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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ Notice concerning the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland 1
- ★ Notice concerning the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway 1
- ★ Notice concerning the entry into force of the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014 2
- ★ Notice concerning the entry into force of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009-2014 2

REGULATIONS

- ★ Council Implementing Regulation (EU) No 405/2011 of 19 April 2011 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel bars and rods originating in India 3
- ★ Commission Implementing Regulation (EU) No 406/2011 of 27 April 2011 amending Regulation (EC) No 2380/2001 as regards the composition of the feed additive maduramicin ammonium alpha ⁽¹⁾ 11

Price: EUR 3

(Continued overleaf)

⁽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.

★ Commission Regulation (EU) No 407/2011 of 27 April 2011 amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of certain Regulations of the United Nations Economic Commission for Europe on the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor ⁽¹⁾	13
★ Commission Regulation (EU) No 408/2011 of 27 April 2011 implementing Regulation (EC) No 1185/2009 of the European Parliament and of the Council concerning statistics on pesticides, as regards transmission format ⁽¹⁾	21
★ Commission Implementing Regulation (EU) No 409/2011 of 27 April 2011 amending Regulation (EC) No 619/2008 opening a standing invitation to tender for export refunds concerning certain milk products	23
★ Commission Implementing Regulation (EU) No 410/2011 of 27 April 2011 amending Regulation (EC) No 259/2008 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the publication of information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD)	24
Commission Implementing Regulation (EU) No 411/2011 of 27 April 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables	26
Commission Implementing Regulation (EU) No 412/2011 of 27 April 2011 on the issue of licences for importing rice under the tariff quotas opened for the April 2011 subperiod by Regulation (EC) No 327/98	28

DIRECTIVES

★ Commission Implementing Directive 2011/56/EU of 27 April 2011 amending Council Directive 91/414/EEC to include cyproconazole as active substance and amending Commission Decision 2008/934/EC ⁽¹⁾	30
★ Commission Implementing Directive 2011/57/EU of 27 April 2011 amending Council Directive 91/414/EEC to include fluometuron as active substance and amending Commission Decision 2008/934/EC ⁽¹⁾	34



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland

The procedures necessary for the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland ⁽¹⁾, signed in Brussels on 28 July 2010 and provisionally applicable since 1 March 2011, have been completed on 7 March 2011. Consequently, this Protocol will enter into force, in accordance with its Article 3, second paragraph, on 1 May 2011.

⁽¹⁾ OJ L 291, 9.11.2010, p. 14.

Notice concerning the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway

The procedures necessary for the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway ⁽¹⁾, signed in Brussels on 28 July 2010 and provisionally applicable since 1 March 2011, have been completed on 7 March 2011. Consequently, this Protocol will enter into force, in accordance with its Article 5, second paragraph, on 1 May 2011.

⁽¹⁾ OJ L 291, 9.11.2010, p. 18.

Notice concerning the entry into force of the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014

The procedures necessary for the entry into force of the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009-2014 ⁽¹⁾, signed in Brussels on 28 July 2010 and provisionally applicable since 1 January 2011, have been completed on 7 March 2011. Consequently, this Agreement will enter into force, in accordance with its Article 9, second paragraph, on 1 May 2011.

⁽¹⁾ OJ L 291, 9.11.2010, p. 10.

Notice concerning the entry into force of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009-2014

The procedures necessary for the entry into force of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009-2014 ⁽¹⁾, signed in Brussels on 28 July and 19 August 2010 and provisionally applicable since 1 January 2011, have been completed on 7 March 2011. Consequently, this Agreement will enter into force, in accordance with its Article 3, second paragraph, on 1 May 2011.

⁽¹⁾ OJ L 291, 9.11.2010, p. 4.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 405/2011

of 19 April 2011

imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel bars and rods originating in India

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 15(1) thereof,

Having regard to the proposal submitted by the European Commission after having consulted the Advisory Committee,

Whereas:

1. PROCEDURE

1.1. Provisional measures

- (1) The Commission, by Regulation (EU) No 1261/2010⁽²⁾ (the provisional Regulation) imposed a provisional countervailing duty on imports of certain stainless steel bars originating in India.
- (2) The proceeding was initiated following a complaint lodged on 15 February 2010 by the European Federation of Iron and Steel Industries (Eurofer) (the complainant) on behalf of producers representing a major proportion, in this case more than 25 %, of total Union production of certain stainless steel bars.
- (3) As set out in recital 23 of the provisional regulation, the investigation of subsidisation and injury covered the period from 1 April 2009 to 31 March 2010 ('investigation period' or 'IP'). The examination of the trends relevant for the assessment of injury covered the period from 2007 to the end of the investigation period (period considered).

1.2. Subsequent procedure

- (4) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional countervailing measures (provisional disclosure), several interested parties made written submissions making their views known on the provisional findings. The parties who so requested were granted the opportunity to be heard. The Commission continued to seek information it deemed necessary for its definitive findings. The oral and written comments submitted by the interested parties were considered and taken into account, where appropriate.
- (5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive countervailing duty on imports of certain stainless steel bars originating in India and the definitive collection of the amounts secured by way of the provisional duty. The parties were also granted a period within which they could make representations subsequent to this final disclosure.

1.3. Parties concerned by the proceeding

- (6) In the absence of any comments concerning the parties concerned by the proceeding, recitals 5 to 22 of the provisional Regulation are hereby confirmed.

2. PRODUCT CONCERNED AND THE LIKE PRODUCT

2.1. Product concerned

- (7) It is recalled that, as stated in recital 24 of the provisional Regulation, 'the product concerned' was defined as stainless steel bars and rods, not further worked than cold-formed or cold-finished, other than bars and rods of circular cross-section of a diameter of 80 mm or more, originating in India currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89.
- (8) One exporting producer in India claimed that SSB of a circular cross section of a diameter of less than 80 mm but outside the tolerance range of H6 to H11 should be excluded from the investigation because it does not fall within the product scope.

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

⁽²⁾ OJ L 343, 29.12.2010, p. 57.

- (9) This argument was rejected since the product scope does not refer to tolerances. The product control number (PCN) in the questionnaire does contain a field for tolerances limited to range H6 to H11 but this is only for comparison purposes and has no binding consequences for the product under investigation. It is therefore concluded that products outside the tolerance range of H6 to H11 should not be excluded.
- (10) It should be noted that for the calculation of the provisional subsidy and injury margins, the products outside the tolerance range of H6 to H11 were taken into account.

2.2. Like product

- (11) In the absence of any comments concerning the like product, recital 25 of the provisional Regulation is hereby confirmed.

3. SUBSIDISATION

3.1. Introduction

- (12) In recital 26 of the provisional Regulation, reference was made to the following schemes, which allegedly involve the granting of subsidies:

- (a) duty entitlement passbook scheme;
- (b) advance authorisation scheme;
- (c) export promotion capital goods scheme;
- (d) export oriented units scheme;
- (e) export credit scheme.

- (13) The Union industry questioned whether the Commission failed to take into account a number of subsidy schemes, and as a result believed that the subsidies found to be received by Indian producers were underestimated.
- (14) In reply to this, it should be noted that the complaint contained a great number of national and local subsidy schemes, which were included in the questionnaire to exporting producers in India and investigated by the

Commission. However, only for the schemes listed in recital 12 above, it was found that the investigated exporting producers in the sample had received subsidies.

- (15) The Union industry also argued that the Commission findings contradict a US Department of Commerce (US DOC) finding in a recent countervailing proceedings concerning certain steel exports from India where much higher subsidies were found. However, it should be noted that this finding relates to a different product and cover a different investigation period. Consequently, this argument is hereby rejected.
- (16) In the absence of any other comments, recitals 26 to 28 of the provisional Regulation are hereby confirmed.

