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Price: EUR 3

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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 31 January 2011

on the signing, on behalf the European Union, of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement

(2011/250/EU)

THE COUNCIL OF THE EUROPEAN UNION,

- (4) The Protocol amending the Agreement should be signed on behalf of the Union, subject to its conclusion,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), in conjunction with Article 218(5) thereof,

HAS ADOPTED THIS DECISION:

Having regard to the proposal from the European Commission,

Article 1

Whereas:

The signing of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement (hereinafter 'the Protocol'), is hereby approved on behalf of the Union, subject to the conclusion of the said Protocol ⁽²⁾.

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, subject to its conclusion, and to make the following declaration:

- (1) On 9 June 2010 the Council authorised the Commission to enter into negotiations with the Republic of Uzbekistan to amend the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, on the one part, and the Republic of Uzbekistan, of the other part ⁽¹⁾ (hereinafter 'the Agreement'), so as to ensure that the principles which apply to trade in other goods are also extended formally to trade in textile products. These negotiations have been successfully concluded and the Protocol amending the Agreement by deleting Article 16, and all references thereto, was initialled on 1 July 2010.
- (2) In the framework of the negotiations it was agreed between both parties to carry out a clean up exercise and to delete an obsolete technical provision that expired in 1998 and the corresponding Annex referring to it.
- (3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" or to "the Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".'

⁽¹⁾ OJ L 229, 31.8.1999, p. 3.

⁽²⁾ The text of the Protocol will be published together with the decision on its conclusion.

Article 3

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

Done at Brussels, 31 January 2011.

For the Council
The President
C. ASHTON

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 403/2011

of 26 April 2011

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 Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2011.

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

Done at Brussels, 26 April 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	JO	74,8
	MA	45,5
	TN	118,7
	TR	89,2
	ZZ	82,1
0707 00 05	AL	107,0
	EG	152,2
	TR	128,9
	ZZ	129,4
0709 90 70	MA	78,8
	TR	88,1
	ZA	13,0
	ZZ	60,0
0709 90 80	EC	33,0
	ZZ	33,0
0805 10 20	BR	65,7
	EG	51,7
	IL	62,4
	MA	50,2
	TN	48,6
	TR	72,7
	ZZ	58,6
0805 50 10	TR	57,1
	ZZ	57,1
0808 10 80	AR	79,6
	BR	81,1
	CA	97,7
	CL	76,1
	CN	107,5
	MK	50,2
	NZ	114,4
	US	121,4
	UY	65,4
	ZA	84,3
	ZZ	87,8
0808 20 50	AR	86,3
	CL	109,3
	CN	60,8
	ZA	89,3
	ZZ	86,4

⁽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'.

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE 2011/55/EU

of 26 April 2011

amending Council Directive 91/414/EEC to include paclobutrazol as active substance and amending Commission Decision 2008/934/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.

(4) The application was submitted to the United Kingdom, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

(1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included paclobutrazol.

(2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the notifier withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within two months from receipt of the draft assessment report. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of paclobutrazol.

(3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards

(5) The United Kingdom evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 20 November 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on paclobutrazol to the Commission on 4 November 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion 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 11 March 2011 in the format of the Commission review report for paclobutrazol.

(6) It has appeared from the various examinations made that plant protection products containing paclobutrazol may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance paclobutrazol. EFSA Journal 2010;8(11):1876. [60 pp.] doi:10.2903/j.efsa.2010.1876. Available online: www.efsa.europa.eu/efsajournal.htm

It is therefore appropriate to include paclobutrazol in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.

- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit confirmatory information as regards the specification of the technical material, as commercially manufactured, the analytical methods in soil and surface water for the metabolite NOA457654, the risk assessment for aquatic organisms, the residues of triazole derivative metabolites (TDMs) in primary crops, rotational crops and products of animal origin, and the potential endocrine disrupting properties. Paclobutrazol and its metabolite CGA 149907 is a mixture of several optical structures of the same molecule. Depending of the environmental conditions, these structures may break down differently in the environmental compartments soil, water and air. Further information should be submitted by the applicant as regards the potential effect of this phenomenon under realistic conditions of use.
- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing paclobutrazol to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of

Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.

- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Decision 2008/934/EC provides for the non-inclusion of paclobutrazol and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning paclobutrazol in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

The line concerning paclobutrazol in the Annex to Decision 2008/934/EC is deleted.

