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Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

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

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 643/2011

of 1 July 2011

amending Regulation (EU) No 642/2010 as regards import duties on sorghum and rye

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 143 in conjunction with Article 4 thereof,

Whereas:

(1) Article 5(4) of Commission Regulation (EU) No 642/2010 of 20 July 2010 on rules of application (cereal sector import duties) for Council Regulation (EC) No 1234/2007 ⁽²⁾ stipulates that the representative cif import price determined for barley shall be used for calculating import duties on sorghum and rye.

(2) Trends in the barley market and the minor importance of the United States on the world market for this product mean that barley no longer provides an estimate of the sorghum market. Furthermore, the sources of information on the sorghum market are too few or too unreliable to provide a basis for setting import duties for this product. Lastly, it appears from the sources available that the prices of sorghum and of maize exported from the United States are very close to one another. Consequently, the representative cif import price calculated for maize should be applied to sorghum. Furthermore, the existing equality between the duties that apply to rye and those that apply to sorghum should be maintained.

(3) Regulation (EU) No 642/2010 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

Regulation (EU) No 642/2010 is amended as follows:

1. Article 5 shall be amended as follows:

(a) the introductory phrase of paragraph 1 is replaced by the following:

‘For common wheat of high quality, durum wheat and maize referred to in Article 2(1) of this Regulation, the components determining the representative cif import prices referred to in Article 136(2) of Regulation (EC) No 1234/2007 shall be:’;

(b) paragraph 4 is replaced by the following:

‘4. The representative cif import prices for durum wheat, high quality common wheat and maize shall be the sum of the components referred to in points (a), (b) and (c) of paragraph 1. The representative cif import prices for sorghum and rye shall be those calculated for maize.’;

2. Annex III is replaced by the text set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

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

Done at Brussels, 1 July 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

‘ANNEX III

Quotation exchanges and reference varieties

Product	Common wheat	Durum wheat	Maize
Standard quality	High		
Reference variety (type/grade) for exchange quotation	Hard Red Spring No 2	Hard Amber Durum No 2	Yellow Corn No 3
Quotation exchange	Minneapolis Grain Exchange	Minneapolis Grain Exchange ⁽¹⁾	Chicago Board of Trade

⁽¹⁾ Where no quotation is available that can be used to calculate a representative cif import price, fob quotations publicly available in the United States of America shall be used.’

COMMISSION IMPLEMENTING REGULATION (EU) No 644/2011**of 1 July 2011****opening tendering procedure No 1/2011 EU for the sale of wine alcohol for new industrial uses**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33 thereof,

Whereas:

(1) Article 3(2) of Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽²⁾ stipulates that Article 128(3) of Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005 and (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 ⁽³⁾ continues to apply even though the latter regulation has been repealed.

(2) Article 128 of Council Regulation (EC) No 479/2008 stipulates that the measures concerning market mechanisms set out in Title III of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽⁴⁾ continue to apply even if the latter regulation is repealed, if those measures have been initiated or undertaken by 1 August 2008. Similarly, pursuant to Article 103 of Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine ⁽⁵⁾ as regards support programmes, trade with third countries, production potential and on controls in the wine sector, the relevant rules set out in Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽⁶⁾ continue to apply even though Regulation (EC) No 1623/2000 has been repealed, in so far as those rules relate to measures commenced before 1 August 2008.

(3) Stocks of wine alcohol acquired before 1 August 2008 must be disposed of. In accordance with Article 128(3)(b)

of Regulation (EC) No 479/2008 and Article 103(1)(a) of Regulation (EC) No 555/2008, Article 31 of Regulation (EC) No 1493/1999 and Chapter IV of Regulation (EC) No 1623/2000 continue to apply for this measure.

(4) Regulation (EC) No 1623/2000 lays down, inter alia, the detailed rules for disposing of stocks of alcohol arising from distillation pursuant to Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.

(5) In accordance with Article 80 of Regulation (EC) No 1623/2000, a tendering procedure should be organised for the sale of wine alcohol for new industrial uses with a view to reducing the stocks of wine alcohol in the Union and enabling small-scale industrial projects to be carried out in the Union. The wine alcohol of EU origin in storage in the Member States consists of quantities produced from distillation pursuant to Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.

(6) Minimum prices should be fixed for the submission of tenders, broken down according to the type of end-use.

(7) 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

1. Pursuant to this Regulation, which constitutes a notice of invitation to tender within the meaning of Article 81 of Regulation (EC) No 1623/2000, the sale shall take place of wine alcohol for new industrial uses.

The tendering procedure shall be No 01/2011 EU.

The alcohol concerned has been produced from distillation pursuant to Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and is held by the Cypriot and Hungarian intervention agencies.