3.2. Duty entitlement passbook scheme (DEPBS)

- (17) Several parties argued that the DEPBS should not be considered as a countervailable subsidy, since the purpose of the scheme is to offset customs duties on imports. As explained in recital 38 of the provisional Regulation this scheme cannot be considered a permissible duty drawback system or substitution drawback system within the meaning of Article 3(1)(a)(ii) of the basic Regulation since it does not conform to the rules laid down in Annex I item (i), Annex II (definition and rules for drawback) and Annex III (definition and rules for substitution drawback) to the basic Regulation. In particular, an exporter is under no obligation to actually consume the goods imported free of duty in the production process and the amount of credit is not calculated in relation to actual inputs used. Moreover, there is no system or procedure in place to confirm which inputs are consumed in the production process of the exported product or whether an excess payment of import duties occurred within the meaning of item (i) of Annex I, and Annexes II and III to the basic Regulation. Lastly, an exporter is eligible for the DEPBS benefits regardless of whether it imports any inputs at all. In order to obtain the benefit, it is sufficient for an exporter to simply export goods without demonstrating that any input material was imported. Thus, even exporters which procure all of their inputs locally and do not import any goods which can be used as inputs are still entitled to benefit from the DEPBS. Therefore, these arguments are hereby rejected.
- (18) In case of sales of the DEPB licence, one party argued that the actual selling price was below the licence value and therefore the benefit was less. In this regard, it should be noted that the benefit under this scheme was calculated on the basis of the amount of credit granted in the licence regardless of whether the licence was used to offset customs duties on imports or whether the licence was actually sold. It is considered that any sale of a licence at a price less the face value is a pure commercial decision which does not alter the amount of benefit received under this scheme. Therefore, this argument is hereby rejected.

- (19) One party further argued that even if the DEPBS was considered countervailable, the benefit received under the scheme should not be based on export value, but rather the actual use of the DEPBS licence. In this respect, it should be recalled that in accordance with Articles 3(2) and 5 of the basic Regulation, the amount of countervailable subsidies was calculated in terms of benefit conferred on the recipient, which is found to exist during the IP. In this regard, it was considered that the benefit is conferred on the recipient at the point of time when an export transaction is made under this scheme. At that moment, the Government of India (GOI) is liable to forego the customs duties, which constitutes a financial contribution within the meaning of Article 3(1)(a)(i) of the basic Regulation. Once the customs authorities issue an export shipping bill which shows, inter alia, the amount of DEPBS credit which is to be granted for that export transaction, the GOI has no discretion as to whether or not to grant the subsidy. By virtue of the fact that a company is aware that it will receive a subsidy under DEPBS, the company is in a more advantageous position, because it can reflect the subsidies through offering lower prices. The moment of export is decisive in order to establish conferral of a benefit, not the subsequent usage, because an exporter already with such vested right is 'better off' in financial terms. Consequently, this claim is hereby rejected.
- (20) In the absence of any other comments concerning this scheme, recitals 29 to 41 of the provisional Regulation are hereby confirmed.

3.3. Advance authorisation scheme (AAS)

- (21) One party argued that the AAS should be considered as a duty drawback system, because the imported materials are used to produce exported goods. In reply to this argument, it was explained in recital 54 of the provisional Regulation that the sub-scheme used in the present case cannot be considered permissible duty drawback system or substitution drawback system within the meaning of Article 3(1)(a)(ii) of the basic Regulation. It does not conform to the rules laid down in Annex I item (i), Annex II (definition and rules for drawback) and Annex III (definition and rules for substitution drawback) to the basic Regulation. The GOI did not effectively apply a verification system or a procedure to confirm whether and in what amounts inputs were consumed in the production of the exported product (Annex II(II)(4) to the basic Regulation and, in the case of substitution drawback schemes, Annex III(II)(2) to the basic Regulation). It is also considered that the standard input-output norms (SIONs) for the product concerned were not sufficiently precise and that themselves cannot constitute a verification system of actual consumption because the design of those standard norms does not enable the GOI to verify with sufficient precision what amounts of inputs were consumed in the export production. In addition, the GOI did not carry out a further examination based on actual inputs involved, although this would normally need to be carried out in the absence of an effectively applied verification system

(Annex II(II)(5) and Annex III(II)(3) to the basic Regulation). The sub-scheme is therefore countervailable, and the argument is hereby rejected.

- (22) Regarding the calculation of the subsidy amount, and contrary to the submission by one party, AAS benefit generated by other than the product concerned had to be considered when establishing the amount of countervailable benefit. No obligation exists under AAS which limits the use of the benefit to the importation of duty-free input material linked to a particular product. Consequently, the product concerned can benefit from all AAS benefit generated.
- (23) In the absence of any other comments concerning this scheme, recitals 42 to 58 of the provisional Regulation are hereby confirmed.

3.4. Export promotion capital goods scheme (EPCGS)

- (24) In the absence of any comments concerning this scheme, recital 59 of the provisional Regulation is hereby confirmed.

3.5. Export oriented units scheme (EOUS)

- (25) Before addressing a number of comments from the company in the sample which had the status of an EOU, it should be recalled that a crucial obligation of an EOU as set out in the FT-policy 2004-2009 and FT-policy 2009-2014 is to achieve net foreign exchange (NFE) earnings, that is in a reference period (5 years) the total value of exports has to be higher than the total value of imported goods. All enterprises which, in principle, undertake to export their entire production of goods or services may be set up under the EOUS.
- (26) In return, export oriented units are entitled to a number of concessions listed under recital 66 of the provisional Regulation. They are contingent in law upon export performance, and therefore deemed to be specific and countervailable under Article 4(4), first subparagraph, point (a) of the basic Regulation. The export objective of an EOU as set out in Chapter 6.1 of the FT-policy 2009-2014 is a *conditio sine qua non* to obtain the subsidies.
- (27) The exemptions an EOU enjoys are all contingent in law upon export performance. The EOUS cannot be considered as a permissible duty drawback system or substitution drawback system within the meaning of Article 3(1)(a)(ii) of the basic Regulation. It does not conform to the strict rules laid down in Annex

I (items (H) and (i), Annex II (definition and rules for drawback) and Annex III (definition and rules for substitution drawback) to the basic Regulation.

- (28) In addition, it has not been confirmed that the GOI has a verification system or procedure in place to confirm whether and in what amounts duty and or sales tax free procured inputs were consumed in the production of the exported product (Annex II(II)(4) to the basic Regulation and, in the case of substitution drawback schemes, Annex III(II)(2) to the basic Regulation). The verification system in place aims at monitoring the NFE earning obligation and not the consumption of imports in relation to the production of exported goods.
- (29) In the view of the party with the status of an EOU, countervailability of any benefit is subject to two conditions: (i) lack of a verification system; and (ii) that there is excess remission. In reply to this, it should be noted that it is vital for the GOI to demonstrate that it has put in place a proper verification system to determine which inputs were consumed in the production process and in what amounts. The lack of a proper verification system will be further addressed below. Regarding the issue of excess remission, this is only relevant in a case where it has determined that a scheme, in this cases the EOUS, is a bona fide duty drawback scheme which fulfils the requirements of Annexes I, II and III to the basic Regulation. As already explained in recital 27 above, the EOUS cannot be considered as a permissible duty drawback system or substitution drawback system within the meaning of Article 3(1)(a)(ii) of the basic Regulation.
- (30) The party further underlined the default character of the EOU system as one that allows duty-free imports of raw material for exports of final goods. The party argued that the EOU system may be assimilated with the special customs procedure of inward processing relief, not duty drawback. It claimed that irrespective of whether the outcome of these two systems is theoretically the same (export of goods that incorporate raw materials for which duty upon importation is foregone), there are substantial differences between them. In support for the claim, the party argued that in a duty drawback system, the exporter has the right to claim the refund or duties for raw material incorporated in the final goods. In the inward processing system, the exporter is exempted from any import duty but has the legal obligation to pay duty for any final goods sold domestically. The party argued that there cannot be any excess remission under the latter system.
- (31) In reply to this, it should first of all be noted that it can only be determined whether excess payment has taken place in cases where there is a verification system in

place aiming to monitor the consumption of imports in relation to the production of exported goods. Regarding the party's claim that the EOU is not a duty drawback scheme, it should be noted that footnote 2 of Annex I to the basic Regulation clearly stipulates that for the purpose of the basic Regulation 'remission or drawback' includes the full or partial exemption or deferral of import charges. It should be clear that the basic concept applying to duty drawback refund or exemption schemes are the same, i.e. that import duties on imports of raw materials are either not payable or refundable on the condition that such raw materials are used in the manufacture of products, which are consequently exported. Finally, it should be clear that, in order to determine whether the EOUS is to be considered as a bona fide duty drawback scheme, it has to meet the requirements of Annexes I, II and III to the basic Regulation.