Article 3

Member States shall adopt and publish by 30 November 2011 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 December 2011.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing paclobutrazol as an active substance by 30 November 2011.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to paclobutrazol are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing paclobutrazol as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 May 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning paclobutrazol. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing paclobutrazol as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or
- (b) in the case of a product containing paclobutrazol as one of several active substances, where necessary, amend or withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 5

This Directive shall enter into force on 1 June 2011.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2011.

For the Commission

The President

José Manuel BARROSO

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'353	Paclobutrazol CAS No: 76738-62-0 CIPAC No: 445	(2RS,3RS)-1-(4-chloro-phenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol	≥ 930 g/kg	1 June 2011	31 May 2021	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on paclobutrazol, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 March 2011 shall be taken into account. In this overall assessment Member States shall pay particular attention to the risk to aquatic plants and ensure that conditions of use include the risk mitigation measures, where appropriate. The Member States concerned shall request the submission of confirmatory information as regards: (1) the specification of the technical material, as commercially manufactured; (2) the analytical methods in soil and surface water for the metabolite NOA457654; (3) the residues of triazole derivative metabolites (TDMs) in primary crops, rotational crops and products of animal origin; (4) the potential endocrine disrupting properties of paclobutrazol; (5) the potential adverse effects of breakdown products of the different optical structures of paclobutrazol and its metabolite CGA 149907 on the environmental compartments soil, water and air. The Member States concerned shall ensure that the applicant submits to the Commission the information set out in points (1) and (2) by 30 November 2011, the information set out in points (3) by 31 May 2013, the information set out in point (4) within two years after the adoption of the OECD test guidelines on endocrine disruption and the information set out in point (5) within two years after the adoption of specific guidance.'

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 18 April 2011

amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community

*(notified under document C(2011) 2633)***(Text with EEA relevance)**

(2011/251/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2009/766/EC ⁽²⁾ aims to harmonise the technical conditions for the availability and efficient use of the 900 MHz band, in accordance with Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community ⁽³⁾, and of the 1 800 MHz band for terrestrial systems capable of providing electronic communications services.
- (2) The efficient use of the 900 MHz and 1 800 MHz bands has been kept under review by the Member States with a view to covering additional technologies while ensuring technical compatibility with the GSM system and the UMTS system as defined in Directive 87/372/EEC by appropriate means.
- (3) On 15 June 2009 the Commission gave a mandate to the European Conference of Postal and Telecommunications Administrations ('the CEPT') pursuant to Article 4(2) of Decision No 676/2002/EC to define the technical conditions for allowing LTE and possibly other technologies into the 900 MHz and 1 800 MHz bands.
- (4) CEPT's response to the mandate is set out in CEPT Reports 40 and 41. Those Reports concluded that the LTE (Long Term Evolution) and WiMAX (Worldwide Interoperability for Microwave Access) systems can be

introduced in the 900 MHz and 1 800 MHz bands using appropriate values for the separation between the channel edges of the respective carriers.

- (5) As regards coexistence between UMTS, LTE and WiMAX and aeronautical systems above 960 MHz, CEPT Reports 41 and 42 provide information and recommendations on how to mitigate interference.
- (6) The results of the work carried out pursuant to the mandate issued to CEPT should be applied in the Union and Member States should be required to implement as soon as possible given the increasing market demand for the introduction of LTE and WiMAX in these bands. In addition, Member States should ensure that UMTS, LTE and WiMAX give appropriate protection to existing systems in adjacent bands.
- (7) Harmonised standards EN 301908-21 and EN 301908-22 are being finalised by the European Telecommunications Standards Institute (ETSI) in order to give presumption of conformity with Article 3(2) of Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ⁽⁴⁾.
- (8) The Annex to Decision 2009/766/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2009/766/EC is replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ OJ L 274, 20.10.2009, p. 32.

⁽³⁾ OJ L 196, 17.7.1987, p. 85.

⁽⁴⁾ OJ L 91, 7.4.1999, p. 10.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 April 2011.

For the Commission

Neelie KROES

Vice-President

ANNEX

'ANNEX

LIST OF TERRESTRIAL SYSTEMS REFERRED TO IN ARTICLE 3 AND ARTICLE 4(2)

The following technical parameters shall be applied as an essential component of the conditions necessary to ensure coexistence in the absence of bilateral or multilateral agreements between neighbouring networks, without precluding less stringent technical parameters if agreed among the operators of such networks.

