the sake of clarity, some of the rules laid down in Decision (EU) 2016/245 of the European Central Bank (ECB/2016/2) [2] need to be refined further.

(2) Therefore, Decision (EU) 2016/245 (ECB/2016/2) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Decision (EU) 2016/245 (ECB/2016/2) is amended as follows:

1. in Article 8, paragraph 2 is replaced by the following:

   '2. The ECB may order from the initial contractor additional products, services or works, irrespective of their value, provided that the necessary amendments to the initial contract are not substantial.

   Amendments shall be considered substantial if they change the overall nature of the contract, in particular where one or more of the following conditions are met:

   (a) the amendment introduces conditions which, had they been part of the initial procurement procedure, would have allowed for the admission of candidates other than those initially selected, or for the acceptance of a tender other than that originally accepted or would have attracted additional participants in the procurement procedure;

   (b) the amendment changes the economic balance of the contract in favour of the contractor in a manner which was not provided for in the initial contract;

   (c) the amendment extends the scope of the contract considerably;

   (d) a new contractor replaces the one to which the initial contract was awarded in cases other than those provided for in paragraph 4.

   Amendments shall be considered not to be substantial in any circumstances if their cumulative value remains below (a) the relevant threshold set out in Article 4(3), and (b) 10 % of the initial contract value for supply and service contracts or 15 % of the initial contract value for works contracts.';

2. in Article 11, the last sentence of paragraph 3 is deleted;

3. in Article 12, the last sentence of paragraph 4 is deleted;

4. in Article 24, paragraph 1 is deleted;

[1] OJ L 80, 18.3.2004, p. 33.
[2] Decision (EU) 2016/245 of the European Central Bank of 9 February 2016 laying down the rules on procurement (ECB/2016/2) (OJ L 45, 20.2.2016, p. 15).

5. in Article 30, paragraph 7 is replaced by the following:

'7. Where a candidate or tenderer, or an undertaking related to a candidate or tenderer, has been involved in the preparation of a procurement procedure, for example by advising on the procurement strategy or developing specifications, the ECB shall take appropriate measures to ensure that competition is not distorted by the participation of that candidate or tenderer. The ECB may exclude the candidate or tenderer concerned from the procedure, if this is necessary for that purpose. Prior to exclusion, the candidate or tenderer shall be given the opportunity to prove that their previous involvement does not distort competition.';

6. in Article 35, point 3 is replaced by the following:

'3. The ECB shall select the suppliers invited to participate in the tender procedure either from among the tenderers admitted to a dynamic purchasing system or, where no such system is in place, from a list of suitable suppliers drawn up following a call for expression of interest. Where no such list is established, the ECB shall select the suppliers to be invited at its own discretion, on the basis of a proper market analysis, taking account of any possible cross-border interest, confirming the suppliers' suitability and their interest in participating in the procedure. The market analysis may include a publication of the contract opportunity in an electronic procurement system. Alternatively, the ECB may publish a contract notice on its website or using other appropriate media. In that case, the suppliers invited to participate in the tender procedure shall be selected on the basis of the responses received. Other suppliers that meet the same criteria may also be invited to participate in the tender procedure.';

7. in Article 35, point 4 is replaced by the following:

'4. If the value of a service contract referred to in Article 6(2) net of VAT exceeds or is equal to EUR 750 000, the ECB shall publish a contract notice in the Official Journal. The suppliers invited to participate in the tender procedure shall be selected on the basis of the responses received. Other suppliers that meet the same criteria may also be invited to participate in the tender procedure.';

8. in Article 41, the first sentence of paragraph 2 is replaced by the following:

'Tender procedures that were started before the entry into force of this Decision shall be completed in accordance with Decision ECB/2007/5.'.

Article 2

Entry into force

This Decision shall enter into force on 1 July 2016.

Done at Frankfurt am Main, 7 June 2016.

The President of the ECB

Mario DRAGHI

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