- (32) The party further claimed that an EOU is subject to a proper verification system and further verification steps regarding both its export and domestic sales. It claimed that not only the foreign trade policy (FTP) and the Handbook of procedures (HOP), which establishes the laws and procedures to EOU, were relevant. It should also be investigated whether there are other Indian laws and Regulations in place which establish a reasonable and effective verification system. In support for its claim, the party argued that, according to Section 6.10.1 of the HOP, it is legally obliged to maintain proper accounts and shall file digitally signed quarterly and annual progress reports concerning imports, domestic purchases, export and domestic sales. The party further argued that, according to the Central Excise Act, 1944, when making domestic sales, it is under the legal obligation to issue a tax invoice on which, for example, the payable taxes clearly are indicated. The Central Excise Act also establishes monthly requirements according to which the party must submit to the authorities full details of its domestic sales. Also, under the Companies Act, 1956, and the applicable accounting standards, the party is legally obliged to provide detailed information on imports and domestic procurement, as well as export and domestic sales in its audited financial statements.
- (33) In reply to this, it is not disputed that the Companies Act may provide the framework for accounting standards in India. However, when accessing the countervailability of the EOU, the relevant issue is whether the GOI has a system in place which can confirm whether and in what amounts inputs free of duty or tax were consumed in the production of the exported goods.
- (34) The requirements under the Central Excise Act serve a completely different purpose, i.e. to ensure that applicable taxes are paid in case of sales on the domestic market in India. It does not verify the duty-free imported materials, and it does not control the

nexus between duty-free inputs and resultant export products in order to qualify as duty drawback schemes.

- (35) Concerning further verification steps installed, it should be recalled, as mentioned under recital 69 of the provisional Regulation, that an EOU is at no point in time required to co-relate every import consignment with the destination of the corresponding resulting product. Only such consignment controls, however, would provide the Indian authorities with sufficient information about the final destination of inputs to check that duty/sales tax exemptions do not exceed inputs for export production.
- (36) Consequently, despite careful consideration of the submission made by this party, it was confirmed that the GOI has no effective verification system or procedure in place to confirm whether and in what amounts duty and sales tax-free procured inputs were consumed in the production of the exported product (Annex II(II)(4) to the basic Regulation and, in the case of substitution drawback schemes, Annex III(II)(2) to the basic Regulation). Also the GOI did not carry out a further examination based on actual inputs involved, although this would be normally required in the absence of an effective verification system (Annex II(II)(5) and Annex III(II)(3) to the basic Regulation). Furthermore no evidence was provided by the GOI that no excess remission took place.
- (37) The party argued that for the purpose of the subsidy calculation the Commission should have taken into account customs duties paid on domestic sales of finished products. In reply to this argument, it should be noted that though the purpose for setting up an EOU unit is to achieve NFE earning, the EOU unit has the possibility to sell part of its production on the domestic market. Under the EOUS, the goods will be treated as imported goods though only a concessional duty rate of 50 % has to be paid. As such, an EOU is not in a different situation than other companies operating on the domestic market, i.e. applicable duties/taxes would have to be paid on purchased goods. In this context, it should be clear that a decision of the GOI to tax goods for consumption on the domestic market does not mean that the exemption of an EOU unit from import duties and reimbursement of sales taxes is not a benefit in relation to the export sales of the product concerned. Moreover, the sales on the domestic market have no impact on the more general assessment of the adequacy of whether there is an appropriate verification system in place.
- (38) The party also argued that the Commission uses the wrong denominator when calculating the subsidy amount. It claimed that the correct denominator is the entire sales turnover and not the export sales turnover. This claim has to be rejected. In accordance with

Article 7(2) of the basic Regulation, the subsidy amount (numerator) calculated under the scheme was allocated over total export turnover during the IP as appropriate denominator because the subsidy is contingent upon export performance. The possibility for an EOU to sell part of its production on the domestic market does not alter the fact that EOUS has a clear export objective.

- (39) Lastly, the party argued that the benefit conferred upon the company should be equal to the credit costs foregone by the GOI between the time the raw materials are imported and the final stainless steel bars are exported from India. In support for its claim, the party referred to a recent preliminary finding of the US DOC in an anti-subsidy new shipper review where unpaid duties were considered to be interest-free loan made to the company at the time of the importation. In reply to this, it is noted that the Commission is not bound by any calculation methodology applied by the US DOC but by the provisions of the basic Regulation. In the present case, the calculation methodology used is explained in recitals 75 and 76 of the provisional Regulation. In any event, this argument would only work if the duties were merely deferred (footnote 3 of Annex I to the basic Regulation) rather than exempted, as is the case here.
- (40) In the light of the above, recitals 60 to 77 of the provisional Regulation are hereby confirmed.

3.6. Export credit scheme (ECS)

- (41) One party acknowledged that it had received a preferential credit for its export but argued that this rate was considerably higher than the prevailing credit rates in the EU and therefore should not be considered as a benefit.
- (42) In reply to this, it should be noted that the subsidy amount was calculated on the basis of the difference between the interest paid for export credits and the amount that would have been payable for ordinary commercial credits used by the company concerned in India. In this case, a domestic benchmark was used to calculate the amount of subsidy. Therefore, this argument is hereby rejected.
- (43) In the absence of any other comments concerning this scheme, recitals 78 to 86 of the provisional Regulation are hereby confirmed.

3.7. Amount of countervailable subsidies

- (44) The amount of countervailable subsidies in accordance with the provisions of the basic Regulation, expressed *ad valorem*, ranges from 3,3 % to 4,3 %. As these are at the same level as set out in recital 87 of the provisional Regulation, that recital is therefore confirmed.

SCHEME→	DEPBS (*)	AAS (*)	EOU (*)	ECS (*)	Total
Company					
Chandan Steel Ltd	1,5 %	1,5 %		0,4 %	3,4 %
Venus group	2,6 % to 3,4 %	0 to 0,8 %			3,3 % (**)
Viraj Profiles Vpl. Ltd			4,3 %		4,3 %

(*) Subsidies marked with an asterisk are export subsidies.

(**) Weighted average for the group.

- (45) The methodology for establishing the subsidy margin for the cooperating companies not included in the sample was set out in recital 88 of the provisional Regulation. In line with Article 15(3) of the basic Regulation, the subsidy margin for the cooperating companies not included in the sample, calculated on the basis of the weighted average subsidy margin established for the cooperating companies in the sample, is 4,0 %. Hence, recital 88 of the provisional Regulation is hereby confirmed.
- (46) The basis for establishing the country-wide subsidy margin was set out in recital 89 of the provisional Regulation. In the absence of any comments in this regard, recital 89 of the provisional Regulation is hereby confirmed.

4. UNION INDUSTRY

- (47) In the absence of any comments concerning Union industry, recitals 90 to 93 of the provisional Regulation are hereby confirmed.

5. INJURY

- (48) In the absence of any comments concerning injury, recitals 94 to 122 of the provisional Regulation are hereby confirmed.

6. CAUSATION

- (49) In the absence of any comments concerning causation, recitals 123 to 136 of the provisional Regulation are hereby confirmed.

7. UNION INTEREST

- (50) In the absence of any comments concerning Union interest, the conclusions in recitals 137 to 148 of the provisional Regulation are hereby confirmed.

8. DEFINITIVE COUNTERVAILING MEASURES

8.1. Injury elimination level

- (51) One party claimed that the average pre-tax profit margin of 9,5 %, which was based on the situation in the year 2007, used to calculate the non-injurious price to

establish the injury margin, was not representative for the industry's long-term pre-tax profit margin. It was argued that the year on which this profit was based counted as an exceptional year and that the years 2005-2006 would be more representative since these were normal business years with profit margins ranging from 4 to 6 %.

- (52) The target profit used at provisional stage was based on the weighted average profit margin realised by the sampled Union producers in 2007. This year was considered to be the most recent representative year when the Union producers did not suffer from injurious subsidisation. The comment is therefore rejected, the profit margin used at provisional stage is hereby confirmed.

- (53) In the absence of other comments received concerning the injury elimination level, recitals 149 to 153 of the provisional Regulation are hereby confirmed.

8.2. Conclusion on injury elimination level

- (54) The methodology used in the provisional Regulation is hereby confirmed.

