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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Following the Council Decision of 20 June 2011 ⁽¹⁾ to approve the said Agreement, the European Union deposited on 7 July 2011 its instrument of approval with the General-Director of the FAO.

⁽¹⁾ OJ L 191, 22.7.2011, p. 1.

COUNCIL DECISION

of 18 July 2011

concerning the conclusion of consultations with the Republic of Guinea-Bissau under Article 96 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part

(2011/492/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ and revised at Ouagadougou, Burkina Faso on 22 June 2010 ⁽²⁾ (the ACP-EU Partnership Agreement), and in particular Article 96 thereof,

Having regard to the internal agreement on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

In conjunction with the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) The essential elements referred to in Article 9 of the ACP-EU Partnership Agreement have been violated.
- (2) On 29 March 2011, pursuant to Article 96 of the ACP-EU Partnership Agreement, consultations started with Guinea-Bissau in the presence of representatives of the African, Caribbean and Pacific Group of States, including the African Union, Economic Community of West African States (Ecowas) and the Community of Portuguese Language Countries (CPLP) during which

representatives of the Guinea-Bissau government presented satisfactory proposals and undertakings.

- (3) Consequently, the consultations opened under Article 96 of the ACP-EU Partnership Agreement should be closed and appropriate measures adopted for the performance of these undertakings,

HAS ADOPTED THIS DECISION:

Article 1

Consultations with Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement are hereby concluded.

Article 2

The measures set out in the annexed letter are hereby adopted as appropriate measures under Article 96(2)(c) of the ACP-EU Partnership Agreement.

Article 3

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

It shall expire on 19 July 2012.

It shall be reviewed regularly at least once every six months, preferably in the light of joint monitoring missions by the European External Action Service and the Commission.

Done at Brussels, 18 July 2011.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 4.11.2010, p. 3.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

ANNEX

DRAFT LETTER

President of the Republic of Guinea-Bissau,

Prime Minister of the Republic of Guinea-Bissau,

Sirs,

The European Union regards the mutiny of 1 April 2010 and the subsequent appointment of its main instigators to high-ranking posts in the military hierarchy as a serious and evident breach of essential elements set out in Article 9 of the partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 (the ACP-EU Partnership Agreement). It has on several occasions expressed concern about the failure to ensure the primacy of civilian authority and to abide by the principles of good democratic governance in Guinea-Bissau.

In application of Article 96 of the the ACP-EU Partnership Agreement, the European Union has therefore engaged in a political dialogue with the government in order to study the situation and possible solutions. Following the agreement of the Guinea-Bissau government, the consultations opened in Brussels on 29 March 2011.

During the meeting the participants discussed the necessary measures for ensuring the primacy of civilian authority, improving democratic governance, guaranteeing the safeguarding of constitutional order and the rule of law and tackling impunity and organised crime. Prior to the consultations, the Guinea-Bissau authorities submitted a memorandum with proposals designed to assuage the concerns raised in the European Union's letter.

The European Union noted these undertakings in the course of the consultations, particularly as regards:

- the conduct and conclusion of judicial investigations and proceedings that are fully independent and carried out under appropriate logistic and security conditions, relating to the assassinations in March and June 2009,
- the effective implementation of the security sector reform based on the strategy adopted by the national parliament and the legislative package drawn up with the support of the EU's CSDP mission,
- the renewal of the military hierarchy to ensure the appointment to senior command of persons not involved in unconstitutional or illegal conduct or acts of violence, in conformity with the conclusions and recommendations of the Ecowas roadmap for security sector reform,
- the approval of and assistance to an experts' mission to support security sector reform and the protection of political figures, to be carried out with the support of Ecowas, the CPLP and/or other partners,
- the preparation, adoption and effective implementation of national operational plans to implement security sector reform and to combat drug trafficking,
- the improvement of the administrative and financial management of civilian and military employees, and measures to combat money laundering.

In its conclusions following the consultations the European Union urged the representatives of Guinea-Bissau to undertake judicial investigations and proceedings into the events of 1 April 2010 to reinforce efforts to tackle the problem of impunity and to specify a more detailed timetable for implementation of these undertakings in compliance with the time-frame set out in the Ecowas roadmap.

The European Union found the undertakings made by Guinea-Bissau broadly encouraging. Accordingly, it was decided to close the consultations and to adopt appropriate measures under Article 96(2)(c) of the ACP-EU Partnership Agreement.

The gradual resumption of cooperation with a view to safeguarding the essential elements referred to in the the ACP-EU Partnership Agreement will take place in the following stages as set out in Annex I (schedule of commitments):

1. The European Union is continuing to finance ongoing contracts, humanitarian and emergency operations, measures in direct support of the people of Guinea-Bissau and projects to combat transnational crime and support the consolidation of democracy. Guinea-Bissau is eligible for the EDF MDG initiative. The allocation of funding under regional projects covering Guinea-Bissau and from other EDF facilities (water, energy, etc.) and the launch of preparatory measures for the implementation of future projects, including the preparation and implementation of future operations by the European Investment Bank, will be examined on a case-by-case basis.

2. The suspension of projects and programmes in the 'Conflict Prevention' focal sector (with the exception of Projust, Paracem and disbursement of contributions to the RSS pension fund under the PARSS programme to support reform of the security sector), the 'Water and Energy' focal sector (Bissau Electrification Project) and outside the focal sectors (the Sustainable Management of Road Transport Project and Private Sector Support Programme) will be lifted as soon as the following take place:
- (i) submission of a detailed timetable for implementation of security sector reform undertakings in compliance with the Ecowas roadmap;
 - (ii) the finalisation, adoption, enactment and publication of the security sector reform legislative package drawn up with the support of the EU's CSDP mission;
 - (iii) the approval of and assistance to an experts' mission to support security sector reform and the protection of political figures, to be carried out with the support of Ecowas, the CPLP and/or other partners; and
 - (iv) the preparation, adoption and a start to effective implementation of national operational plans to implement security sector reform and to combat drug trafficking and money laundering.
3. Disbursement of the EDF's first contribution to the retirement pension fund for elderly surplus staff in the security sector (PARSS programme, 9th EDF), conditional on payment of the government's and Ecowas's contributions, will be subject to:
- (i) the conduct and conclusion of judicial investigations and proceedings that are fully independent and carried out under appropriate logistic and security conditions, relating to the assassinations in March and June 2009; and
 - (ii) improvements in the administrative and financial management of public, civilian and military employees in Guinea-Bissau.
4. The European Union will envisage resuming budget support, resumption of the new support programme for the justice sector (Projust, 'Conflict Prevention' focal sector), and preparing a new support programme for civil and military reforms (Paracem, 'Conflict Prevention' focal sector), after:
- (i) continued effective implementation of national operational plans to implement security sector reform and to combat drug trafficking and money laundering;
 - (ii) the commencement of judicial investigations and proceedings into the events of 1 April 2010;
 - (iii) renewal of the military hierarchy to ensure the appointment to senior command of persons not involved in unconstitutional or illegal conduct or acts of violence, in conformity with the conclusions and recommendations of the Ecowas roadmap for security sector reform.