Systems	Technical parameters	Implementation deadlines
UMTS complying with UMTS Standards, as published by ETSI, in particular EN 301908-1, EN 301908-2, EN 301908-3 and EN 301908-11	1. Carrier separation of 5 MHz or more between two neighbouring UMTS networks. 2. Carrier separation of 2,8 MHz or more between a neighbouring UMTS network and a GSM network.	9 May 2010
LTE complying with LTE Standards, as published by ETSI, in particular EN 301908-1, EN 301908-13, EN 301908-14, and EN 301908-11	1. A frequency separation of 200 kHz or more between the LTE channel edge and the GSM carrier's channel edge between a neighbouring LTE network and a GSM network. 2. No frequency separation is required between LTE channel edge and the UMTS carrier's channel edge between a neighbouring LTE network and a UMTS network. 3. No frequency separation is required between LTE channel edges between two neighbouring LTE networks.	31 December 2011
WiMAX complying with WiMAX Standards, as published by ETSI, in particular EN 301908-1, EN 301908-21 and EN 301908-22	1. A frequency separation of 200 kHz or more between the WiMAX channel edge and the GSM carrier's channel edge between a neighbouring WiMAX network and a GSM network. 2. No frequency separation is required between the WiMAX channel edge and the UMTS carrier's channel edge between a neighbouring WiMAX network and a UMTS network. 3. No frequency separation is required between WiMAX channel edges between two neighbouring WiMAX networks.	31 December 2011'

COMMISSION IMPLEMENTING DECISION

of 26 April 2011

allowing Member States to extend provisional authorisations granted for the new active substances ascorbic acid, ipconazole, spiromesifen, topramezone, and *Pseudomonas* sp. strain DSMZ 13134

(notified under document C(2011) 2668)

(Text with EEA relevance)

(2011/252/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in September 2004 the Netherlands received an application from Citrex Nederland BV for the inclusion of the active substance ascorbic acid in Annex I to Directive 91/414/EEC. Commission Decision 2005/751/EC ⁽²⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC, in March 2007 the United Kingdom received an application from Kureha GmbH for the inclusion of the active substance ipconazole in Annex I to Directive 91/414/EEC. Commission Decision 2008/20/EC ⁽³⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (3) In accordance with Article 6(2) of Directive 91/414/EEC, in April 2002 the United Kingdom received an application from Bayer CropScience AG for the inclusion of the active substance spiromesifen in Annex I to Directive 91/414/EEC. Commission Decision 2003/105/EC ⁽⁴⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (4) In accordance with Article 6(2) of Directive 91/414/EEC, in May 2003 France received an application from BASF SE for the inclusion of the active substance topramezone in Annex I to Directive 91/414/EEC. Commission Decision 2003/850/EC ⁽⁵⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.

- (5) In accordance with Article 6(2) of Directive 91/414/EEC, in August 2008 the Netherlands received an application from Sourcon-Padena GmbH & Co KG for the inclusion of the active substance *Pseudomonas* sp. strain DSMZ 13134 in Annex I to Directive 91/414/EEC. Commission Decision 2008/599/EC ⁽⁶⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (6) Confirmation of the completeness of the dossiers was necessary in order to allow them to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to 3 years, for plant protection products containing the active substances concerned, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substances and the plant protection products in the light of the requirements laid down by that Directive.
- (7) For these active substances, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicants. The rapporteur Member States submitted the respective draft assessment reports to the Commission on 10 September 2007 (ascorbic acid), on 29 May 2008 (ipconazole), on 9 March 2004 (spiromesifen), on 26 July 2007 (topramezone) and on 3 November 2009 (*Pseudomonas* sp. strain DSMZ 13134).
- (8) Following submission of the draft assessment reports by the rapporteur Member States, it has been found to be necessary to request further information from the applicants and to have the rapporteur Member States examine that information and submit their assessment. Therefore, the examination of the dossiers is still ongoing and it will not be possible to complete the evaluation within the timeframe provided for in Directive 91/414/EEC, read in conjunction with Commission Decisions 2009/579/EC ⁽⁷⁾ (ascorbic acid) and 2009/311/EC ⁽⁸⁾ (topramezone).
- (9) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substances concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 282, 26.10.2005, p. 18.