8.3. Level of the duties

- (55) In the light of the foregoing and in accordance with Article 15(1) of the basic Regulation, a definitive countervailing duty should be imposed at a level sufficient to eliminate the injury caused by the subsidised imports without exceeding the subsidy margin found.
- (56) On the basis of the above, the countervailing duty rates were established by comparing the injury elimination margins and the subsidy margins. Consequently, the proposed countervailing duty rates are as follows:

Company	Subsidy margin	Injury margin	Countervailing duty rate
Chandan Steel Ltd	3,4 %	28,6 %	3,4 %
Venus Group	3,3 %	45,9 %	3,3 %
Viraj Profiles Vpl. Ltd	4,3 %	51,5 %	4,3 %
Cooperating non-sampled companies	4,0 %	44,4 %	4,0 %
All other companies	4,3 %	51,5 %	4,3 %

- (57) The individual company countervailing duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These

duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in India and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

- (58) Any claim requesting the application of an individual company countervailing duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.

8.4. Definitive collection of provisional duties

- (59) In view of the magnitude of the subsidy margins found and in the light of the level of the injury caused to the Union industry, it is considered necessary that the amounts secured by way of the provisional countervailing duty, imposed by the provisional Regulation, be definitively collected,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive countervailing duty is hereby imposed on imports of stainless steel bars and rods, not further worked than cold-formed or cold-finished, other than bars and rods of circular cross-section of a diameter of 80 mm or more, currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89 and originating in India.

2. The rate of the definitive countervailing duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and manufactured by the companies below shall be:

Company	Duty (%)	TARIC additional code
Chandan Steel Ltd, Mumbai	3,4	B002
Venus Wire Industries Pvt. Ltd, Mumbai; Precision Metals, Mumbai; Hindustan Inox Ltd, Mumbai; Sieves Manufacturer India Pvt. Ltd, Mumbai	3,3	B003
Viraj Profiles Vpl. Ltd, Thane	4,3	B004
Companies listed in the Annex	4,0	B005
All other companies	4,3	B999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Amounts secured by way of provisional countervailing duties pursuant to Regulation (EU) No 1261/2010 on imports of stainless steel bars and rods, not further worked than cold-formed or cold-finished, other than bars and rods of circular cross-section of a diameter of 80 mm or more, currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89, and originating in India, shall be definitively collected.

Article 3

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

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

Done at Brussels, 19 April 2011.

For the Council
The President
MARTONYI J.

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.

ANNEX

**INDIAN COOPERATING EXPORTING PRODUCERS NOT SAMPLED
TARIC ADDITIONAL CODE B005**

Company name	City
Ambica Steel Ltd	New-Delhi
Bhansali Bright Bars Pvt. Ltd	Navi-Mumbai
Chase Bright Steel Ltd	Navi-Mumbai
D.H. Exports Pvt. Ltd	Mumbai
Facor Steels Ltd	Nagpur
Global Smelters Ltd	Kanpur
Indian Steel Works Ltd	Navi-Mumbai
Jyoti Steel Industries Ltd	Mumbai
Laxcon Steels Ltd	Ahmedabad
Meltroll Engineering Pvt. Ltd	Mumbai
Mukand Ltd	Thane
Nevatia Steel & Alloys Pvt. Ltd	Mumbai
Panchmahal Steel Ltd	Kalol
Raajratna Metal Industries Ltd	Ahmedabad
Rimjhim Ispat Ltd	Kanpur
Sindia Steels Ltd	Mumbai
SKM Steels Ltd	Mumbai
Parekh Bright Bars Pvt. Ltd	Thane
Shah Alloys Ltd	Gandhinagar

COMMISSION IMPLEMENTING REGULATION (EU) No 406/2011**of 27 April 2011****amending Regulation (EC) No 2380/2001 as regards the composition of the feed additive
maduramicin ammonium alpha****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the possibility to modify the authorisation of a feed additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority (the Authority).
- (2) The use of maduramicin ammonium alpha belonging to the group of coccidiostats and other medicinal substances, was authorised for 10 years in accordance with Council Directive 70/524/EEC ⁽²⁾ as a feed additive for the use on chickens for fattening by Commission Regulation (EC) No 2430/1999 ⁽³⁾ and for turkeys by Commission Regulation (EC) No 2380/2001 ⁽⁴⁾.
- (3) The holder of the authorisation submitted an application for a modification of the authorisation as regards the composition of the carrier of the feed additive. The holder of the authorisation submitted the relevant data to support its request.
- (4) The Authority concluded in its opinion of 8 December 2010 ⁽⁵⁾ that the use of this new formulation of the additive on turkeys would not be expected to raise any

additional concerns for animal health, human health or the environment and is effective in controlling coccidiosis.

- (5) The conditions provided for in Article 5 of Regulation (EC) No 1831/2003 are satisfied.
- (6) Regulation (EC) No 2380/2001 should therefore be amended accordingly.
- (7) Since the modifications to the conditions of the authorisation are not related to safety reasons, it is appropriate to allow a transitional period for the disposal of existing stocks of premixtures and compound feed.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2380/2001 is replaced by the Annex to this Regulation.

Article 2

Premixtures and compound feed containing maduramicin ammonium alpha produced in accordance with Regulation (EC) No 2380/2001 may continue to be placed on the market and used until the existing stocks are exhausted.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 27 April 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 270, 14.12.1970, p. 1.

⁽³⁾ OJ L 296, 17.11.1999, p. 3.

⁽⁴⁾ OJ L 321, 6.12.2001, p. 18.

⁽⁵⁾ EFSA Journal 2011; 9(1):1954.

ANNEX

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (Trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
Coccidiostats and other medicinal substances									
E 770	Alpharma Belgium BVBA	Maduramicin ammonium alpha 1 g/100 g (Cygro 1 %)	Additive composition Maduramicin ammonium alpha: 1 g/100 g Carboxymethylcellulose sodium: 2 g/100 g Calcium sulphate dihydrate: 97 g/100 g Active substance Maduramicin ammonium α C ₄₇ H ₈₃ O ₁₇ N CAS number: 84878-61-5, ammonium salt of a polyether monocarboxylic acid produced by a fermentation process by the strain <i>Actinomadura yumaensis</i> (ATCC 31585) (NRRL 12515) Related impurities: Maduramicin ammonium β: < 10 %	Turkeys	16 weeks	5	5	1. Use prohibited at least 5 days before slaughter. 2. Indicate in the instructions for use: 'Dangerous for equines'. 'This feedingstuff contains an ionophore: simultaneous use with certain medicinal substances (e.g. tiamulin) can be contraindicated'.	15.12.2011'

COMMISSION REGULATION (EU) No 407/2011**of 27 April 2011****amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of certain Regulations of the United Nations Economic Commission for Europe on the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefor****(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 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor⁽¹⁾, and in particular Article 14(1) thereof,

Whereas:

- headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with filament lamps and/or light-emitting diode (LED) modules.
- (6) By Council Decision 2001/395/EC⁽⁴⁾, the Union has acceded to UNECE Regulation No 13 H on the component approval of passenger cars in respect of their braking.
- (7) By Council Decision 2001/505/EC⁽⁵⁾, the Union has acceded to UNECE Regulation No 105 on the approval of vehicles intended for the carriage of dangerous goods with regard to their specific constructional features.
- (8) By Council Decision of 29 April 2004, the Union has acceded to UNECE Regulation No 116 on uniform prescriptions concerning the protection of motor vehicles against unauthorised use and to UNECE Regulation No 118 on uniform technical prescriptions concerning the burning behaviour of materials used in the interior construction of certain categories of motor vehicles.
- (9) By Council Decision of 14 March 2005, the Union has acceded to UNECE Regulation No 121 on uniform provisions concerning the approval of vehicles with regard to the location and identification of hand controls, tell-tales and indicators and to UNECE Regulation No 122 on uniform technical prescriptions concerning the approval of vehicles of categories M, N and O with regards to their heating systems.
- (10) By Council Decision 2005/614/EC⁽⁶⁾, the Union has acceded to UNECE Regulation No 94 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision and to UNECE Regulation No 95 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a lateral collision.
- (11) By Council Decision 2006/364/EC⁽⁷⁾, the Union has approved UNECE Regulation No 123 concerning the approval of adaptive front-lighting systems (AFS) for motor vehicles.
- (1) By Council Decision 97/836/EC⁽²⁾ the Union has acceded to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (Revised 1958 Agreement).
- (2) By Decision 97/836/EC, the Union has also acceded to UNECE Regulations Nos 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 58, 66, 73, 77, 79, 80, 87, 89, 90, 91, 93, 97, 98, 99, 100, and 102.
- (3) By Council Decision of 28 February 2000, the Union has acceded to UNECE Regulation No 110 on specific components of motor vehicles using compressed natural gas (CNG) in their propulsion system and on vehicles with regard to the installation of specific components of an approved type for the use of compressed natural gas (CNG) in their propulsion system.
- (4) By Council Decision 2000/710/EC⁽³⁾, the Union has acceded to UNECE Regulation No 67 on the approval of special equipment for motor vehicles fuelled by liquefied petroleum gas.
- (5) By Council Decision of 7 November 2000, the Union has acceded to UNECE Regulation No 112 on uniform provisions concerning the approval of motor vehicle

⁽¹⁾ OJ L 200, 31.7.2009, p. 1.