2. The volume put up for sale is 61 834,8931 hectolitres of alcohol at 100 % vol. The vat numbers, places of storage and the volume of alcohol at 100 % vol. contained in each vat are detailed in the Annex hereto.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1.

⁽²⁾ OJ L 154, 17.6.2009, p. 1.

⁽³⁾ OJ L 148, 6.6.2008, p. 1.

⁽⁴⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁵⁾ OJ L 170, 30.6.2008, p. 1.

⁽⁶⁾ OJ L 194, 31.7.2000, p. 45.

Article 2

The sale shall be conducted in accordance with Articles 79, 81, 82, 83, 84, 85, 96, 97, 98, 99, 100, 101 and 102 of Regulation (EC) No 1623/2000.

Article 3

1. Tenders must be submitted to the intervention agencies holding the alcohol concerned:

Hungarian intervention agency:

Mezőgazdasági és Vidékfejlesztési Hivatal
Budapest
Soroksári út 22-24.
1095
HUNGARY
Tel. +36 12196260
Fax +36 15771317
Postal address: 1385 Budapest 62. Pf. 867
E-mail: ertekesites@mvh.gov.hu
Internet: <http://www.mvh.gov.hu/>

Cypriot intervention agency:

Wine Products Council
Petra Business Centre
Franklin Roosevelt Street 86
3011 Limassol
CYPRUS
E-mail: extaff@wpc.org.cy
Internet: http://www.wpc.org.cy/en_index.html

2. Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No

01/2011 EU for new industrial uses', the outer envelope bearing the address of the intervention agency concerned.

3. Tenders must reach the intervention agency concerned not later than 12:00 Brussels time on the third Tuesday following the date of publication of this Regulation.

4. All tenders must be accompanied by proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol. has been lodged with the intervention agency concerned.

Article 4

The minimum prices which may be offered are EUR 5 per hectolitre of alcohol at 100 % vol. intended for use as fuel in boiler rooms and cement works and EUR 30 per hectolitre of alcohol at 100 % vol. intended for manufacturing other industrial products, particularly antifreezes and detergents.

Article 5

The formalities for sampling shall be as set out in Article 98 of Regulation (EC) No 1623/2000. The price of samples shall be EUR 10 per litre.

The intervention agency shall provide all the necessary information on the characteristics of the alcohol put up for sale.

Article 6

The performance guarantee shall be EUR 30 per hectolitre of alcohol at 100 % vol.

Article 7

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, 1 July 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

ANNEX

INVITATION TO TENDER No 01/2011 EU FOR THE SALE OF ALCOHOL FOR NEW INDUSTRIAL USES

Place of storage, volume and characteristics of the alcohol put up for sale						
Member State	Location and contact	Number of the vats/Number of the batches	Quantity in hectolitres of alcohol at 100 % vol.	Reference to the Article of Regulation (EC) No 1493/1999	Type of alcohol	Alcoholic strength (in % vol.)
Hungary	Tartalékgazdálkodási Kht Szöke József 7041 Vajta, Kerekerdei telep Hrsz.0179/7 Tel./Fax +36 25229176 County: Fejér	T-3 ALK01	16 826,9197	29 + 30	raw	93-94,5 %
		T-8 ALK02	16 129,0143	29 + 30	raw	93-94,5 %
	Tartalékgazdálkodási Kht Mihályi Zoltán 5130 Jászapáti, Tanya hrsz.266 Tel./Fax +36 57540950 County: Jász-Nagykun-Szolnok	7 ALK03	4 503,8456	29 + 30	raw	93-94,5 %
		8 ALK04	3 501,0925	29 + 30	raw	93-94,5 %
		9 ALK05	4 607,8723	29 + 30	raw	93-94,5 %
		10 ALK06	4 510,6906	29 + 30	raw	93-94,5 %
		12 ALK07	4 558,2781	29 + 30	raw	93-94,5 %
	Total		54 637,7131			
Cyprus	Wine Products Council (Zakaki, Limassol)	4	1 765,54	27	raw	94,23 %
		2	1 484,27	27	raw	92,75 %
		3	1 229,23	27	raw	93,79 %
		5	1 356,93	27	raw	93,03 %
		6	1 361,21	27	raw	93,93 %
	Total		7 197,18			
	Grand total		61 834,8931			

COMMISSION IMPLEMENTING REGULATION (EU) No 645/2011**of 1 July 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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 July 2011.