The European Union reserves the right to amend these measures in the light of the changing political situation and progress in the implementation of commitments.

As part of the procedure under Article 96 of the ACP-EU Partnership Agreement, the European Union will continue to monitor the situation in Guinea-Bissau closely over a period of 12 months. During this period an enhanced dialogue will be pursued with the government under Article 8 of the ACP-EU Partnership Agreement with a view to safeguarding the essential elements referred to in that Agreement. Regular reviews will be conducted by the European Union; the first monitoring mission should in principle take place within six months.

The two parties undertake to hold a regular political dialogue under Article 8 of the ACP-EU Partnership Agreement on reforms in the area of political, judicial and economic governance, paying particular attention to the reform of the security sector, measures to tackle impunity and organised crime, particularly drug trafficking.

We have the honour to be, Sirs, yours faithfully,

For the Council
The President
C. ASHTON

For the Commission
Commissioner
A. PIEBALGS

ANNEX I: SCHEDULE OF COMMITMENTS

Commitments by partners	
Commitment by Guinea-Bissau	Commitment by the European Union
STATE OF PLAY	Financing continues for ongoing contracts, humanitarian and emergency operations, measures in direct support of the people of Guinea-Bissau and projects to combat transnational crime and support the consolidation of democracy. Programmes and actions covered by appropriate measures have been frozen. The country is eligible for the MDG initiative. The allocation of funding under regional projects covering Guinea-Bissau and from other EDF facilities (water, energy, etc.) and the launch of preparatory measures for the implementation of future projects, including the preparation and implementation of possible operations by the European Investment Bank, to be examined on a case-by-case basis by the competent departments of the European Union.
Implementation of the following undertakings:	Resumption of projects and programmes:
— Submission of a detailed timetable for implementation of security sector reform undertakings in compliance with the Ecowas roadmap — Finalisation, adoption, enactment and publication of the security sector reform legislative package ⁽¹⁾ drawn up with the support of the EU's CSDP mission — Approval of and assistance to an experts' mission to support security sector reform and the protection of political figures, to be carried out with the support of Ecowas, the CPLP and/or other partners — Preparation, adoption and start to effective implementation of national operational plans to implement security sector reform and to combat drug trafficking and money laundering	— in the 'Conflict Prevention' focal sector (with the exception of Projust, Paracem and disbursement of contributions to the RSS pension fund under the PARSS programme) — the 'Water and Energy' focal sector (Bissau Electrification Project) — outside the focal sectors (the Sustainable Management of Road Transport Project and Private Sector Support Programme) (current financial reference amount: EUR 23,2 million)
Implementation of the following undertakings:	— Disbursement of the contribution to the retirement pension fund for elderly surplus staff in the security sector (PARSS programme, 'Conflict Prevention' sector), in so far as the government and Ecowas provide the necessary funding (current financial reference amount: EUR 3 million)
— Conduct and conclusion of judicial investigations and proceedings that are fully independent and carried out under appropriate logistic and security conditions relating to the assassinations in March and June 2009 — Improvements in the administrative and financial management of public, civilian and military employees in Guinea-Bissau	
Implementation of the following undertakings:	Resumption of programmes:
— Effective implementation of national operational plans to implement security sector reform and to combat drug trafficking and money laundering	— support programme for the justice sector (Projust, 'Conflict Prevention' focal sector) — to support reform of the civil and military administration – Paracem ('Conflict Prevention' focal sector)

Commitments by partners	
Commitment by Guinea-Bissau	Commitment by the European Union
— Commencement of judicial investigations and proceedings into the events of 1 April 2010	— for budgetary support
— Renewal of the military hierarchy to ensure the appointment to senior command of persons not involved in unconstitutional or illegal conduct or acts of violence, in conformity with the conclusions and recommendations of the Ecowas roadmap for security sector reform	(current financial reference amount: EUR 46 million)

(¹) Framework legislation for the reform of the security sector (indicative list [translation]): National Strategic Defence Concept, National Defence Act, Armed Forces Organisation Act, Armed Forces General Staff Act, Army Act, Navy Act, Air Force Act, Defence Ministry Act, Military Readiness Act (revision of Act No 3/99), Military Service Act (revision of Act No 4/99), Interior Ministry Act.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 783/2011

of 5 August 2011

amending Regulation (EU) No 724/2010 laying down detailed rules for the implementation of real-time closures of certain fisheries in the North Sea and Skagerrak

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006⁽¹⁾, and in particular Article 51(3) thereof,

Whereas:

- (1) Article 4 of Commission Regulation (EU) No 724/2010⁽²⁾ provides for a catch trigger level of 15 % by weight of juveniles of cod, haddock, saithe and whiting or, if the quantity of cod in the sample exceeds 75 % as compared to the four species in a haul, for a catch trigger level of 10 % by weight of juveniles of those species.
- (2) In accordance with Annex I to Regulation (EU) No 724/2010 a sample is to be taken when it is estimated that at least 300 kg of cod, haddock, saithe and whiting are present in one haul.
- (3) As stated at the Fisheries Consultations for 2011 held on 4 December 2010 between the Union and Norway, it is appropriate for the Union to amend the main parameters of the real-time closure system in the North Sea and Skagerrak, i.e. the catch trigger level and the minimum estimated quantity of fish concerned in one haul, in order to render that system more effective.
- (4) Regulation (EU) No 724/2010 should therefore be amended accordingly.