⁽²⁾ OJ L 346, 17.12.1997, p. 78.

⁽³⁾ OJ L 290, 17.11.2000, p. 29.

⁽⁴⁾ OJ L 139, 23.5.2001, p. 14.

⁽⁵⁾ OJ L 183, 6.7.2001, p. 33.

⁽⁶⁾ OJ L 217, 22.8.2005, p. 1.

⁽⁷⁾ OJ L 135, 23.5.2006, p. 12.

- (12) By Council Decision 2006/444/EC ⁽¹⁾, the Union has acceded to UNECE Regulation No 55 on provisions concerning the approval of mechanical coupling components of combinations of vehicles.
- (13) By Council Decision 2006/874/EC ⁽²⁾, the Union has acceded to UNECE Regulation No 107 on uniform provisions concerning the approval of categories M₂ or M₃ vehicles with regard to their general construction.
- (14) By Council Decision 2007/159/EC ⁽³⁾, the Union has approved UNECE Regulation No 125 concerning the approval of motor vehicles with regard to the forward field of vision of the motor vehicle driver.
- (15) By Council Decision 2009/433/EC ⁽⁴⁾, the Union has acceded to UNECE Regulation No 61 on uniform provisions for the approval of commercial vehicles with regard to their external projections forward of the cab's rear panel.
- (16) In accordance with Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) ⁽⁵⁾, vehicles manufacturers seeking approval for their systems, components, or separate technical units have the choice of meeting the requirements of either the relevant Directives or the corresponding UNECE Regulations. Most of the requirements under Directives on vehicle parts are taken over from the corresponding UNECE Regulations. As technology progresses, UNECE Regulations are constantly amended and the relevant Directives have to be regularly updated to keep them in line with the content of the respective UNECE Regulations. In order to avoid this duplication, the CARS 21 High Level Group recommended the replacement of several Directives by the corresponding UNECE Regulations.
- (17) The possibility to apply UNECE Regulations for the purpose of EC vehicle type-approval on a compulsory basis and to replace Union legislation by those UNECE Regulations is provided for in Directive 2007/46/EC. According to Regulation (EC) No 661/2009 type-approval in accordance with UNECE Regulations which apply on a compulsory basis is to be considered as EC type-approval in accordance with that Regulation and its implementing measures.
- (18) Replacing Union legislation by UNECE Regulations helps to avoid duplication not only of technical requirements but also of certification and administrative procedures. In addition, type-approval that is directly based on internationally agreed standards should improve market access in third countries, in particular in those which are contracting parties to the Revised 1958 Agreement, thus enhancing Union industry's competitiveness.
- (19) Therefore, Regulation (EC) No 661/2009 provides for the repeal of several Directives concerning the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefore, which, for the purposes of EC type-approval in accordance with that Regulation should be replaced by corresponding UNECE Regulations.
- (20) For that reason, it is appropriate to include UNECE Regulations Nos 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 13 H, 14, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 31, 34, 37, 38, 39, 43, 44, 46, 48, 55, 58, 61, 66, 67, 73, 77, 79, 80, 87, 89, 90, 91, 93, 94, 95, 97, 98, 99, 100, 102, 105, 107, 110, 112, 116, 118, 121, 122, 123 and 125 into Annex IV to Regulation (EC) No 661/2009, which lists the UNECE Regulations that apply on a compulsory basis.
- (21) Regulation (EC) No 661/2009 should therefore be amended accordingly.
- (22) The UNECE Regulations listed in the Annex to this Regulation should apply following the implementation dates set out in Article 13 of Regulation (EC) No 661/2009.
- (23) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,
- HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 661/2009 is replaced by the Annex to this Regulation.

Article 2

1. Subject to paragraphs 2, 3 and 4 and Article 4, the UNECE Regulations with the series of amendments and supplements as indicated in the Annex shall apply for the purpose of EC type-approval of new types of vehicles, their trailers and systems, components and separate technical units intended therefor from 1 November 2012.

2. With effect from 1 November 2011, UNECE Regulation No 13 H, supplement 9 ⁽⁶⁾ shall apply for the purpose of EC type-approval of new types of vehicles of category M₁.

⁽¹⁾ OJ L 181, 4.7.2006, p. 53.

⁽²⁾ OJ L 337, 5.12.2006, p. 45.

⁽³⁾ OJ L 69, 9.3.2007, p. 37.

⁽⁴⁾ OJ L 144, 9.6.2009, p. 24.

⁽⁵⁾ OJ L 263, 9.10.2007, p. 1.

⁽⁶⁾ OJ L 230, 31.8.2010, p. 1.

3. With effect from 1 November 2011, UNECE Regulation No 13, supplement 3 to the 11 series of amendments ⁽¹⁾ or UNECE Regulation No 13 H, supplement 9, shall apply for the purpose of EC type-approval of new types of vehicles of category N₁.

4. With effect from the implementation dates set out in Table 1 of Annex V to Regulation (EC) No 661/2009, UNECE Regulation No 13, supplement 3 to the 11 series of amendments, shall apply for the purpose of EC type-approval of new types of vehicles of categories M₂, M₃, N₂, N₃, O₃ and O₄ regarding electronic stability control systems.

Article 3

1. Subject to paragraphs 2 and 3 and Article 4, the UNECE Regulations with the series of amendments and supplements as indicated in the Annex shall apply for the purpose of registration, sale and entry into service of new vehicles and their trailers and sale and entry into service of new systems, components and separate technical units intended therefor from 1 November 2014.

2. With effect from 1 November 2014, UNECE Regulation No 13, supplement 3 to the 11 series of amendments, or UNECE Regulation No 13 H, supplement 9, shall apply for the purpose of registration, sale and entry into service of new vehicles of category N₁.

3. With effect from the implementation dates set out in Table 2 of Annex V to Regulation (EC) No 661/2009, UNECE Regulation No 13, supplement 3 to the 11 series of amendments, shall apply for the purpose of registration, sale and entry into service of new vehicles of categories M₂, M₃, N₂, N₃, O₃ and O₄ regarding electronic stability control systems.

Article 4

1. Without prejudice to the provisions of paragraph 2, UNECE Regulation No 100, series of amendments 00 ⁽²⁾, shall apply for the purpose of EC whole vehicle type-approval in accordance with Directive 2007/46/EC and EC type-approval of a vehicle with regard to electric safety as of 1 May 2011 referred to in Article 5 of the present Regulation.

2. With effect from 1 January 2012, UNECE Regulation No 100, series of amendments 00, shall apply for the purpose of registration, sale and entry into service of new vehicles.

3. With effect from 4 December 2012, UNECE Regulation No 100, series of amendments 01 ⁽³⁾, shall apply for the purpose of EC whole vehicle type-approval in accordance with Directive 2007/46/EC and EC type-approval of a vehicle with regard to electric safety.

Article 5

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

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

Done at Brussels, 27 April 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 297, 13.11.2010, p. 1.

⁽²⁾ OJ L 45, 14.2.2009, p. 17.

⁽³⁾ OJ L 57, 2.3.2011, p. 54.