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

Done at Brussels, 1 July 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 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	49,0
	AR	26,0
	EC	26,0
	MK	31,8
	TR	40,0
	ZZ	34,6
0707 00 05	TR	97,3
	ZZ	97,3
0709 90 70	EC	28,8
	TR	112,4
	ZZ	70,6
0805 50 10	AR	63,8
	BR	42,9
	CL	88,7
	TR	73,2
	UY	59,6
	ZA	86,1
	ZZ	69,1
0808 10 80	AR	133,6
	BR	79,2
	CL	89,9
	CN	75,7
	NZ	111,7
	US	140,0
	UY	61,9
	ZA	82,9
	ZZ	96,9
0809 10 00	AR	89,7
	TR	286,7
	XS	152,4
	ZZ	176,3
0809 20 95	TR	339,4
	ZZ	339,4
0809 30	TR	179,1
	XS	55,8
	ZZ	117,5

⁽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 646/2011**of 1 July 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Implementing Regulation (EU) No 639/2011 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 July 2011.

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

Done at Brussels, 1 July 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 170, 30.6.2011, p. 34.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 2 July 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	49,09	0,00
1701 11 90 ⁽¹⁾	49,09	0,18
1701 12 10 ⁽¹⁾	49,09	0,00
1701 12 90 ⁽¹⁾	49,09	0,00
1701 91 00 ⁽²⁾	51,08	2,15
1701 99 10 ⁽²⁾	51,08	0,00
1701 99 90 ⁽²⁾	51,08	0,00
1702 90 95 ⁽³⁾	0,51	0,21

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DIRECTIVES

COMMISSION DIRECTIVE 2011/66/EU

of 1 July 2011

amending Directive 98/8/EC of the European Parliament and of the Council to include 4,5-Dichloro-2-octyl-2H-isothiazol-3-one as an active substance in Annex I thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes 4,5-Dichloro-2-octyl-2H-isothiazol-3-one.
- (2) Pursuant to Regulation (EC) No 1451/2007, 4,5-Dichloro-2-octyl-2H-isothiazol-3-one has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to that Directive.
- (3) Norway was designated as Rapporteur and submitted the competent authority report, together with a recommendation, to the Commission on 8 September 2008 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 16 December 2010, in an assessment report.
- (5) It appears from the evaluations that biocidal products used as wood preservatives and containing 4,5-Dichloro-2-octyl-2H-isothiazol-3-one may be expected to satisfy the requirements laid down in Article 5 of

Directive 98/8/EC. It is therefore appropriate to include 4,5-Dichloro-2-octyl-2H-isothiazol-3-one in Annex I to that Directive.

- (6) Not all potential uses have been evaluated at Union level. It is therefore appropriate that Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.
- (7) In view of the risks identified for human health, it is appropriate to require that safe operational procedures are established for products authorised for industrial or professional use, and that those products are used with appropriate personal protective equipment unless it can be demonstrated in the application for product authorisation that risks to industrial or professional users can be reduced to an acceptable level by other means.
- (8) In view of the risks identified for the aquatic and terrestrial compartments, it is appropriate to require that freshly treated timber is stored after treatment under shelter or on impermeable hard standing, or both, and that any losses from the application of products used as wood preservatives and containing 4,5-Dichloro-2-octyl-2H-isothiazol-3-one are collected for reuse or disposal.
- (9) Unacceptable risks for the environment were identified in various scenarios for in-service use of treated wood not covered and not in contact with the ground, which is either continually exposed to the weather or protected from the weather but subject to frequent wetting (use class 3 as defined by OECD ⁽³⁾) and wood in contact with fresh water (use class 4b as defined by OECD ⁽⁴⁾). It is therefore appropriate to require that products are not authorised for the treatment of wood intended for those uses, unless data is submitted demonstrating that the product will meet the requirements of both Article 5 of and Annex VI to Directive 98/8/EC, if necessary by the application of appropriate risk mitigation measures.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

⁽³⁾ OECD series on emission scenario documents, Number 2, Emission Scenario Document for Wood Preservatives, Part 2, p. 64.

⁽⁴⁾ Ibid.

- (10) It is important that the provisions of this Directive be applied simultaneously in all Member States in order to ensure equal treatment of biocidal products on the market containing the active substance 4,5-Dichloro-2-octyl-2H-isothiazol-3-one and also to facilitate the proper operation of the biocidal products market in general.
- (11) A reasonable period should be allowed to elapse before an active substance is included in Annex I to Directive 98/8/EC in order to permit Member States and interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (12) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.
- (13) Directive 98/8/EC should therefore be amended accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 30 June 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 July 2013.