- (5) The Committee for Fisheries and Aquaculture has delivered no opinion on the measures provided for in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 724/2010 is amended as follows:

- (1) Article 4 is replaced by the following:

'Article 4

Catch trigger level

1. The catch level which shall trigger real-time closures of fisheries, as referred to in Article 51 of Regulation (EC) No 1224/2009, shall be 10 % by weight of juveniles as compared to the total of the four species referred to in Article 2, in a haul.

2. However, if the quantity of cod in the sample exceeds 75 % as compared to the total of the four species in a haul, the catch trigger level shall be 7,5 % by weight of juveniles as compared to the total of the four species in a haul.'

- (2) in Annex I, point 3 is replaced by the following:

'3. A sample shall be taken when it is estimated that at least 200 kg of any combination of cod, haddock, saithe or whiting are present in one haul.

(a) The minimum size of the sample shall be 200 kg of any combination of cod, haddock, saithe or whiting.

(b) The sample must be taken in such a way that it reflects the catch composition with respect to the four species.

(c) When appropriate due to the size of the catch the sample shall be taken in the beginning, the middle and the end of the catch.'

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 213, 13.8.2010, p. 1.

Article 2

This Regulation shall enter into force on the seventh 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, 5 August 2011.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 784/2011**of 5 August 2011****on advances to be paid from 16 October 2011 of the direct payments listed in Annex I to Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular Article 29(4)(a) thereof,

Whereas:

- (1) Article 29(2) of Regulation (EC) No 73/2009 provides that payments under support schemes listed in Annex I to that Regulation are to be made within the period from 1 December to 30 June of the following calendar year. However, Article 29(4)(a) of that Regulation permits the Commission to provide for advances.
- (2) In 2011 unfavourable weather conditions in Europe, with a very harsh winter and a late spring followed by an extreme drought and high temperatures, have caused serious damages on the crop and fodder production. Severe financial difficulties have been encountered by farmers as a result, in particular by cattle producers. These difficulties are compounded by the effects of the ongoing financial crisis which have caused many farmers to be confronted with serious liquidity problems. This already difficult situation has been worsened by the effects on the markets of the spread of E.coli bacteria which has led to dramatic falls in the demand and prices of fruit and vegetables. In order to help to alleviate these difficulties it is appropriate to allow for farmers to receive advance payments of up to 50 % of the support schemes listed in Annex I to Regulation (EC)

No 73/2009. Regarding the beef and veal payments provided for in Section 11 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, Member States should also be authorised to increase the payment of advances as referred to in Article 82 of Commission Regulation (EC) No 1121/2009 ⁽²⁾, to up to 80 % of the payment.

- (3) In order to ensure that the advance payments will be accounted for under the 2012 budget year, they should be made from 16 October 2011. The necessary verification of eligibility conditions under Article 29(3) of Regulation (EC) No 73/2009 should nevertheless be carried out before payment of the advances in the interests of good financial management.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Member States may pay, from 16 October 2011, advances to farmers of up to 50 % of the direct payments listed in Annex I to Regulation (EC) No 73/2009 in respect of applications made in 2011, provided that the verification of the eligibility conditions pursuant to Article 20 of Regulation (EC) No 73/2009 has been finalised.

Regarding the beef and veal payments provided for in Section 11 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, Member States shall be authorised to increase the amount referred to in the first paragraph to up to 80 %.

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, 5 August 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 316, 2.12.2009, p. 27.

COMMISSION IMPLEMENTING REGULATION (EU) No 785/2011**of 5 August 2011****amending Council Regulation (EC) No 73/2009 as regards the maximum guaranteed area for which the protein crop premium may be granted**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular Article 81(3) thereof,

Whereas:

- (1) Article 81(1) of Regulation (EC) No 73/2009 establishes the maximum guaranteed area for which the protein crop premium may be granted.
- (2) Article 81(3) of Regulation (EC) No 73/2009 provides that where a Member State decides, in accordance with Article 67, to integrate the protein crop premium into the single payment scheme, the Commission is to reduce the maximum guaranteed area referred to in Article 81(1) in proportion to the area corresponding to the protein crops amount attributed to that Member State in Annex XII.

(3) Denmark, Greece, Luxembourg, the Netherlands, Austria, Finland, Sweden and the United Kingdom, except England, have decided to integrate the protein crop premium into the single payment scheme.

(4) Article 81(1) of Regulation (EC) No 73/2009 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Article 81(1) of Regulation (EC) No 73/2009 is replaced by the following:

‘1. A maximum guaranteed area of 1 505 056 ha for which the protein crop premium may be granted is hereby established.’

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, 5 August 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

COMMISSION IMPLEMENTING REGULATION (EU) No 786/2011

of 5 August 2011

approving the active substance 1-naphthylacetamide, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/941/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Articles 13(2) and 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 ⁽³⁾, with respect to the procedure and the conditions for approval. 1-Naphthylacetamide is an active substance for which completeness has been established in accordance with that Regulation.
- (2) Commission Regulations (EC) No 1112/2002 ⁽⁴⁾ and (EC) No 2229/2004 ⁽⁵⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included 1-naphthylacetamide.
- (3) In accordance with Article 24e of Regulation (EC) No 2229/2004 the notifier withdrew its 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 referred to in Article 24(2) of that Regulation. Consequently, Commission Decision 2008/941/EC of 8 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 ⁽⁶⁾ was adopted on the non-inclusion of 1-naphthylacetamide.

- (4) 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 Regulation (EC) No 33/2008 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) The application was submitted to France, which had been designated rapporteur Member State by Regulation (EC) No 2229/2004. 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 2008/941/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (6) France 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 March 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 1-naphthylacetamide to the Commission on 15 February 2011 ⁽⁷⁾. 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 17 June 2011 in the format of the Commission review report for 1-naphthylacetamide.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 168, 27.6.2002, p. 14.

⁽⁵⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁶⁾ OJ L 335, 13.12.2008, p. 91.

