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Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 225/2012

of 15 March 2012

amending Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council as regards the approval of establishments placing on the market, for feed use, products derived from vegetable oils and blended fats and as regards the specific requirements for production, storage, transport and dioxin testing of oils, fats and products derived thereof

(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 183/2005 of the European Parliament and the Council of 12 January 2005 laying down requirements for feed hygiene ⁽¹⁾, and in particular Article 27(b) and (f) thereof,

Whereas:

- (1) Regulation (EC) No 183/2005 lays down general rules on feed hygiene, conditions and arrangements to ensure that processing conditions to minimise and control potential hazards are respected. Feed business establishments are to be registered with or approved by the competent authority. Additionally, feed business operators lower down the feed chain have the obligation to source feed only from establishments which are registered or approved.
- (2) Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed ⁽²⁾ requires feed placed on the market to be safe and explicitly labelled with the respective type of feed. Additionally, Commission Regulation (EU) No 575/2011 of 16 June 2011 on the Catalogue of feed materials ⁽³⁾ lists detailed descriptions for specific feed materials to be used for labelling purposes.
- (3) The interplay of these requirements should ensure traceability and a high level of consumer protection throughout the feed and food chain.

- (4) Official controls and controls carried out by feed business operators have shown that certain oils and fats and products derived thereof not intended for feed use have been used as feed materials resulting in feed exceeding the maximum dioxin levels laid down in Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed ⁽⁴⁾. As a consequence, food derived from animals fed with contaminated feed may pose a public health risk. In addition, financial losses may result from the withdrawal of contaminated feed and food from the market.
- (5) To enhance feed hygiene and without prejudice to the competence of the Member States as laid down in Article 10(2) of Regulation (EC) No 183/2005, establishments further processing crude vegetable oils, manufacturing products derived from oils of vegetable origin and blending fats should be subject to approval in accordance with that Regulation if these products are intended for use in feed.
- (6) Specific requirements for the production, labelling, storage and transport of those feed materials should be provided for to take into account the experience gained from the application of hazard analysis and critical control points (HACCP)-based systems.
- (7) A reinforced dioxin monitoring would facilitate the detection of non-compliances and the enforcement of feed law. It is necessary to provide for an obligation for feed business operators to test fats, oils and products derived thereof for dioxin and dioxin-like PCBs in order to reduce the risk that contaminated products enter the food chain and, therefore, support the strategy to reduce the exposure to dioxin of EU citizens. The risk of dioxin contamination should be the basis for the establishment of the monitoring plan.

⁽¹⁾ OJ L 35, 8.2.2005, p. 1.⁽²⁾ OJ L 229, 1.9.2009, p. 1.⁽³⁾ OJ L 159, 17.6.2011, p. 25.⁽⁴⁾ OJ L 140, 30.5.2002, p. 10.

The responsibility to place safe feed on the market is with the feed business operators. Thus the costs for the analysis should be fully borne by them. Detailed provisions on sampling and analysis not contained in this Regulation should remain within the competence of the Member States. Furthermore, Member States are encouraged to focus on the controls of feed business operators that are not under the scope of the dioxin monitoring but that obtain the products mentioned above.

- (8) The mandatory risk-based monitoring system must not affect the feed business operator's duty to comply with the requirements of Union legislation on feed hygiene. It should be integrated into good hygiene practices and the HACCP-based system. This should be verified by the competent authority in the context of the approval of the feed business operator. The operator's regular review of his own risk assessment should consider the findings of the dioxin monitoring.
- (9) Laboratories performing dioxin analyses should be obliged to report results exceeding the maximum permitted limits provided for in Directive 2002/32/EC not only to the feed business operator but also to the competent authority in order to improve transparency; this obligation does not exempt the feed business operator from his obligation to inform the competent authority.
- (10) In order to verify the effectiveness of the provisions concerning the mandatory dioxin monitoring and its

integration in the feed business operators HACCP system, a review after two years should be provided for.

- (11) Sufficient time should be allowed to give competent authorities and feed business operators the possibility to adapt to the provisions of this Regulation.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1831/2003 is amended in accordance with the Annex to this Regulation.

Article 2

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 16 September 2012.

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

Done at Brussels, 15 March 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annex II to Regulation (EC) No 1831/2003 is amended as follows:

(1) the following section is inserted after the title of Annex II:

DEFINITIONS

For the purposes of this Annex, the following definitions shall apply:

- (a) "batch" means an identifiable quantity of feed determined to have common characteristics, such as origin, variety, type of packaging, packer, consignor or labelling, and, in the case of a production process, a unit of production from a single plant using uniform production parameters or a number of such units, when produced in continuous order and stored together;
- (b) "products derived from vegetable oils" means any product derived from crude or recovered vegetable oils by oleochemical or biodiesel processing or distillation, chemical or physical refining, other than the refined oil;
- (c) "fat blending" means the mixing of crude oils, refined oils, animal fats, oils recovered from the food industry and/or products derived thereof to produce a blended oil or fat, with the exception of solely the storage of consecutive batches;

(2) the following point is added in the section headed 'FACILITIES AND EQUIPMENT':

'10. Establishments carrying out one or more of the following activities to place on the market products for use in feed shall be subject to approval in accordance with Article 10(3):

- (a) processing of crude vegetable oil except those under the scope of Regulation (EC) No 853/2004;
- (b) oleochemical manufacturing of fatty acids;
- (c) manufacturing of biodiesel;
- (d) fat blending;

(3) the following points are added in the section headed 'PRODUCTION':

'7. Fat blending establishments placing products intended for feed on the market shall keep all products intended for feed physically separated from products intended for other purposes unless the latter products comply:

- with the requirements of this Regulation or of Article 4(2) of Regulation (EC) No 853/2004, and
- with Annex I to Directive 2002/32/EC of the European Parliament and the Council (*).