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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 1 July 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 98/8/EC, the following entry is added:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'44	4,5-Dichloro-2-octyl-2H-isothiazol-3-one	4,5-Dichloro-2-octyl-isothiazol-3(2H)-one EC No: 264-843-8 CAS No: 64359-81-5	950 g/kg	1 July 2013	30 June 2015	30 June 2023	8	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment. Products shall not be authorised for treatment of wood that will be continually exposed to the weather, protected from the weather but subject to frequent wetting or in contact with fresh water, unless data have been submitted demonstrating that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate risk mitigation measures. Member States shall ensure that authorisations are subject to the following conditions: (1) for products authorised for industrial or professional use, safe operational procedures shall be established, and products shall be used with appropriate personal protective equipment unless it can be demonstrated in the application for product authorisation that risks to industrial or professional users can be reduced to an acceptable level by other means; (2) labels and, where provided, safety data sheets of products authorised shall indicate that freshly treated timber shall be stored after treatment under shelter or on impermeable hard standing under roof, or both, to prevent direct losses to soil or water, and that any losses from the application of the product shall be collected for reuse or disposal.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

COMMISSION DIRECTIVE 2011/67/EU**of 1 July 2011****amending Directive 98/8/EC of the European Parliament and of the Council to include abamectin as an active substance in Annex I thereto****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes abamectin.

(2) Pursuant to Regulation (EC) No 1451/2007, abamectin has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to that Directive.

(3) The Netherlands was designated as rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 19 June 2009 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 18 February 2011, in an assessment report.

(5) It appears from the evaluations that biocidal products used as insecticides, acaricides and products to control other arthropods and containing abamectin may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include abamectin in Annex I to that Directive.

(6) Not all potential uses have been evaluated at Union level. It is therefore appropriate that Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.

(7) In the light of the risks identified for sediment when products are used with a certain application rate and emitted to a sewage treatment plant, it is appropriate to require that products are not authorised for such uses, unless data are submitted demonstrating that the product will meet the requirements of both Article 5 of and Annex VI to Directive 98/8/EC, if necessary by the application of appropriate risk mitigation measures.

(8) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level. In particular, in the light of the possible risks for infants and children, appropriate risk mitigation measures should be taken to minimise the potential exposure of infants and children.

(9) It is important that the provisions of this Directive be applied simultaneously in all Member States in order to ensure equal treatment of biocidal products on the market containing the active substance abamectin and also to facilitate the proper operation of the biocidal products market in general.

(10) A reasonable period should be allowed to elapse before an active substance is included in Annex I to Directive 98/8/EC in order to permit Member States and interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(11) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

- (12) Directive 98/8/EC should therefore be amended accordingly.
- (13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 30 June 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 July 2013.

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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 1 July 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 98/8/EC, the following entry is added:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
43	Abamectin	Abamectin is a mixture of avermectin B_{1a} and avermectin B_{1b} <i>Abamectin:</i> IUPAC name: n.a. EC No: n.a. CAS No: 71751-41-2 <i>Avermectin B_{1a}:</i> IUPAC name: (10E,14E,16E,22Z)-(1R,4S,5'S,6S,6'R,8R,12S,13S,20R,21R,24S)-6'-[(S)-secbutyl]-21,24-dihydroxy-5',11,13,22-tetramethyl-2-oxo-3,7,19-trioxatetracyclo[15.6.1.1^{4,8}.0^{20,24}]pentacos-10,14,16,22-tetraene-6-spiro-2'-(5',6'-dihydro-2'H-pyran)-12-yl 2,6-dideoxy-4-O-(2,6-dideoxy-3-O-methyl-α-L-arabino-hexopyranosyl)-3-O-methyl-α-L-arabino-hexopyranoside EC No: 265-610-3 CAS No: 65195-55-3 <i>Avermectin B_{1b}:</i> IUPAC name: (10E,14E,16E,22Z)-(1R,4S,5'S,6S,6'R,8R,12S,13S,20R,21R,24S)-21,24-dihydroxy-6'-isopropyl-5',11,13,22-tetramethyl-2-oxo-3,7,19-trioxatetracyclo[15.6.1.1^{4,8}.0^{20,24}]pentacos-10,14,16,22-tetraene-6-spiro-2'-(5',6'-dihydro-2'H-pyran)-12-yl	The active substance shall comply with all the following purities: <i>Abamectin:</i> minimum 900 g/kg <i>Avermectin B_{1a}:</i> minimum 830 g/kg <i>Avermectin B_{1b}:</i> maximum 80 g/kg	1 July 2013	30 June 2015	30 June 2023	18	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment. Products applied in such a way that emission to a sewage treatment plant cannot be prevented shall not be authorised for those application rates for which the Union level risk assessment showed unacceptable risks, unless data are submitted demonstrating that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate risk mitigation measures. Authorisations shall be subject to appropriate risk mitigation measures. In particular, appropriate risk mitigation measures shall be taken to minimise the potential exposure of infants and children.'