⁽³⁾ OJ L 1, 4.1.2008, p. 5.

⁽⁴⁾ OJ L 43, 18.2.2003, p. 45.

⁽⁵⁾ OJ L 322, 9.12.2003, p. 28.

⁽⁶⁾ OJ L 193, 22.7.2008, p. 14.

⁽⁷⁾ OJ L 198, 30.7.2009, p. 80.

⁽⁸⁾ OJ L 91, 3.4.2009, p. 25.

of the dossiers to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible inclusion in Annex I to that Directive for ascorbic acid, ipconazole, spiromesifen, topramezone, and *Pseudomonas* sp. strain DSMZ 13134 will have been completed within 24 months.

- (10) 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

Member States may extend provisional authorisations for plant protection products containing ascorbic acid, ipconazole,

spiromesifen, topramezone, or *Pseudomonas* sp. strain DSMZ 13134 for a period ending on 30 April 2012 at the latest.

Article 2

This Decision shall expire on 30 April 2012.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2011.

For the Commission

John DALLI

Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 26 April 2011

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of metobromuron, S-Abscisic acid, *Bacillus amyloliquefaciens* subsp. *plantarum* D747, *Bacillus pumilus* QST 2808 and *Streptomyces lydicus* WYEC 108 in Annex I to Council Directive 91/414/EEC

(notified under document C(2011) 2675)

(Text with EEA relevance)

(2011/253/EU)

THE EUROPEAN COMMISSION,

SL to the authorities of the Netherlands on 6 August 2010 with the application to obtain its inclusion in Annex I to Directive 91/414/EEC.

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC provides for the development of a European Union list of active substances authorised for incorporation in plant protection products.
- (2) The dossier for the active substance metobromuron was submitted by Belchim crop protection NV/SA to the authorities of France on 15 December 2010 with the application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (3) The dossier for the active substance S-Abscisic acid was submitted by Valent BioScience Corporation to the authorities of the Netherlands on 9 December 2010 with the application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (4) The dossier for the active substance *Bacillus amyloliquefaciens* subsp. *plantarum* strain D747 was submitted by Mitsui AgriScience International SA/NV to the authorities of Germany on 21 October 2010 with the application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (5) The dossier for the active substance *Bacillus pumilus* strain QST 2808 was submitted by AgraQuest Inc to the authorities of the Netherlands on 3 December 2010 with the application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (6) The dossier for the active substance *Streptomyces lydicus* strain WYEC 108 was submitted by FuturEco BioScience

- (7) The authorities of France, the Netherlands and Germany have indicated to the Commission that, on preliminary examination, the dossiers for the active substances concerned appear to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossiers submitted appear also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substances concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossiers were subsequently forwarded by the applicants to the Commission and the other Member States, and were referred to the Standing Committee on the Food Chain and Animal Health.

- (8) By this Decision it should be formally confirmed at Union level that the dossiers are considered as satisfying in principle the data and information requirements set out in Annex II and, for at least one plant protection product containing one of the active substances concerned, the requirements set out in Annex III to Directive 91/414/EEC.

- (9) 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

The dossiers concerning the active substances identified in the Annex to this Decision, which were submitted to the Commission and the Member States with a view to obtaining the inclusion of those substances in Annex I to Directive 91/414/EEC, satisfy in principle the data and information requirements set out in Annex II to that Directive.

The dossiers also satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance, taking into account the uses proposed.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

Article 2

The rapporteur Member States shall pursue the detailed examination for the dossiers referred to in Article 1 and shall communicate to the Commission the conclusions of their examination accompanied by any recommendations on the inclusion or non-inclusion in Annex I to Directive 91/414/EEC of the active substances referred to in Article 1 and any conditions for those inclusions as soon as possible and by 30 April 2012 at the latest.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX

ACTIVE SUBSTANCES CONCERNED BY THIS DECISION

Common Name, CIPAC Identification Number	Applicant	Date of application	Rapporteur Member State
Metobromuron CIPAC-No 168	Belchim crop protection NV/SA	15 December 2010	FR
S-Absciscic acid CIPAC-No not attributed	Valent BioScience Corporation	9 December 2010	NL
<i>Bacillus amyloliquefaciens</i> subsp. <i>plantarum</i> strain D747 CIPAC-No not applicable	Mitsui AgriScience International SA/NV	21 October 2010	DE
<i>Bacillus pumilus</i> strain QST 2808 CIPAC-No not applicable	AgraQuest Inc	3 December 2010	NL
<i>Streptomyces lydicus</i> strain WYEC 108 CIPAC-No not applicable	FuturEco BioScience SL	6 August 2010	NL