⁽⁷⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance 2-(1-naphthyl)acetamide. EFSA Journal 2011;9(2):2020. [58 pp.]. doi:10.2903/j.efsa.2011.2020. Available online: www.efsa.europa.eu

- (7) It has appeared from the various examinations made that plant protection products containing 1-naphthylacetamide 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 as regards the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve 1-naphthylacetamide in accordance with Regulation (EC) No 1107/2009.
- (8) In accordance with Article 13(2) of Regulation (EC) No 1107/2009, in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions.
- (9) Without prejudice to the conclusion that 1-naphthylacetamide should be approved, it is, in particular, appropriate to require further confirmatory information.
- (10) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (11) Without prejudice to the obligations defined by Regulation (EC) No 1107/2009 as a consequence of the approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a period of 6 months after approval to review authorisations of plant protection products containing 1-naphthylacetamide. Member States should, as appropriate, vary, replace or withdraw existing authorisations. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (12) The experience gained from 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 to that Directive or the Regulations approving active substances.
- (13) In accordance with Article 13(4) of Regulation (EC) No 1107/2009 the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances⁽²⁾ should be amended accordingly.
- (14) Decision 2008/941/EC provides for the non-inclusion of 1-naphthylacetamide and the withdrawal of authorisations for plants protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning 1-naphthylacetamide in the Annex to that Decision. It is therefore appropriate to amend Decision 2008/941/EC accordingly.
- (15) 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*
- Approval of active substance**
- The active substance 1-naphthylacetamide, as specified in Annex I, is approved subject to the conditions laid down in that Annex.
- Article 2*
- Re-evaluation of plant protection products**
1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing 1-naphthylacetamide as an active substance by 30 June 2012.
- By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in Part B of the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

⁽²⁾ OJ L 153, 11.6.2011, p. 1.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing 1-naphthylacetamide as either the only active substance or as one of several active substances all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 December 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account Part B of the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009. Following that determination Member States shall:

- (a) in the case of a product containing 1-naphthylacetamide as the only active substance, where necessary, amend or withdraw the authorisation by 31 December 2015 at the latest; or
- (b) in the case of a product containing 1-naphthylacetamide as one of several active substances, where necessary, amend or withdraw the authorisation by 31 December 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance

or substances to Annex I to Directive 91/414/EEC or approved that substance or substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

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

Article 4

Amendments to Decision 2008/941/EC

The line concerning 1-naphthylacetamide in the Annex to Decision 2008/941/EC is deleted.

Article 5

Entry into force and date of application

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

It shall apply from 1 January 2012.

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

Done at Brussels, 5 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
1-naphthylacetamide CAS No 86-86-2 CIPAC No 282	2-(1-naphthyl)acetamide	≥ 980 g/kg	1 January 2012	31 December 2021	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on 1-naphthylacetamide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011, shall be taken into account. In this overall assessment Member States: (a) shall pay particular attention to the risk to operators and workers and ensure that conditions of use include the application of adequate personal protective equipment, where appropriate; (b) shall pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions; (c) shall pay particular attention to the risk to aquatic organisms; (d) shall pay particular attention to the risk to non-target plants; (e) shall pay particular attention to the risk to birds. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: (1) the risk to non-target plants; (2) the long-term risk to birds. The applicant shall submit to the Commission, the Member States and the Authority such information by 31 December 2013.

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

ANNEX II

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

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'12	1-naphthylacetamide CAS No 86-86-2 CIPAC No 282	2-(1-naphthyl)acetamide	≥ 980 g/kg	1 January 2012	31 December 2021	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on 1-naphthylacetamide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011, shall be taken into account. In this overall assessment Member States: (a) shall pay particular attention to the risk to operators and workers and ensure that conditions of use include the application of adequate personal protective equipment, where appropriate; (b) shall pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions; (c) shall pay particular attention to the risk to aquatic organisms; (d) shall pay particular attention to the risk to non-target plants; (e) shall pay particular attention to the risk to birds. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: (1) the risk to non-target plants; (2) the long-term risk to birds. The applicant shall submit to the Commission, the Member States and the Authority such information by 31 December 2013.'

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

COMMISSION IMPLEMENTING REGULATION (EU) No 787/2011

of 5 August 2011

approving the active substance 1-naphthylacetic acid, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/941/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁶⁾ was adopted on the non-inclusion of 1-naphthylacetic acid.

(4) 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 Regulation (EC) No 33/2008 laying down detailed rules for the application of 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.

(1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 ⁽³⁾, with respect to the procedure and the conditions for approval. 1-naphthylacetic acid, previously referred to as 'naphthylacetic acid', is an active substance for which completeness has been established in accordance with that Regulation.

(5) The application was submitted to France, which had been designated rapporteur Member State by Regulation (EC) No 2229/2004. 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 2008/941/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

(2) Commission Regulations (EC) No 1112/2002 ⁽⁴⁾ and (EC) No 2229/2004 ⁽⁵⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included 1-naphthylacetic acid.

(6) France 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 March 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 1-naphthylacetic acid to the Commission on 15 February 2011 ⁽⁷⁾. 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 17 June 2011 in the format of the Commission review report for 1-naphthylacetic acid.

(3) In accordance with Article 24e of Regulation (EC) No 2229/2004 the notifier withdrew its 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 referred to in Article 24(2) of that Regulation. Consequently, Commission Decision 2008/941/EC of 8 December 2008 concerning the non-inclusion of certain active substances in Annex I

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 168, 27.6.2002, p. 14.

⁽⁵⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁶⁾ OJ L 335, 13.12.2008, p. 91.

⁽⁷⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance 1-naphthylacetic acid. EFSA Journal 2011;9(2):2019. [54 pp.]. doi:10.2903/j.efsa.2011.2019. Available online: www.efsa.europa.eu

- (7) It has appeared from the various examinations made that plant protection products containing 1-naphthylacetic acid 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 as regards the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve 1-naphthylacetic acid in accordance with Regulation (EC) No 1107/2009.
- (8) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions.
- (9) Without prejudice to the conclusion that 1-naphthylacetic acid should be approved, it is, in particular, appropriate to require further confirmatory information.
- (10) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (11) Without prejudice to the obligations defined by Regulation (EC) No 1107/2009 as a consequence of the approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009 the following should, however, apply. Member States should be allowed a period of 6 months after approval to review authorisations of plant protection products containing 1-naphthylacetic acid. Member States should, as appropriate, vary, replace or withdraw existing authorisations. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (12) The experience gained from 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 to that Directive or the Regulations approving active substances.
- (13) In accordance with Article 13(4) of Regulation (EC) No 1107/2009 the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances ⁽²⁾ should be amended accordingly.
- (14) Decision 2008/941/EC provides for the non-inclusion of 1-naphthylacetic acid and the withdrawal of authorisations for plants protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning 'naphthylacetic acid' in the Annex to that Decision. It is therefore appropriate to amend Decision 2008/941/EC accordingly.
- (15) 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