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
		2,6-dideoxy-4-O-(2,6-dideoxy-3-O-methyl- α -L-arabino-hexopyranosyl)-3-O-methyl- α -L-arabinohexopyranoside EC No: 265-611-9 CAS No: 65195-56-4						

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

COMMISSION IMPLEMENTING DIRECTIVE 2011/68/EU

of 1 July 2011

amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/EC and 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 7(2)(a) and (b) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽²⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directives 2003/90/EC ⁽³⁾ and 2003/91/EC ⁽⁴⁾ were adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination of the various species and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties those Directives provide that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.
- (2) The CPVO has since established further guidelines for one other species, and has updated existing ones.
- (3) Directives 2003/90/EC and 2003/91/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 2003/90/EC are replaced by the text in Part A of the Annex to this Directive.

Article 2

The Annexes to Directive 2003/91/EC are replaced by the text in Part B of the Annex to this Directive.

Article 3

For examinations started before 1 January 2012 Member States may apply Directives 2003/90/EC and 2003/91/EC in the version applying before their amendment by this Directive.

Article 4

Member States shall adopt and publish, by 31 December 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 January 2012.

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 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 1 July 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ OJ L 193, 20.7.2002, p. 33.

⁽³⁾ OJ L 254, 8.10.2003, p. 7.

⁽⁴⁾ OJ L 254, 8.10.2003, p. 11.

ANNEX

PART A

‘ANNEX I

List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
<i>Pisum sativum</i> L.	Field pea	TP 7/2 of 11.3.2010
<i>Brassica napus</i> L.	Swede rape	TP 36/1 of 25.3.2004
<i>Helianthus annuus</i> L.	Sunflower	TP 81/1 of 31.10.2002
<i>Linum usitatissimum</i> L.	Flax/Linseed	TP 57/1 of 21.3.2007
<i>Avena nuda</i> L.	Small naked oat, Hulless oat	TP 20/1 of 6.11.2003
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat	TP 20/1 of 6.11.2003
<i>Hordeum vulgare</i> L.	Barley	TP 19/2rev. of 11.3.2010
<i>Oryza sativa</i> L.	Rice	TP 16/1 of 18.11.2004
<i>Secale cereale</i> L.	Rye	TP 58/1 of 31.10.2002
<i>xTriticosecale</i> Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	TP 121/2 rev. 1 of 16.2.2011
<i>Triticum aestivum</i> L.	Wheat	TP 3/4 rev. 2 of 16.2.2011
<i>Triticum durum</i> Desf.	Durum wheat	TP 120/2 of 6.11.2003
<i>Zea mays</i> L.	Maize	TP 2/3 of 11.3.2010
<i>Solanum tuberosum</i> L.	Potato	TP 23/2 of 1.12.2005

The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Fodder beet	TG/150/3 of 4.11.1994
<i>Agrostis canina</i> L.	Velvet bent	TG/30/6 of 12.10.1990
<i>Agrostis gigantea</i> Roth.	Red top	TG/30/6 of 12.10.1990
<i>Agrostis stolonifera</i> L.	Creeping bent	TG/30/6 of 12.10.1990
<i>Agrostis capillaris</i> L.	Brown top	TG/30/6 of 12.10.1990
<i>Bromus catharticus</i> Vahl	Rescue grass	TG/180/3 of 4.4.2001
<i>Bromus sitchensis</i> Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
<i>Dactylis glomerata</i> L.	Cocksfoot	TG/31/8 of 17.4.2002
<i>Festuca arundinacea</i> Schreber	Tall fescue	TG/39/8 of 17.4.2002
<i>Festuca filiformis</i> Pourr.	Fine-leaved sheep's fescue	TG/67/5 of 5.4.2006
<i>Festuca ovina</i> L.	Sheep's fescue	TG/67/5 of 5.4.2006
<i>Festuca pratensis</i> Huds.	Meadow fescue	TG/39/8 of 17.4.2002
<i>Festuca rubra</i> L.	Red fescue	TG/67/5 of 5.4.2006
<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue	TG/67/5 of 5.4.2006
<i>xFestulolium</i> Asch. et Graebn.	Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	TG/243/1 of 9.4.2008
<i>Lolium multiflorum</i> Lam.	Italian ryegrass	TG/4/8 of 5.4.2006
<i>Lolium perenne</i> L.	Perennial ryegrass	TG/4/8 of 5.4.2006
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass	TG/4/8 of 5.4.2006
<i>Phleum nodosum</i> L.	Small timothy	TG/34/6 of 7.11.1984
<i>Phleum pratense</i> L.	Timothy	TG/34/6 of 7.11.1984
<i>Poa pratensis</i> L.	Smooth-stalked meadow grass	TG/33/6 of 12.10.1990
<i>Lupinus albus</i> L.	White lupin	TG/66/4 of 31.3.2004
<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin	TG/66/4 of 31.3.2004
<i>Lupinus luteus</i> L.	Yellow lupin	TG/66/4 of 31.3.2004