ANNEX

'ANNEX IV

List of UNECE Regulations which apply on a compulsory basis

Regulation number	Subject	Series of amendments	OJ reference	Applicability
1	Headlamps emitting an asymmetrical passing beam and/or driving beam equipped with filament lamps R2 and/or HS1	02 series of amendments	OJ L 177, 10.7.2010, p. 1	M, N ^(a)
3	Retro-reflecting devices for power-driven vehicles	Supplement 10 to the 02 series of amendments	OJ L 31, 31.1.2009, p. 1	M, N, O
4	Illumination of rear-registration plates of power-driven vehicles and their trailers	Supplement 14 to the original version of the Regulation	OJ L 31, 31.1.2009, p. 35	M, N, O
6	Direction indicators for power-driven vehicles and their trailers	Supplement 19 to the 01 series of amendments	OJ L 177, 10.7.2010, p. 40	M, N, O
7	Front and rear position (side) lamps, stop-lamps and end-outline marker lamps for power-driven vehicles and their trailers	Supplement 16 to the 02 series of amendments	OJ L 148, 12.6.2010, p. 1	M, N, O
8	Motor vehicles headlamps (H1, H2, H3, HB3, HB4, H7, H8, H9, HIR1, HIR2 and/or H11)	05 series of amendments Corrigendum 1 to Revision 4	OJ L 177, 10.7.2010, p. 71	M, N ^(a)
10	Electromagnetic compatibility	03 series of amendments	OJ L 116, 8.5.2010, p. 1	M, N, O
11	Door latches and door retention components	Supplement 2 to the 03 series of amendments	OJ L 120, 13.5.2010, p. 1	M ₁ , N ₁
12	Protection of the driver against the steering mechanism in the event of impact	Supplement 3 to the 03 series of amendments	OJ L 165, 26.6.2008, p. 11	M ₁ , N ₁
13	Braking on vehicles of categories M, N and O	Supplement 5 to the 10 series of amendments Corrigenda 1 and 2 to Revision 6 Supplement 3 to the 11 series of amendments	OJ L 257, 30.9.2010, p. 1 OJ L 297, 13.11.2010, p. 183	M, N, O ^(b)
13-H	Braking of passenger cars	Supplement 9 to the original version of the Regulation	OJ L 230, 31.8.2010, p. 1	M ₁ , N ₁ ^(c)
14	Safety-belt anchorages, Isofix anchorages systems and Isofix top tether anchorages	Supplement 2 to the 06 series of amendments	OJ L 321, 6.12.2007, p. 1	M, N

Regulation number	Subject	Series of amendments	OJ reference	Applicability
16	Safety-belts, restraint systems, child restraint systems and Isofix child restraint systems	Supplement 17 to the 04 series of amendments	OJ L 313, 30.11.2007, p. 58	M, N
17	Seats, their anchorages and any head restraints	08 series of amendments	OJ L 230, 31.8.2010, p. 81	M, N
18	Protection of motor vehicles against unauthorised use	Supplement 2 to the 03 series of amendments	OJ L 120, 13.5.2010, p. 29	M ₂ , M ₃ , N ₂ , N ₃
19	Power-driven vehicle front fog lamps	Supplement 2 to the 03 series of amendments	OJ L 177, 10.7.2010, p. 113	M, N
20	Headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with halogen filament lamps (H4)	03 series of amendments	OJ L 177, 10.7.2010, p. 170	M, N ^(e)
21	Interior fittings	Supplement 3 to the 01 series of amendments	OJ L 188, 16.7.2008, p. 32	M ₁
23	Reversing lights for power-driven vehicles and their trailers	Supplement 15 to the original version of the Regulation	OJ L 148, 12.6.2010, p. 34	M, N, O
25	Head restraints (headrests), whether or not incorporated in vehicle seats	04 series of amendments Corrigendum 2 to Revision 1	OJ L 215, 14.8.2010, p. 1	M, N
26	External projections	Supplement 1 to the 03 series of amendments	OJ L 215, 14.8.2010, p. 27	M ₁
28	Audible warning devices and signals	Supplement 3 to the original version of the Regulation	OJ L 185, 17.7.2010, p. 1	M, N
31	Power-driven vehicle's sealed-beam headlamps (SB) emitting an European asymmetrical passing beam or a driving beam or both	Supplement 7 to the 02 series of amendments	OJ L 185, 17.7.2010, p. 15	M, N
34	Prevention of fire risks (liquid fuel tanks)	Supplement 2 to the 02 series of amendments	OJ L 194, 23.7.2008, p. 14	M, N, O
37	Filament lamps for use in approved lamp units of power-driven vehicles and their trailers	Supplement 34 to the 03 series of amendments	OJ L 297, 13.11.2010, p. 1	M, N, O
38	Rear fog lamps for power-driven vehicles and their trailers	Supplement 14 to the original version of the Regulation Corrigendum 1 to Supplement 12	OJ L 148, 12.6.2010, p. 55	M, N, O

Regulation number	Subject	Series of amendments	OJ reference	Applicability
39	Speedometer equipment including its installation	Supplement 5 to the original version of the Regulation	OJ L 120, 13.5.2010, p. 40	M, N
43	Safety glazing materials	Supplement 12 to the original version of the Regulation	OJ L 230, 31.8.2010, p. 119	M, N, O
44	Restraining devices for child occupants of power-driven vehicles (child restraint system)	04 series of amendments Corrigendum 3 to Revision 2	OJ L 306, 23.11.2007, p. 1	M, N
46	Devices for indirect vision and their installation	Supplement 4 to the 02 series of amendments Corrigendum 1 to Supplement 4 to the 02 series	OJ L 177, 10.7.2010, p. 211	M, N
48	Installation of lighting and light-signalling devices on motor vehicles	04 series of amendments	OJ L 135, 23.5.2008, p. 1	M, N, O
55	Mechanical coupling components of combinations of vehicles	Supplement 1 to the 01 series of amendments	OJ L 227, 28.8.2010, p. 1	M, N, O
58	Rear underrun protective devices (RUPDs) and their installation; Rear underrun protection (RUP)	02 series of amendments	OJ L 232, 30.8.2008, p. 13	N ₂ , N ₃ , O ₃ , O ₄
61	Commercial vehicles with regard to their external projections forward of the cab's rear panel	Supplement 1 to the original version of the Regulation	OJ L 164, 30.6.2010, p. 1	N
66	Strength of the superstructure of large passenger vehicles	02 series of amendments	OJ L 84, 30.3.2011, p. 1	M ₂ , M ₃
67	Motor vehicles using LPG	Supplement 7 to the 01 series of amendments	OJ L 72, 14.3.2008, p. 1	M, N
73	Lateral protection of goods vehicles	Supplement 1 to the original version of the Regulation	OJ L 120, 13.5.2010, p. 49	N ₂ , N ₃ , O ₃ , O ₄
77	Parking lamps for power-driven vehicles	Supplement 12 to the original version of the Regulation	OJ L 130, 28.5.2010, p. 1	M, N
79	Steering equipment	Supplement 3 to the 01 series of amendments	OJ L 137, 27.5.2008, p. 25	M, N, O
80	Seats of large passenger vehicles	Supplement 3 to the 01 series of amendments Corrigendum 1 to the 01 series of amendments	OJ L 164, 30.6.2010, p. 18	M ₂ , M ₃

Regulation number	Subject	Series of amendments	OJ reference	Applicability
87	Daytime running lamps for power-driven vehicles	Supplement 14 to the original version of the Regulation Correction 1 to Revision 2	OJ L 164, 30.6.2010, p. 46	M, N
89	Speed limitation of vehicles	Supplement 1 to the original version of the Regulation	OJ L 158, 19.6.2007, p. 1	M, N
90	Replacement brake lining assemblies and drum brake linings for power-driven vehicles and their trailers	Supplement 11 to the 01 series of amendments	OJ L 130, 28.5.2010, p. 19	M, N, O
91	Side-marker lamps for motor vehicles and their trailers	Supplement 11 to the original version of the Regulation	OJ L 164, 30.6.2010, p. 69	M, N, O
93	Front underrun protective devices (FUPDs) and their installation; front underrun protection (FUP)	Original version of the Regulation	OJ L 185, 17.7.2010, p. 56	N ₂ , N ₃
94	Protection of occupants in the event of a frontal collision	Supplement 3 to the 01 series of amendments Corrigendum 2 to the 01 series of amendments Corrigendum 1 to Revision 1	OJ L 130, 28.5.2010, p. 50	M ₁
95	Protection of occupants in the event of a lateral collision	Supplement 1 to the 02 series of amendments	OJ L 313, 30.11.2007, p. 1	M ₁ , N ₁
97	Vehicle alarm systems (VAS)	Revision 1 — Amendment 1	OJ L 351, 30.12.2008, p. 1	M ₁ , N ₁
98	Motor vehicle headlamps equipped with gas-discharge light sources	Supplement 13 to the original version of the Regulation	OJ L 164, 30.6.2010, p. 92	M, N
99	Gas-discharge light sources for use in approved gas-discharge lamp units of power-driven vehicles	Supplement 5 to the original version of the Regulation	OJ L 164, 30.6.2010, p. 151	M, N
100	Electric safety	Supplement 1 to the original version of the Regulation 01 series of amendments	OJ L 45, 14.2.2009, p. 17 OJ L 57, 2.3.2011, p. 54	M, N
102	Close-coupling device (CCD); fitting of an approved type of CCD	Original version of the Regulation	OJ L 351, 30.12.2008, p. 44	N ₂ , N ₃ , O ₃ , O ₄
105	Vehicles for the carriage of dangerous goods	Supplement 1 to the 04 series of amendments	OJ L 230, 31.8.2010, p. 253	N, O