Approval of active substance

The active substance 1-naphthylacetic acid, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing 1-naphthylacetic acid as an active substance by 30 June 2012.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in Part B of the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

⁽²⁾ OJ L 153, 11.6.2011, p. 1.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing 1-naphthylacetic acid as either the only active substance or as one of several active substances all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 December 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account Part B of the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009. Following that determination Member States shall:

- (a) in the case of a product containing 1-naphthylacetic acid as the only active substance, where necessary, amend or withdraw the authorisation by 31 December 2015 at the latest; or
- (b) in the case of a product containing 1-naphthylacetic acid as one of several active substances, where necessary, amend or withdraw the authorisation by 31 December 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance

or substances to Annex I to Directive 91/414/EEC or approved that substance or substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

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

Article 4

Amendments to Decision 2008/941/EC

The line concerning 'naphthylacetic acid' in the Annex to Decision 2008/941/EC is deleted.

Article 5

Entry into force and date of application

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

It shall apply from 1 January 2012.

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

Done at Brussels, 5 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
1-naphthylacetic acid CAS No 86-87-3 CIPAC No 313	1-naphthylacetic acid	≥ 980 g/kg	1 January 2012	31 December 2021	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on 1-naphthylacetic acid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011 shall be taken into account. In this overall assessment Member States: (a) shall pay particular attention to the risk to operators and workers and shall ensure that conditions of use include the application of adequate personal protective equipment, where appropriate; (b) shall pay particular attention to the dietary exposure situation of consumers in view of future revisions of maximum residue levels; (c) shall pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions; (d) shall pay particular attention to the risk to aquatic organisms; (e) shall pay particular attention to the risk to birds. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: (1) the route and rate of degradation in soil including an assessment of the potential for photolysis; (2) the long-term risk to birds. The applicant shall submit to the Commission, the Member States and the Authority such information by 31 December 2013.

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

ANNEX II

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

Number	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
'13	1-naphthylacetic acid CAS No 86-87-3 CIPAC No 313	1-naphthylacetic acid	≥ 980 g/kg	1 January 2012	31 December 2021	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on 1-naphthylacetic acid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011 shall be taken into account. In this overall assessment Member States: (a) shall pay particular attention to the risk to operators and workers and shall ensure that conditions of use include the application of adequate personal protective equipment, where appropriate; (b) shall pay particular attention to the dietary exposure situation of consumers in view of future revisions of maximum residue levels; (c) shall pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions; (d) shall pay particular attention to the risk to aquatic organisms; (e) shall pay particular attention to the risk to birds. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: (1) the route and rate of degradation in soil including an assessment of the potential for photolysis; (2) the long-term risk to birds. The applicant shall submit to the Commission, the Member States and the Authority such information by 31 December 2013.'

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

COMMISSION IMPLEMENTING REGULATION (EU) No 788/2011**of 5 August 2011****approving the active substance fluazifop-P, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and 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 Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

(1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 ⁽³⁾, with respect to the procedure and the conditions for approval. Fluazifop-P is an active substance for which completeness has been established in accordance with that Regulation.

(2) Commission Regulations (EC) No 451/2000 ⁽⁴⁾ and (EC) No 1490/2002 ⁽⁵⁾ 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 fluazifop-P.

(3) In accordance with Article 3(2) of Commission Regulation (EC) No 1095/2007 of 20 September 2007

amending Regulation (EC) No 1490/2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and Regulation (EC) No 2229/2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁶⁾ the notifier withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from entry into force of that Regulation. 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 ⁽⁷⁾ was adopted on the non-inclusion of fluazifop-P.

(4) 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 Regulation (EC) No 33/2008 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) The application was submitted to France, 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.

(6) France 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

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁶⁾ OJ L 246, 21.9.2007, p. 19.

⁽⁷⁾ OJ L 333, 11.12.2008, p. 11.

Commission on 19 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 fluazifop-P to the Commission on 17 November 2010⁽¹⁾. 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 17 June 2011 in the format of the Commission review report for fluazifop-P.

- (7) It has appeared from the various examinations made that plant protection products containing fluazifop-P 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 as regards the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve fluazifop-P in accordance with Regulation (EC) No 1107/2009.
- (8) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions.
- (9) Without prejudice to the conclusion that fluazifop-P should be approved, it is, in particular, appropriate to require further confirmatory information.
- (10) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (11) Without prejudice to the obligations defined by Regulation (EC) No 1107/2009 as a consequence of the approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009 the following should, however, apply. Member States should be allowed a period of 6 months after approval to review authorisations of plant protection products containing fluazifop-P. Member States should, as appropriate, vary, replace or withdraw existing authorisations. By way of

derogation from the above deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.

- (12) 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⁽²⁾ 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.
- (13) In accordance with Article 13(4) of Regulation (EC) No 1107/2009 the Annex to Commission Implementing Regulation (EU) No 540/2011⁽³⁾ should be amended accordingly.
- (14) Decision 2008/934/EC provides for the non-inclusion of fluazifop-P and the withdrawal of authorisations for plants protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning fluazifop-P in the Annex to that Decision. It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (15) 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

Approval of active substance

The active substance fluazifop-P, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

⁽¹⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance fluazifop-P-butyl. EFSA Journal 2010;8(11): [24 pp.] doi:10.2903/j.efsa.2010.1905. Available online: www.efsa.europa.eu/efsajournal.htm

⁽²⁾ OJ L 366, 15.12.1992, p. 10.

⁽³⁾ OJ L 153, 11.6.2011, p. 1.

*Article 2***Re-evaluation of plant protection products**

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing fluazifop-P as an active substance by 30 June 2012.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in Part B of the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing fluazifop-P as either the only active substance or as one of several active substances all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 December 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account Part B of the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009. Following that determination Member States shall:

(a) in the case of a product containing fluazifop-P as the only active substance, where necessary, amend or withdraw the authorisation by 31 December 2015 at the latest; or

(b) in the case of a product containing fluazifop-P as one of several active substances, where necessary, amend or withdraw the authorisation by 31 December 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or substances, whichever is the latest.