Scientific name	Common name	UPOV guideline
<i>Medicago sativa</i> L.	Lucerne	TG/6/5 of 6.4.2005
<i>Medicago x varia</i> T. Martyn	Sand lucerne	TG/6/5 of 6.4.2005
<i>Trifolium pratense</i> L.	Red clover	TG/5/7 of 4.4.2001
<i>Trifolium repens</i> L.	White clover	TG/38/7 of 9.4.2003
<i>Vicia faba</i> L.	Field bean	TG/8/6 of 17.4.2002
<i>Vicia sativa</i> L.	Common vetch	TG/32/6 of 21.10.1988
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	TG/89/6rev. of 4.4.2001 + 1.4.2009
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish	TG/178/3 of 4.4.2001
<i>Arachis hypogea</i> L.	Groundnut/Peanut	TG/93/3 of 13.11.1985
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip rape	TG/185/3 of 17.4.2002
<i>Carthamus tinctorius</i> L.	Safflower	TG/134/3 of 12.10.1990
<i>Gossypium</i> spp.	Cotton	TG/88/6 of 4.4.2001
<i>Papaver somniferum</i> L.	Poppy	TG/166/3 of 24.3.1999
<i>Sinapis alba</i> L.	White mustard	TG/179/3 of 4.4.2001
<i>Glycine max</i> (L.) Merrill	Soya bean	TG/80/6 of 1.4.1998
<i>Sorghum bicolor</i> (L.) Moench	Sorghum	TG/122/3 of 6.10.1989

The text of these guidelines can be found on the UPOV web site (www.upov.int).'

PART B

‘ANNEX I

List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
<i>Allium cepa</i> L. (Cepa group)	Onion and Echalion	TP 46/2 of 1.4.2009
<i>Allium cepa</i> L. (Aggregatum group)	Shallot	TP 46/2 of 1.4.2009
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion	TP 161/1 of 11.3.2010
<i>Allium porrum</i> L.	Leek	TP 85/2 of 1.4.2009
<i>Allium sativum</i> L.	Garlic	TP 162/1 of 25.3.2004
<i>Allium schoenoprasum</i> L.	Chives	TP 198/1 of 1.4.2009
<i>Apium graveolens</i> L.	Celery	TP 82/1 of 13.3.2008
<i>Apium graveolens</i> L.	Celeriac	TP 74/1 of 13.3.2008
<i>Asparagus officinalis</i> L.	Asparagus	TP 130/2 of 16.2.2011
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet	TP 60/1 of 1.4.2009
<i>Brassica oleracea</i> L.	Curly kale	TP 90/1 of 16.2.2011
<i>Brassica oleracea</i> L.	Cauliflower	TP 45/2 of 11.3.2010
<i>Brassica oleracea</i> L.	Sprouting broccoli or Calabrese	TP 151/2 of 21.3.2007
<i>Brassica oleracea</i> L.	Brussels sprouts	TP 54/2 of 1.12.2005
<i>Brassica oleracea</i> L.	Kohlrabi	TP 65/1 of 25.3.2004
<i>Brassica oleracea</i> L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/3 of 16.2.2011
<i>Brassica rapa</i> L.	Chinese cabbage	TP 105/1 of 13.3.2008
<i>Capsicum annuum</i> L.	Chilli or Pepper	TP 76/2 of 21.3.2007
<i>Cichorium endivia</i> L.	Curled-leaved endive and Plain-leaved endive	TP 118/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Industrial chicory	TP 172/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Witloof chicory	TP 173/1 of 25.3.2004
<i>Citrullus lanatus</i> (Thumb.) Matsum. et Nakai	Watermelon	TP 142/1 of 21.3.2007
<i>Cucumis melo</i> L.	Melon	TP 104/2 of 21.3.2007

Scientific name	Common name	CPVO protocol
<i>Cucumis sativus</i> L.	Cucumber and Gherkin	TP 61/2 of 13.3.2008
<i>Cucurbita pepo</i> L.	Marrow or Courgette	TP 119/1 of 25.3.2004
<i>Cynara cardunculus</i> L.	Globe artichoke and Cardoon	TP 184/1 of 25.3.2004
<i>Daucus carota</i> L.	Carrot and Fodder carrot	TP 49/3 of 13.3.2008
<i>Foeniculum vulgare</i> Mill.	Fennel	TP 183/1 of 25.3.2004
<i>Lactuca sativa</i> L.	Lettuce	TP 13/5 of 16.2.2011
<i>Lycopersicon esculentum</i> Mill.	Tomato	TP 44/3 of 21.3.2007
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 of 21.3.2007
<i>Phaseolus coccineus</i> L.	Runner bean	TP 9/1 of 21.3.2007
<i>Phaseolus vulgaris</i> L.	Dwarf French bean and Climbing French bean	TP 12/3 of 1.4.2009
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 7/2 of 11.3.2010
<i>Raphanus sativus</i> L.	Radish	TP 64/1 of 27.3.2002
<i>Solanum melongena</i> L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
<i>Spinacia oleracea</i> L.	Spinach	TP 55/3 of 11.3.2010
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007
<i>Vicia faba</i> L. (partim)	Broad bean	TP Broadbean/1 of 25.3.2004
<i>Zea mays</i> L. (partim)	Sweet corn and Pop corn	TP 2/3 of 11.3.2010