Regulation number	Subject	Series of amendments	OJ reference	Applicability
107	M ₂ and M ₃ vehicles	03 series of amendments	OJ L 255, 29.9.2010	M ₂ , M ₃
110	Specific components for CNG	Supplement 6 to the original version of the Regulation	OJ L 72, 14.3.2008, p. 113	M, N
112	Motor vehicle headlamps emitting an asymmetrical passing beam or a driving beam or both and equipped with filament lamps and/or LED modules	Supplement 12 to the original version of the Regulation	OJ L 230, 31.8.2010, p. 264	M, N
116	Protection of motor vehicles against unauthorised use	Supplement 2 to the original version of the Regulation	OJ L 164, 30.6.2010, p. 181	M ₁ , N ₁
118	Burning behaviour of materials used in the interior construction of certain categories of motor vehicles	Original Regulation	OJ L 177, 10.7.2010, p. 263	M ₃
121	Location and identification of hand controls, tell-tales and indicators	Supplement 3 to the original version of the Regulation	OJ L 177, 10.7.2010, p. 290	M, N
122	Heating system of vehicles of categories M, N and O	Supplement 1 to the original version of the Regulation	OJ L 164, 30.6.2010, p. 231	M, N, O
123	Adaptive front-lighting systems (AFS) for motor vehicles	Supplement 4 to the original version of the Regulation	OJ L 222, 24.8.2010, p. 1	M, N
125	Forward field of vision	Supplement 2 to the original version of the Regulation	OJ L 200, 31.7.2010, p. 38	M ₁

Notes to the table:

(^a) UNECE Regulations Nos 1, 8 and 20 are not applicable for EC type-approval of new vehicles.

(^b) Including, for the purpose of EC type-approval of new types of vehicles of category N₁ and of registration, sale and entry into service of new vehicles of category N₁, the requirements on roll-over control and directional control set out in its Annex 21.

(^c) Including, for the purposes of EC type-approval of new types of vehicles of categories N₁ and M₁ and of registration, sale and entry into service of new vehicles of categories N₁ and M₁, the requirements set out in its Annex 9.'

COMMISSION REGULATION (EU) No 408/2011**of 27 April 2011****implementing Regulation (EC) No 1185/2009 of the European Parliament and of the Council
concerning statistics on pesticides, as regards transmission format****(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 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides ⁽¹⁾, and in particular Article 5(1) thereof,

Whereas:

- (1) Regulation (EC) No 1185/2009 establishes a new framework for the production of comparable European statistics on sales and use of pesticides.
- (2) In accordance with Article 3(3) of Regulation (EC) No 1185/2009, Member States are to transmit the statistical data in electronic form, in conformity with an appropriate technical format to be adopted by the Commission.
- (3) In order to ensure confidentiality, a flag indicating whether the information transmitted on the substance, chemical class, category of product or major group is confidential or not will be included in the transmission file.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall transmit the statistical data on the placing on the market of pesticides as described in Annex I to Regulation (EC) No 1185/2009 using the statistical data and metadata exchange (SDMX) format. The data shall be transmitted or uploaded by electronic means to the single entry point for data at Eurostat.

Member States shall transmit the required data conforming to the technical specifications provided by the Commission (Eurostat).

Article 2

The technical format for the transmission of data to the Commission (Eurostat) is described in the Annex.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 27 April 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 324, 10.12.2009, p. 1.

ANNEX

Format for the transmission of statistical data on the placing on the market of pesticides

The following information shall be included in the transmission files:

Number	Field	Remarks
1	Country	3-alpha code (e.g. FRA)
2	Year	e.g. 2010
3	Major group	Codes listed in Annex III to Regulation (EC) No 1185/2009, as last updated
4	Categories of products	
5	Chemical class	
6	Substance	
7	For field numbers 3, 4, 5 and 6, the quantity sold	To be expressed in kilograms of substances
8	For field numbers 3, 4, 5 and 6, the confidentiality flag	Yes/no

COMMISSION IMPLEMENTING REGULATION (EU) No 409/2011**of 27 April 2011****amending Regulation (EC) No 619/2008 opening a standing invitation to tender for export refunds concerning certain milk products**

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⁾, and in particular Article 161(3), Article 164(2)(b) and Article 170 in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 619/2008 ⁽²⁾ has opened a standing invitation to tender for export refunds for natural butter in blocks falling under product code ex 0405 10 19 9700, butteroil in containers falling under product code ex 0405 90 10 9000 and skimmed milk powder falling under product code ex 0402 10 19 9000 and lays down rules for the procedure. In particular, it provides for tendering periods during which tenders may be lodged.

(2) In order to respond better to the deterioration of the dairy market that occurred at the beginning of 2009, Regulation (EC) No 619/2008 was amended in order to provide for two tendering periods per month. The

substantial improvement of the market situation since then allows to set the number of tendering periods again at one per month.

(3) Regulation (EC) No 619/2008 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4(2) of Regulation (EC) No 619/2008, the introductory words of the third subparagraph are replaced by the following:

‘Each tendering period shall end at 13.00 (Brussels time) on the third Tuesday of the month with the following exceptions:’

Article 2

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

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

Done at Brussels, 27 April 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

COMMISSION IMPLEMENTING REGULATION (EU) No 410/2011

of 27 April 2011

amending Regulation (EC) No 259/2008 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the publication of information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

Article 1

Article 1 of Regulation (EC) No 259/2008 is hereby amended as follows:

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 point 8b of Article 42 thereof,

1. paragraph 1 is amended as follows:

Having consulted the European Data Protection Supervisor,

(a) the opening sentence is replaced by the following:

Whereas:

‘1. The publication referred to in Article 44a of Regulation (EC) No 1290/2005 shall include the following information on beneficiaries who are legal persons;’

(1) In its judgment in Joined Cases C-92/09 and 93/09 ⁽²⁾ concerning the obligation to publish information on the beneficiaries of European agricultural funds, the Court of Justice of the European Union concluded that publishing personal data relating to natural persons without drawing a distinction based on relevant criteria such as the periods during which those persons have received such aid, or the frequency or nature and amount thereof, is not proportionate. Consequently, the Court declared that the relevant provisions are invalid. Since it is in the interest of natural persons that their personal data should be protected, and with a view to reconciling the different objectives underlying the obligation to publish information on the beneficiaries of funds deriving from the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), as provided for in Commission Regulation (EC) No 259/2008 ⁽³⁾, it should be stipulated that this obligation does not apply to natural persons.

(b) point (a) is deleted;

(c) points (b) and (c) are replaced by the following:

‘(b) the full legal name as registered where the beneficiaries are legal persons with an autonomous legal personality pursuant to the legislation of the Member State concerned;

(2) For reasons of transparency, Regulation (EC) No 259/2008 should therefore be formally amended accordingly pending the adoption by Parliament and the Council of new rules taking account of the objections expressed by the Court.

(c) the full name of the association as registered or otherwise officially recognised where the beneficiaries are associations of legal persons without an own legal personality;’

2. paragraph 2 is replaced by the following:

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Funds,

‘2. In the case of legal persons, Member States may publish more detailed information than provided for in paragraph 1.’

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ Judgment of 9 November 2010 in Joined Cases C-92/09 and C-93/09, *Volker und Markus Schecke GbR and Hartmut Eifert v Land Hessen*, not yet published in the ECR.

⁽³⁾ OJ L 76, 19.3.2008, p. 28.

Article 2

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

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

Done at Brussels, 27 April 2011.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 411/2011**of 27 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 28 April 2011.