COMMISSION DECISION

of 20 April 2011

on the clearance of the accounts of certain paying agencies in Germany, Italy and Romania concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2009 financial year

*(notified under document C(2011) 2748)***(Only the German, Italian and Romanian texts are authentic)**

(2011/254/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 30 and 33 thereof,

After consulting the Fund Committee,

Whereas:

- (1) Commission Decisions 2010/263/EU ⁽²⁾ and 2010/722/EU ⁽³⁾, cleared for the 2009 financial year, the accounts of all the paying agencies except for the German paying agencies 'Bayern' and 'Rheinland-Pfalz', the Italian paying agency 'ARBEA' and the Romanian paying agency 'PARDF'.
- (2) Following the transmission of new information and after additional checks, the Commission can now take a decision concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) on the integrality, accuracy and veracity of the accounts submitted by the German paying agencies 'Bayern' and 'Rheinland-Pfalz', the Italian paying agency 'ARBEA' and the Romanian paying agency 'PARDF'.
- (3) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions

taken subsequently by the Commission excluding from EU financing expenditure not effected in accordance with EU rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the German paying agencies 'Bayern' and 'Rheinland-Pfalz', the Italian paying agency 'ARBEA' and the Romanian paying agency 'PARDF' concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD), in respect of the 2009 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, including those resulting from the application of Article 33(8) of Regulation (EC) No 1290/2005, are set out in Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany, the Italian Republic and Romania.

Done at Brussels, 20 April 2011.

For the Commission

Dacian CIOLOȘ

Member of the Commission⁽¹⁾ OJ L 209, 11.8.2005, p. 1.⁽²⁾ OJ L 113, 6.5.2010, p. 14.⁽³⁾ OJ L 312, 27.11.2010, p. 25.

ANNEX

**CLEARANCE OF DISJOINED EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME AND MEASURE FOR
FINANCIAL YEAR 2009**

Amount to be recovered from or paid to the Member State per programme

(EUR)							
CCI	Expenditure 2009	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2009	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State
DE: 2007DE06RPO004	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
121	259 668,44	0,00	259 668,44	0,00	259 668,44	259 668,44	0,00
123	5 730 300,00	0,00	5 730 300,00	0,00	5 730 300,00	5 730 300,00	0,00
125	10 764 435,78	0,00	10 764 435,78	0,00	10 764 435,78	10 764 435,78	0,00
126	6 992 203,75	0,00	6 992 203,75	0,00	6 992 203,75	6 992 203,75	0,00
211	12 160 787,17	0,00	12 160 787,17	0,00	12 160 787,17	12 160 787,17	0,00
212	43 167 210,11	0,00	43 167 210,11	0,00	43 167 210,11	43 167 210,11	0,00
213	224 555,29	0,00	224 555,29	0,00	224 555,29	224 555,29	0,00
214	91 278 547,84	0,00	91 278 547,84	0,00	91 278 547,84	91 278 547,84	0,00
216	560 300,00	0,00	560 300,00	0,00	560 300,00	560 300,00	0,00
221	– 90,05	0,00	– 90,05	0,00	– 90,05	– 90,05	0,00
225	493 654,72	0,00	493 654,72	0,00	493 654,72	493 654,72	0,00
227	2 504 517,81	0,00	2 504 517,81	0,00	2 504 517,81	2 504 517,81	0,00
322	14 304 064,62	0,00	14 304 064,62	0,00	14 304 064,62	14 304 064,62	0,00
323	5 687 519,01	0,00	5 687 519,01	0,00	5 687 519,01	5 687 519,01	0,00
413	59 476,00	0,00	59 476,00	0,00	59 476,00	59 476,00	0,00
421	17 324,00	0,00	17 324,00	0,00	17 324,00	17 324,00	0,00
431	36 491,00	0,00	36 491,00	0,00	36 491,00	36 491,00	0,00
511	117 389,50	0,00	117 389,50	0,00	117 389,50	117 389,50	0,00
Total	194 358 354,99	0,00	194 358 354,99	0,00	194 358 354,99	194 358 354,99	0,00
DE: 2007DE06RPO017	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
111	100 328,50	0,00	100 328,50	0,00	100 328,50	100 328,50	0,00
112	395 323,88	0,00	395 323,88	0,00	395 323,88	395 323,88	0,00
121	4 912 020,18	0,00	4 912 020,18	0,00	4 912 020,18	4 912 020,18	0,00
123	1 648 837,11	0,00	1 648 837,11	0,00	1 648 837,11	1 648 837,11	0,00
125	10 734 057,33	0,00	10 734 057,33	0,00	10 734 057,33	10 734 057,33	0,00
126	2 154 959,26	0,00	2 154 959,26	0,00	2 154 959,26	2 154 959,26	0,00
132	8 657,94	0,00	8 657,94	0,00	8 657,94	8 657,94	0,00
212	5 849 791,23	0,00	5 849 791,23	0,00	5 849 791,23	5 849 791,23	0,00
214	8 178 342,65	0,00	8 178 342,65	0,00	8 178 342,65	8 178 342,65	0,00