The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Spinach beet or Chard	TG/106/4 of 31.3.2004
<i>Brassica rapa</i> L.	Turnip	TG/37/10 of 4.4.2001
<i>Cichorium intybus</i> L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
<i>Cucurbita maxima</i> Duchesne	Gourd	TG/155/4rev. of 28.3.2007 + 1.4.2009
<i>Raphanus sativus</i> L.	Black radish	TG/63/6 of 24.3.1999
<i>Rheum rhabarbarum</i> L.	Rhubarb	TG/62/6 of 24.3.1999
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify	TG/116/4 of 24.3.2010

The text of these guidelines can be found on the UPOV web site (www.upov.int).'

COMMISSION DIRECTIVE 2011/69/EU**of 1 July 2011****amending Directive 98/8/EC of the European Parliament and of the Council to include imidacloprid as an active substance in Annex I thereto****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes imidacloprid.
- (2) Pursuant to Regulation (EC) No 1451/2007, imidacloprid has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 18, insecticides, acaricides and products to control other arthropods, as defined in Annex V to that Directive.
- (3) Germany was designated as rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 15 September 2008 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.
- (4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 16 December 2010, in an assessment report.
- (5) It appears from the evaluations that biocidal products used as insecticides, acaricides and products to control other arthropods and containing imidacloprid may be

expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include imidacloprid in Annex I to that Directive.

- (6) Not all potential uses have been evaluated at Union level. It is therefore appropriate that Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.
- (7) In view of the risks identified for the aquatic compartment, it is appropriate to require that products are not authorised for uses in animal housings where emission to a sewage treatment plant or direct emission to surface water cannot be prevented, unless data is submitted demonstrating that the product will meet the requirements of both Article 5 of and Annex VI to Directive 98/8/EC, if necessary by the application of appropriate risk mitigation measures.
- (8) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level. In particular, in the light of the possible risk for non-professionals, appropriate risk mitigation measures should be taken to minimise the potential exposure of infants and children.
- (9) In the light of the findings relating to possible indirect human exposure via consumption of food, it is appropriate to require, where relevant, verification of the need to set new or amended existing maximum residue levels (MRLs) according to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽³⁾ or Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽⁴⁾. Measures should be adopted ensuring that the applicable MRLs are not exceeded.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

⁽³⁾ OJ L 152, 16.6.2009, p. 11.

⁽⁴⁾ OJ L 70, 16.3.2005, p. 1.

- (10) It is important that the provisions of this Directive be applied simultaneously in all Member States in order to ensure equal treatment of biocidal products on the market containing the active substance imidacloprid and also to facilitate the proper operation of the biocidal products market in general.
- (11) A reasonable period should be allowed to elapse before an active substance is included in Annex I to Directive 98/8/EC in order to permit Member States and interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (12) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC.
- (13) Directive 98/8/EC should therefore be amended accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 30 June 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 July 2013.

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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 1 July 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 98/8/EC, the following entry is added:

No	Common name	IUPAC name, identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'42	imidacloprid	(2E)-1-[(6-chloropyridin-3-yl) methyl]-N-nitroimidazolidin-2- imine EC No: 428-040-8 CAS No: 138261-41-3	970 g/kg	1 July 2013	30 June 2015	30 June 2023	18	When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, when relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment. Products shall not be authorised for uses in animal housings where emission to a sewage treatment plant or direct emission to surface water cannot be prevented, unless data is submitted demonstrating that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate risk mitigation measures. Authorisations shall be subject to appropriate risk mitigation measures. In particular, appropriate risk mitigation measures shall be taken to minimise the potential exposure of infants and children. For products containing imidacloprid that may lead to residues in food or feed, Member States shall verify the need to set new or amended existing maximum residue levels (MRLs) according to Regulation (EC) No 470/2009 or Regulation (EC) No 396/2005, and take any appropriate risk mitigation measures ensuring that the applicable MRLs are not exceeded.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION EUMM/1/2011

of 1 July 2011

**on the appointment of the Head of Mission of the European Union Monitoring Mission in Georgia,
EUMM Georgia**

(2011/390/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Joint Action 2008/736/CFSP of 15 September 2008 on the European Union Monitoring Mission in Georgia, EUMM Georgia⁽¹⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) On 15 September 2008 the Council adopted Joint Action 2008/736/CFSP establishing the European Union Monitoring Mission in Georgia, EUMM Georgia ('EUMM Georgia').
- (2) On 12 August 2010 the Council adopted Decision 2010/452/CFSP⁽²⁾ extending EUMM Georgia until 14 September 2011.
- (3) Pursuant to Article 10(1) of Decision 2010/452/CFSP, the Political and Security Committee is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of EUMM Georgia, including the decision to appoint a Head of Mission,

Article 1

Mr Andrzej TYSZKIEWICZ is hereby appointed Head of Mission of the European Union Monitoring Mission in Georgia, EUMM Georgia for the period from 18 July 2011 to 14 September 2011.