*Article 3***Amendments to Implementing Regulation (EU) No 540/2011**

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

*Article 4***Amendments to Decision 2008/934/EC**

The line concerning fluazifop-P in the Annex to Decision 2008/934/EC is deleted.

*Article 5***Entry into force and date of application**

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

It shall apply from 1 January 2012.

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

Done at Brussels, 5 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Fluazifop-P CAS No 83066-88-0 (fluazifop-P) CIPAC No 467 (fluazifop-P)	(R)-2-{4-[5-(trifluoromethyl)-2-pyridyloxy]phenoxy} propionic acid (fluazifop-P)	≥ 900 g/kg in fluazifop-P-butyl The following impurity 2-chloro-5-(trifluoromethyl) pyridine must not exceed 1,5 g/kg in the material as manufactured.	1 January 2012	31 December 2021	PART A Only uses as herbicide for orchards (basal application) with one application every year may be authorised. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on fluazifop-P-butyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011 shall be taken into account. In this overall assessment Member States: — shall pay particular attention to the operator safety and shall ensure that conditions of use include the application of adequate personal protective equipment, where appropriate, — shall pay particular attention to the protection of surface water and groundwater in vulnerable zones, — shall pay particular attention to the risk for non-target plants. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: (1) the specification of the technical material, as commercially manufactured, including information on the relevance of the impurity R154719; (2) the equivalence between the specifications of the technical material, as commercially manufactured, and the specifications of the test material used in the toxicity studies; (3) the potential long-term risk to herbivorous mammals; (4) the fate and behaviour in the environment of the metabolite compounds X ⁽²⁾ and IV ⁽³⁾; (5) the potential risk to fish and aquatic invertebrates for the metabolite compound IV. The applicant shall submit to the Commission, the Member States and the Authority the information set out in points (1) and (2) by 30 June 2012 and the information set out in points (3), (4) and (5) by 31 December 2013.

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

⁽²⁾ 5-(trifluoromethyl)-2(1H)-pyridinone.

⁽³⁾ 4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenol.

ANNEX II

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

15	Fluazifop P CAS No 83066-88-0 (fluazifop-P) CIPAC No 467 (fluazifop-P)	(R)-2-{4-[5-(trifluoromethyl)-2-pyridyloxy]phenoxy}propionic acid (fluazifop-P)	≥ 900 g/kg in fluazifop P-butyl The following impurity 2-chloro-5-(trifluoromethyl)pyridine must not exceed 1,5 g/kg in the material as manufactured.	1 January 2012	31 December 2021	PART A Only uses as herbicide for orchards (basal application) with one application every year may be authorised. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on fluazifop-P-butyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011 shall be taken into account. In this overall assessment Member States: — shall pay particular attention to the operator safety and shall ensure that conditions of use include the application of adequate personal protective equipment, where appropriate, — shall pay particular attention to the protection of surface water and groundwater in vulnerable zones, — shall pay particular attention to the risk for non-target plants. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards: (1) the specification of the technical material, as commercially manufactured, including information on the relevance of the impurity R154719; (2) the equivalence between the specifications of the technical material, as commercially manufactured, and the specifications of the test material used in the toxicity studies; (3) the potential long-term risk to herbivorous mammals; (4) the fate and behaviour in the environment of the metabolite compounds X (*) and IV (**); (5) the potential risk to fish and aquatic invertebrates for the metabolite compound IV. The applicant shall submit to the Commission, the Member States and the Authority the information set out in points (1) and (2) by 30 June 2012 and the information set out in points (3), (4) and (5) by 31 December 2013.
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(*) 5-(trifluoromethyl)-2(1H)-pyridinone.

(**) 4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenol.

COMMISSION IMPLEMENTING REGULATION (EU) No 789/2011**of 5 August 2011****opening the procedure for the allocation of export licences for cheese to be exported to the United States of America in 2012 under certain GATT quotas**

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 171(1), in conjunction with Article 4 thereof,

Whereas:

- (1) Section 2 of Chapter III of Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products ⁽²⁾ provides that export licences for cheese exported to the United States of America as part of the quotas under the agreements concluded during multilateral trade negotiations may be allocated according to a special procedure by which preferred importers in the USA may be designated.
- (2) That procedure should be opened for exports during 2012 and the additional rules relating to it should be determined.
- (3) In administering imports the competent authorities in the USA make a distinction between the additional quota granted to the European Union under the Uruguay Round and the quotas resulting from the Tokyo Round. Export licences should be allocated taking into account the eligibility of those products for the USA quota in question as described in the Harmonised Tariff Schedule of the United States of America.
- (4) With a view to exporting the maximum quantity under the quotas for which there is moderate interest, applications covering the whole quota quantity should be allowed.
- (5) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy. It is considered that the notifications provided for in Section 2 of Chapter III of Regulation (EC) No 1187/2009 and in this Regulation can be fulfilled via that system in accordance with Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the

Member States' notification to the Commission of information and documents in implementation of the common organisation of markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽³⁾. In the interests of efficient administration, Member States should use that information system, in accordance with Regulation (EC) No 792/2009.

- (6) For reasons of legal certainty and clarity, it should be laid down that the measures provided for in this Regulation cease to apply at the end of 2012.
- (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

Export licences for products falling within CN code 0406 and listed in Annex I to this Regulation to be exported to the United States of America in 2012 under the quotas referred to in Article 21 of Regulation (EC) No 1187/2009 shall be issued in accordance with Section 2 of Chapter III of that Regulation and with the provisions of this Regulation.

Article 2

1. Applications for licences referred to in Article 22 of Regulation (EC) No 1187/2009 (hereinafter referred to as 'applications') shall be lodged with the competent authorities from 1 to 9 September 2011 at the latest.

2. Applications shall be admissible only if they contain all the information referred to in Article 22 of Regulation (EC) No 1187/2009 and if they are accompanied by the documents referred to therein.