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

Done at Brussels, 27 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	44,1
	TN	118,7
	TR	86,7
	ZZ	81,1
0707 00 05	AL	107,4
	EG	152,2
	TR	133,0
	ZZ	130,9
0709 90 70	MA	78,8
	TR	105,8
	ZZ	92,3
0709 90 80	EC	33,0
	ZZ	33,0
0805 10 20	EG	54,1
	IL	71,7
	MA	48,8
	TN	48,2
	TR	78,3
	ZZ	60,2
0805 50 10	TR	50,2
	ZZ	50,2
0808 10 80	AR	79,0
	BR	80,7
	CA	111,8
	CL	89,5
	CN	108,0
	MK	50,2
	NZ	116,6
	US	123,5
	ZA	82,0
	ZZ	93,5
0808 20 50	AR	84,3
	CL	114,4
	CN	65,7
	ZA	96,4
	ZZ	90,2

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) No 412/2011**of 27 April 2011****on the issue of licences for importing rice under the tariff quotas opened for the April 2011 subperiod by Regulation (EC) No 327/98**

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 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, and in particular the first paragraph of Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 327/98 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex IX to that Regulation.
- (2) April is the second subperiod for the quotas provided for in Article 1(1)(a) of Regulation (EC) No 327/98.
- (3) The notification sent in accordance with Article 8(a) of Regulation (EC) No 327/98 shows that, for the quota with order number 09.4130, the applications lodged in

the first 10 working days of April 2011 under Article 4(1) of that Regulation relate to a quantity greater than that available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for under the quota concerned should be laid down.

- (4) The notification also shows that, for the quotas with order numbers 09.4127 — 09.4128 — 09.4129, the applications lodged in the first 10 working days of April 2011 in accordance with Article 4(1) of the Regulation relate to a quantity less than that available.
- (5) For the quotas with order numbers 09.4127 — 09.4128 — 09.4129 — 09.4130 the total quantities available for the following subperiod should therefore be set, in accordance with the first paragraph of Article 5 of Regulation (EC) No 327/98.
- (6) In order to ensure sound management of the procedure of issuing import licences, the present Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with order number 09.4130 referred to in Regulation (EC) No 327/98 lodged in the first 10 working days of April 2011, licences shall be issued for the quantities requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The total quantities available for the following subperiod under the quotas with order numbers 09.4127 — 09.4128 — 09.4129 — 09.4130, referred to in Regulation (EC) No 327/98, are set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 37, 11.2.1998, p. 5.

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

Done at Brussels, 27 April 2011.

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

ANNEX

Quantities to be allocated for the April 2011 subperiod and quantities available for the following subperiod under Regulation (EC) No 327/98

Quota of wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a) of Regulation (EC) No 327/98:

Origin	Order number	Allocation coefficient for the April 2011 subperiod	Total quantities available for the July 2011 (kg)
United States of America	09.4127	— ⁽¹⁾	23 847 531
Thailand	09.4128	— ⁽¹⁾	11 108 417
Australia	09.4129	— ⁽¹⁾	713 000
Other origins	09.4130	0,851981 %	0

⁽¹⁾ Applications cover quantities less than or equal to the quantities available; all applications are therefore acceptable.

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE 2011/56/EU

of 27 April 2011

**amending Council Directive 91/414/EEC to include cyproconazole 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:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the second and third stages 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 cyproconazole.
- (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 cyproconazole.
- (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 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 Ireland, 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.
- (5) Ireland 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 12 February 2010. 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 cyproconazole to the Commission on 8 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 cyproconazole.
- (6) It has appeared from the various examinations made that plant protection products containing cyproconazole 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. It is therefore appropriate to include cyproconazole 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.

⁽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 cyproconazole. *EFSA Journal* 2010; 8(11):1897. [73 pp.]. doi:10.2903/j.efsa.2010.1897. Available online: www.efsa.europa.eu

- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit further confirmatory information as regards the toxicological relevance of the impurities in the technical specification, analytical methods for the monitoring of cyproconazole in soil, body fluids and tissues, the residues of triazole derivative metabolites (TDMs) in primary crops, rotational crops and products of animal origin, the long-term risk to herbivorous mammals and the possible environmental impact of the preferential degradation and/or conversion of the mixture of isomers.
- (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 cyproconazole 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 cyproconazole and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning cyproconazole 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 cyproconazole 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.
- 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 cyproconazole 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 cyproconazole 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.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing cyproconazole 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 cyproconazole. 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 cyproconazole 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 cyproconazole 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, 27 April 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

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
'358	Cyproconazole CAS No: 94361-06-5 CIPAC No: 600	(2RS,3RS;2RS,3SR)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1H-1,2,4-triazol-1-yl)butan-2-ol	≥ 940 g/kg	1 June 2011	31 May 2021	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyproconazole, 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: (a) the dietary exposure of consumers to the residues of triazole derivative metabolites (TDMs); (b) the risk to aquatic organisms. Conditions of use shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of confirmatory information as regards: (a) the toxicological relevance of the impurities in the technical specification; (b) analytical methods for the monitoring of cyproconazole in soil, body fluids and tissues; (c) residues of triazole derivative metabolites (TDMs) in primary crops, rotational crops and products of animal origin; (d) the long-term risk to herbivorous mammals; (e) the possible environmental impact of the preferential degradation and/or conversion of the mixture of isomers. The Member States concerned shall ensure that the applicant submits to the Commission the information set out in point (a) by 1 December 2011, the information set out in points (b), (c) and (d) by 31 May 2013 and the information set out in point (e) 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.

COMMISSION IMPLEMENTING DIRECTIVE 2011/57/EU**of 27 April 2011****amending Council Directive 91/414/EEC to include fluometuron 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:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the second and third stages 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 fluometuron.
- (2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the notifiers withdrew their support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 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 Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of fluometuron.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifiers (hereinafter 'the applicants') 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 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 Greece, 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.

- (5) Greece evaluated the additional data submitted by the applicants and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 27 January 2010. 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 fluometuron to the Commission on 14 December 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 fluometuron.
- (6) It has appeared from the various examinations made that plant protection products containing fluometuron 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. It is therefore appropriate to include fluometuron 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/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicants submit further information confirming the toxicological properties of the plant metabolite trifluoroacetic acid and the analytical methods for the monitoring of fluometuron in air and the soil metabolite trifluoromethylaniline in soil and water. In case fluometuron is classified under Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁷⁾ as 'suspected of causing cancer', the Member States concerned shall request the submission of further information confirming the relevance for groundwater of the soil metabolites desmethyl-fluometuron and trifluoromethylaniline.

⁽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 fluometuron. EFSA Journal 2011;9(1):1958. [54 pp.] doi:10.2903/j.efsa.2011.1958. Available online: www.efsa.europa.eu/efsajournal.htm

⁽⁷⁾ OJ L 353, 31.12.2008, p. 1.

- (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 6 months after inclusion to review existing authorisations of plant protection products containing fluometuron 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 fluometuron and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning fluometuron 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 fluometuron 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.

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 fluometuron 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 fluometuron 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 fluometuron 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 fluometuron. 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 fluometuron as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

- (b) in the case of a product containing fluometuron 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, 27 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
'343	Fluometuron CAS No: 2164-17-2 CIPAC No: 159	<i>1,1-dimethyl-3-(α,α,α-trifluoro-<i>m</i>-tolyl)urea</i>	≥ 940 g/kg	1 June 2011	31 May 2021	PART A Only uses as herbicide on cotton may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fluometuron, 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: (a) pay particular attention to the protection of the operators and workers and ensure that conditions of use include the application of adequate personal protective equipment; (b) pay particular attention to the protection of the groundwater where the active substance is applied in regions with vulnerable soil and/or climatic conditions; they shall ensure that conditions of authorisation include risk mitigation measures and the obligation to carry out monitoring programmes to verify potential leaching of fluometuron and soil metabolites desmethyl-fluometuron and trifluoromethylaniline in vulnerable areas, where appropriate; (c) pay particular attention to the risk to non-target soil macro-organisms others than earthworms and non-target plants, and ensure that conditions of authorisation include risk mitigation measures, where appropriate. The Member States concerned shall ensure that the applicants submit to the Commission confirmatory information as regards: (a) the toxicological properties of the plant metabolite trifluoroacetic acid; (b) the analytical methods for the monitoring of fluometuron in air; (c) the analytical methods for the monitoring of the soil metabolite trifluoromethylaniline in soil and water; (d) the relevance for ground water of the soil metabolites desmethyl-fluometuron and trifluoromethylaniline, if fluometuron is classified under Regulation (EC) No 1272/2008 as "suspected of causing cancer". The Member States concerned shall ensure that the applicants submit to the Commission the information set out in points (a), (b) and (c) by 31 March 2013 and the information set out in point (d) within 6 months from the notification of the decision classifying fluometuron.'

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

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