Article 2

Political and Security Committee Decision EUMM Georgia/1/2010 of 3 September 2010 extending the mandate of the Head of Mission of the European Union Monitoring Mission in Georgia, EUMM Georgia⁽³⁾ is hereby repealed.

Article 3

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

Done at Brussels, 1 July 2011.

For the Political and Security Committee
The Chairperson
O. SKOOG

⁽¹⁾ OJ L 248, 17.9.2008, p. 26.

⁽²⁾ OJ L 213, 13.8.2010, p. 43.

⁽³⁾ OJ L 234, 4.9.2010, p. 16.

COMMISSION DECISION

of 1 July 2011

concerning the non-inclusion of certain substances in Annex I, IA or IB to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market

*(notified under document C(2011) 4596)***(Text with EEA relevance)**

(2011/391/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC.

(2) For a number of substance/product type combinations included in that list, either all participants have discontinued their participation in the review programme, or no complete dossier was received within the time period specified in Articles 9 and 12(3) of Regulation (EC) No 1451/2007 by the Member State designated as rapporteur for the evaluation.

(3) Consequently, and pursuant to Articles 11(2), 12(1) and 13(5) of Regulation (EC) No 1451/2007, the Commission informed the Member States accordingly. That information was also made public by electronic means.

(4) Within the period of 3 months from those publications, a number of companies indicated an interest in taking over the role of participant for the substances and product-types concerned. However, those companies subsequently failed to submit a complete dossier.

(5) Pursuant to Article 12(5) of Regulation (EC) No 1451/2007, the substances and product types concerned should therefore not be included in Annexes I, IA or IB to Directive 98/8/EC.

(6) In the interest of legal certainty, the date should be specified after which biocidal products containing active substances for the product-types indicated in the Annex to this Decision should no longer be placed on the market.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

The substances indicated in the Annex to this Decision shall not be included for the product-types concerned in Annexes I, IA or IB to Directive 98/8/EC.

Article 2

For the purposes of Article 4(2) of Regulation (EC) No 1451/2007, biocidal products containing active substances for the product-types indicated in the Annex to this Decision shall no longer be placed on the market with effect from 1 July 2012.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 July 2011.

For the Commission

Janez POTOČNIK

Member of the Commission

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

ANNEX

Substances and product types not to be included in Annexes I, IA or IB to Directive 98/8/EC

Name	EC number	CAS number	Product-type	Rapporteur Member State
Formaldehyde	200-001-8	50-00-0	1	DE
Formaldehyde	200-001-8	50-00-0	5	DE
Formaldehyde	200-001-8	50-00-0	9	DE
Formaldehyde	200-001-8	50-00-0	23	DE
2-chloroacetamide	201-174-2	79-07-2	3	EE
2-chloroacetamide	201-174-2	79-07-2	6	EE
2-chloroacetamide	201-174-2	79-07-2	13	EE
Thiabendazole	205-725-8	148-79-8	2	ES
Thiabendazole	205-725-8	148-79-8	13	ES
2,2'-dithiobis[N-methylbenzamide]	219-768-5	2527-58-4	13	PL
Sulphur dioxide	231-195-2	7446-09-5	1	DE
Sulphur dioxide	231-195-2	7446-09-5	2	DE
Sulphur dioxide	231-195-2	7446-09-5	5	DE
Sulphur dioxide	231-195-2	7446-09-5	6	DE
Sulphur dioxide	231-195-2	7446-09-5	13	DE
Reaction product of dimethyl adipate, dimethyl glutarate, dimethyl succinate with hydrogen peroxide/Perestane	432-790-1	—	4	HU
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	1	FR
Poly(hexamethylenediamine guanidinium chloride)	Polymer	57028-96-3	1	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	5	FR
Poly(hexamethylenediamine guanidinium chloride)	Polymer	57028-96-3	5	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	6	FR
Poly(hexamethylenediamine guanidinium chloride)	Polymer	57028-96-3	6	FR
Oligo(2-(2-ethoxy)ethoxyethylguanidinium chloride)	Polymer	374572-91-5	13	FR
Poly(hexamethylenediamine guanidinium chloride)	Polymer	57028-96-3	13	FR

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