(EUR)

CCI	Expenditure 2009	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2009	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State
DE: 2007DE06RPO017	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
216	1 367,06	0,00	1 367,06	0,00	1 367,06	1 367,06	0,00
227	502 795,50	0,00	502 795,50	0,00	502 795,50	502 795,50	0,00
311	496 495,50	0,00	496 495,50	0,00	496 495,50	496 495,50	0,00
323	537 213,39	0,00	537 213,39	0,00	537 213,39	537 213,39	0,00
341	282 171,64	0,00	282 171,64	0,00	282 171,64	282 171,64	0,00
413	3 466,65	0,00	3 466,65	0,00	3 466,65	3 466,65	0,00
431	183 731,63	0,00	183 731,63	0,00	183 731,63	183 731,63	0,00
511	86 874,50	0,00	86 874,50	0,00	86 874,50	86 874,50	0,00
Total	36 076 433,95	0,00	36 076 433,95	0,00	36 076 433,95	36 076 433,95	0,00
IT: 2007IT06RPO017	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
211	100 628,67	0,00	100 628,67	0,00	100 628,67	100 628,67	0,00
212	79 124,10	0,00	79 124,10	0,00	79 124,10	79 124,10	0,00
214	15 810 485,53	0,00	15 810 485,53	0,00	15 810 485,53	15 810 366,35	119,18
221	1 047 000,23	0,00	1 047 000,23	0,00	1 047 000,23	1 047 000,23	0,00
Total	17 037 238,53	0,00	17 037 238,53	0,00	17 037 238,53	17 037 119,35	119,18
RO: 2007RO06RPO001	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
112	4 624 517,57	0,00	4 624 517,57	0,00	4 624 517,57	4 837 089,84	– 212 572,27
121	71 594 296,40	0,00	71 594 296,40	0,00	71 594 296,40	71 591 194,43	3 101,97
123	20 065 495,06	0,00	20 065 495,06	0,00	20 065 495,06	20 064 878,85	616,21
141	969 406,57	0,00	969 406,57	0,00	969 406,57	1 010 400,00	– 40 993,43
211	72 463 835,05	0,00	72 463 835,05	0,00	72 463 835,05	74 514 093,71	– 2 050 258,66
212	26 517 136,14	0,00	26 517 136,14	0,00	26 517 136,14	27 733 960,25	– 1 216 824,11
214	111 954 519,17	0,00	111 954 519,17	0,00	111 954 519,17	117 056 710,44	– 5 102 191,27
312	577 973,58	0,00	577 973,58	0,00	577 973,58	577 973,58	0,00
313	85 874,54	0,00	85 874,54	0,00	85 874,54	85 874,54	0,00
322	2 787 198,86	0,00	2 787 198,86	0,00	2 787 198,86	2 787 198,86	0,00
511	939 429,44	0,00	939 429,44	0,00	939 429,44	939 429,48	– 0,04
611	216 097 850,90	0,00	216 097 850,90	0,00	216 097 850,90	244 729 075,07	– 28 631 224,17
Total	528 677 533,28	0,00	528 677 533,28	0,00	528 677 533,28	565 927 879,05	– 37 250 345,77

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