Where, for the same group of products referred to in column 2 of Annex I to this Regulation the available quantity is divided between the Uruguay Round quota and the Tokyo Round quota, licence applications may cover only one of those quotas and shall indicate the quota concerned, specifying the identification of the group and of the quota indicated in column 3 of that Annex.

Information referred to in Article 22 of Regulation (EC) No 1187/2009 shall be presented in accordance with the model set out in Annex II to this Regulation.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 318, 4.12.2009, p. 1.

⁽³⁾ OJ L 228, 1.9.2009, p. 3.

3. As regards the quotas identified by 22-Tokyo, 22-Uruguay, 25-Tokyo and 25-Uruguay in column 3 of Annex I, applications shall cover at least 10 tonnes and shall not exceed the quantity available under the quota concerned as set out in column 4 of that Annex.

As regards the other quotas indicated in column 3 of Annex I, applications shall cover at least 10 tonnes and no more than 40 % of the quantity available under the quota concerned as set out in column 4 of that Annex.

4. Applications shall be admissible only if applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so.

If an applicant lodges several applications for the same group of products and the same quota in one or more Member States, all his applications shall be deemed inadmissible.

Article 3

1. Member States shall notify the Commission, by 16 September at the latest, of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I.

All notifications, including 'nil' notifications, shall be made in accordance with Regulation (EC) No 792/2009.

2. Notification shall comprise for each group and, where applicable, for each quota:

- (a) a list of applicants, their name, address and reference (number);
- (b) the quantities applied for by each applicant broken down by the product code of the Combined Nomenclature and by their code in accordance with the Harmonised Tariff Schedule of the United States of America (2011);
- (c) the name, address and reference (number) of the importer designated by the applicant.

Article 4

The Commission shall, pursuant to Article 23(1) of Regulation (EC) No 1187/2009, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 2011 at the latest.

Member States shall notify the Commission, within five working days after publication of the allocation coefficients, for each group and, where applicable, for each quota, the quantities allocated by applicant, the product code, the applicant reference (number) and the designated importer reference (number) in accordance with Article 23(2) of Regulation (EC) No 1187/2009.

Quantities allocated by drawing lots in accordance with Article 23(2) of Regulation (EC) No 1187/2009 shall be distributed among the individual CN codes in proportion to the quantities of product by CN code applied for.

The notification shall be made in accordance with Regulation (EC) No 792/2009.

Article 5

The information notified under Article 3 of this Regulation and under Article 22 of Regulation (EC) No 1187/2009 shall be verified by the Member States before the licences are issued and by 15 December 2011 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a licence has been issued, the licence shall be cancelled and the security forfeited. The Member States shall notify the Commission without any delay. The notification shall be made in accordance with Regulation (EC) No 792/2009 and shall comprise for each group and, where applicable, for each quota:

- (a) the applicant reference (number);
- (b) the quantities applied for by each applicant broken down by the product code of the Combined Nomenclature and by their code in accordance with the Harmonised Tariff Schedule of the United States of America (2011);
- (c) the designated importer reference (number).

Article 6

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

It shall expire on 31 December 2012.

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

Done at Brussels, 5 August 2011.

For the Commission
The President

José Manuel BARROSO

ANNEX I

Cheese to be exported to the United States of America in 2012 under certain GATT quotas*Section 2 of Chapter III of Regulation (EC) No 1187/2009 and Regulation (EU) No 789/2011*

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States		Identification of group and quota	Quantity available for 2012
Note to	Group		Kg
(1)	(2)	(3)	(4)
16	Not specifically provided for (NSPF)	16-Tokyo	908 877
		16-Uruguay	3 446 000
17	Blue Mould	17-Uruguay	350 000
18	Cheddar	18-Uruguay	1 050 000
20	Edam/Gouda	20-Uruguay	1 100 000
21	Italian type	21-Uruguay	2 025 000
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393 006
		22-Uruguay	380 000
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003 172
		25-Uruguay	2 420 000

ANNEX II

Presentation of information required pursuant to Article 22 of Regulation (EC) No 1187/2009

Identification of group and quota referred to in column 3 of Annex I to Regulation (EU) No 789/2011:

Name of group indicated in column 2 of Annex I to Regulation (EU) No 789/2011:

.....

Origin of quota:

Uruguay Round: ☐

Tokyo Round: ☐

Name/address of applicant	Product code of the Combined Nomenclature	Quantity applied for in kg	Harmonised Tariff Schedule of the USA code	Name/address of designated importer
	Total:			

COMMISSION IMPLEMENTING REGULATION (EU) No 790/2011**of 5 August 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 6 August 2011.

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

Done at Brussels, 5 August 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
0707 00 05	TR	105,8
	ZZ	105,8
0709 90 70	TR	116,3
	ZZ	116,3
0805 50 10	AR	63,8
	CL	76,3
	TR	57,0
	UY	92,0
	ZA	84,4
	ZZ	74,7
0806 10 10	EG	152,5
	MA	187,2
	TR	164,1
	ZA	98,7
	ZZ	150,6
0808 10 80	AR	95,7
	BR	74,7
	CL	105,4
	CN	56,0
	NZ	102,4
	US	100,4
	ZA	89,2
	ZZ	89,1
0808 20 50	AR	83,3
	CL	81,6
	CN	31,1
	NZ	108,0
	ZA	103,2
	ZZ	81,4
0809 20 95	CA	870,0
	TR	315,2
	US	510,8
	ZZ	565,3
0809 30	TR	126,6
	ZZ	126,6
0809 40 05	BA	50,1
	IL	149,1
	XS	57,7
	ZZ	85,6

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 5 August 2011

approving the plan for the eradication of foot-and-mouth disease in wild animals in Bulgaria

(notified under document C(2011) 5625)

(Only the Bulgarian text is authentic)

(2011/493/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽¹⁾, and in particular paragraph 2 of Part B of Annex XVIII thereto,

Whereas:

- (1) Directive 2003/85/EC ('the Directive') introduces Union measures for the control of foot-and-mouth disease, including those to be applied in case of confirmation of the presence of foot-and-mouth disease in wild animals.
- (2) A case of foot-and-mouth disease in wild boar and a total of 11 outbreaks of that disease in livestock were confirmed in the region of Burgas in Bulgaria between 5 January and 7 April 2011. As a consequence, Bulgaria has taken measures in the framework of the Directive.
- (3) In accordance with Article 85(4) of the Directive, as soon as the competent authority of Bulgaria had confirmation of the primary case of foot-and-mouth disease in wild animals, it applied the measures provided for in Part A of Annex XVIII to the Directive in order to reduce the spread of disease.
- (4) In addition, Bulgaria drew up a plan for the eradication of foot-and-mouth disease in wild animals in the area defined as infected and specified the measures applied on the holdings in that area in accordance with Part B of Annex XVIII to the Directive.

- (5) On 4 April 2011, within 90 days following the confirmation of foot-and-mouth disease in wildlife, Bulgaria submitted a plan for the eradication of foot-and-mouth disease in wildlife in parts of the regions of Burgas, Yambol and Haskovo.
- (6) Following evaluation by the Commission, the plan submitted by Bulgaria complies with the requirements laid down in Part B of Annex XVIII to the Directive and appears to permit the desired objectives to be attained. The plan should therefore be approved.
- (7) In addition, in parts of the regions of Burgas and Yambol the measures provided for in the eradication plan are reinforced by the measures provided for in Commission Decision 2011/44/EU of 19 January 2011 concerning certain protection measures against foot-and-mouth disease in Bulgaria ⁽²⁾.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the plan for the eradication of foot-and-mouth disease in wild animals

The plan submitted by Bulgaria to the Commission on 4 April 2011 for the eradication of foot-and-mouth disease in wild animals susceptible to that disease in the areas set out in the Annex is approved.

Article 2

Compliance

Bulgaria shall take the necessary measures to comply with this Decision and publish those measures.

It shall immediately inform the Commission thereof.

⁽¹⁾ OJ L 306, 22.11.2003, p. 1.

⁽²⁾ OJ L 19, 22.1.2011, p. 20.

*Article 3***Addressee**

This Decision is addressed to the Republic of Bulgaria.

Done at Brussels, 5 August 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX

Areas in Bulgaria where the plan for the eradication of foot-and-mouth disease in susceptible wild animals is to be implemented

The parts of the regions of Burgas, Yambol and Haskovo within the following perimeters:

(1) northern boundaries:

(a) in the municipalities of Primorsko and Sozopol (Burgas Region):

- (i) the road No 99 starting west from the town of Kiten on the coast of the Black Sea, running to Primorsko and from there the secondary road No 992 to Yasna Polyana and further to Novo Panicharevo until it hits road No 9/E87;
- (ii) the road No 9/E87 following to the north until the crossing with the secondary road to Izvor;
- (iii) the road to Izvor, Zidarovo and Gabar following to the point where the local road hits the administrative border of the municipality Sredets at $42^{\circ}18'19,82''N/27^{\circ}17'12,11''E$;

(b) in the municipality of Sredets (Burgas Region):

- (i) the local road from the above coordinate to Drachevo, the village of Drachevo and then further the road leading from the north of Drachevo to the conjunction of national road No 79 with national road No 53 in the east of the village Sredets;
- (ii) the southern boundaries of Sredets;
- (iii) the local road following from Sredets westward to the village of Belila and leading to the bridge of that road over the river Sredetska west of the village of Prohod, and including the village of Prohod;
- (iv) the river Sredetska from its intersection with the local road leading from Prohod to Bistrets until the point where that branch of the river that leads to the village of Oman (municipality of Bolyarovo) hits the border with the municipality Bolyarovo at $42^{\circ}16'57,78''N/26^{\circ}57'33,54''E$;

(c) in the municipalities of Bolyarovo (Yambol Region):

- (i) the river Sredetska from the point where that branch of the river that leads to the village of Oman hits the border with the municipality Bolyarovo at $42^{\circ}16'57,78''N/26^{\circ}57'33,54''E$ further to Oman;
- (ii) the road from Oman to Dennitsa and further to the intersection with the road from Kamenets to Stefan Karadzhovo;
- (iii) the road from Stefan Karadzhovo to Dabovo, further to Popovo and until the road hits the border with the municipality of Elhovo at $42^{\circ}10'48''N/26^{\circ}41'45''E$;

(d) in the municipality of Elhovo (Yambol Region):

- (i) the road to Dobrich from the point described in point (c)(iii) to the intersection with road No 79 south of Dobrich;
- (ii) the road No 79 from Dobrich to the intersection with road No 7 east of Elhovo;

(2) western boundaries:

(a) in the municipality of Elhovo (Yambol Region)

- (i) the road No 7 from Elhovo to the intersection with road No 76 north-east of the village Knyazhevo;
- (ii) the secondary road intersecting with road No 76 in the north of the village Knyazhevo leading to Srem;

(b) in the municipality of Topolovgrad (Haskovo Region)

(i) the road from Knyazhevo to Srem, Ustem and further to Planinovo;

(ii) the road from Planinovo until the intersection at $41^{\circ}57'12''\text{N}/26^{\circ}21'56''\text{E}$ near to the border with the municipality of Svilengrad;

(c) in the municipality of Svilengrad (Haskovo Region):

(i) the road coming from the intersection described in point (b)(ii) leading south to Dervishka Mogila, Levka and until the intersection with road No 55 leading to Svilengrad;

(ii) the road No 55 from the intersection described in point (i) to the intersection with road No 8 in the north of Svilengrad;

(iii) the road No 8 from south-east of Svilengrad, following in parallel the road No E 80, to Kapitan Andreevo at the border with Turkey;

(3) southern boundaries:

The national border (land and river) between Bulgaria and Turkey from Kapitan Andreevo in the west to Rezovo in the east;

(4) eastern boundaries:

The Black Sea coast between Rezovo and Kiten.

CORRIGENDA**Corrigendum to Council Decision 2011/210/CFSP of 1 April 2011 on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya)**

(Official Journal of the European Union L 89 of 5 April 2011)

On page 18, recital 11:

- for:* '(11) In accordance with Article 5 of the Protocol on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not, therefore, participate in the financing of this operation,'
- read:* '(11) In accordance with Article 5 of the Protocol on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in the implementation of this Decision and therefore does not participate in the financing of this operation,'
-

Corrigenda

★ **Corrigendum to Council Decision 2011/210/CFSP of 1 April 2011 on a European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (EUFOR Libya) (OJ L 89, 5.4.2011)** 36

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