8. The labelling of the products shall clearly indicate whether they are intended for feed or other purposes. If the producer declares that a certain batch of a product is not intended for feed or food use, this declaration shall not be subsequently altered by an operator at a later stage of the chain.

(*) OJ L 140, 30.5.2002, p. 10;

(4) the following section is added after the section headed 'QUALITY CONTROL':

DIOXIN MONITORING

1. Feed business operators placing on the market fats, oils or products derived thereof intended for use in feed, including compound feed, shall analyse those products in accredited laboratories for the sum of dioxins and dioxin-like PCBs in accordance with Commission Regulation (EC) No 152/2009 (*).
2. To supplement the feed business operator's HACCP system, the analyses referred to in point 1 shall be carried out with at least the following frequencies:
 - (a) processors of crude vegetable oils:
 - (i) 100 % of the batches of crude coconut oils shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products;
 - (ii) 100 % of the batches of the products derived from vegetable oils except glycerol, lecithin and gums intended for feed shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products.

(b) producers of animal fat:

one representative analysis per 2 000 tonnes of animal fat and products derived thereof belonging to category 3, as laid down in Article 10 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council (**).

(c) operators of fish oil:

(i) 100 % of the batches of fish oil shall be analysed if it is produced from:

- products derived from crude fish oil other than refined fish oil,
- fisheries with no monitoring history, of unspecified origin or from the Baltic Sea,
- fish by-products from establishments manufacturing fish for human consumption that are not EU approved,
- blue whiting or menhaden,

a batch may comprise at the maximum 1 000 tonnes of fish oil;

(ii) 100 % of the outgoing batches of products derived from crude fish oil other than refined fish oil shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products;

(iii) one representative analysis per 2 000 tonnes shall be carried out, as regards fish oil not referred to in (i);

(iv) fish oil decontaminated by an officially approved treatment shall be analysed according to the HACCP principles in compliance with Article 6.

(d) oleochemical and biodiesel industry:

(i) 100 % of the incoming batches of crude coconut oils and products derived from vegetable oils except glycerol, lecithin and gums, animal fats not covered by (b), fish oil not covered by (c), oils recovered from the food industry and blended fats intended for feed shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products;

(ii) 100 % of the batches of products derived from the processing of the products mentioned in (i) except glycerol, lecithin and gums shall be analysed.

(e) fat blending establishments:

(i) 100 % of the incoming batches of crude coconut oils and products derived from vegetable oils except glycerol, lecithin and gums, animal fats not covered by (b), fish oil not covered by (c), oils recovered from the food industry and blended fats intended for feed shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products;

or

(ii) 100 % of the batches of blended fats intended for feed shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products.

The feed business operator shall declare to the competent authority in the context of his risk assessment which alternative he chooses.

(f) producers of compound feed for food producing animals other than those mentioned in (e):

(i) 100 % of the incoming batches of crude coconut oils and products derived from vegetable oils except glycerol, lecithin and gums, animal fats not covered by (b), fish oil not covered by (c), oils recovered from the food industry and blended fats intended for feed shall be analysed. A batch may comprise at the maximum 1 000 tonnes of these products;

(ii) a sampling frequency of 1 % of the batches shall be carried out as regards manufactured compound feed containing products referred to in (i).

3. If it can be demonstrated that a homogenous consignment is bigger than the maximum batch size according to point 2 and that it has been sampled in a representative way, then the results of the analysis of the appropriately drawn and sealed sample will be considered acceptable.

4. Where a feed business operator proves that a batch of a product or all components of a batch as referred to under point 2 entering his operation has already been analysed at an earlier stage of production, processing or distribution, or are in compliance with the requirements of points 2(b) or (c)(iii) the feed business operator shall be released from the obligation to analyse this batch and shall analyse it according to the general HACCP principles in compliance with Article 6.
5. Any delivery of products as referred to under points 2(d)(i), (e)(i) and (f)(i) shall be accompanied by a proof that these products or all components thereof have been analysed or are in compliance with the requirements of points 2(b) or (c)(iii).
6. If all incoming batches of products mentioned in points 2(d)(i), (e)(i) and (f)(i) entering a production process have been analysed in line with the requirements of this Regulation and if it can be assured that the production process, handling and storage does not increase the dioxin contamination, the feed business operator shall be released from the obligation to analyse the final product and shall analyse it according to the general HACCP principles in compliance with Article 6.
7. Where a feed business operator mandates a laboratory to perform an analysis, as referred to in point 1 he shall instruct the laboratory to communicate the results of that analysis to the competent authority in case the dioxin limits set out in points 1 and 2 of Section V of Annex I to Directive 2002/32/EC are exceeded.

Where a feed business operator mandates a laboratory which is located in a Member State other than the feed business operator ordering the analysis he shall instruct the laboratory to report to its competent authority, which shall inform the competent authority of the Member State where the feed business operator is located.

Feed business operators shall inform the competent authority of the Member State where they are located if they mandate a laboratory located in a third country. Evidence must be provided that the laboratory performs the analysis in accordance with Regulation (EC) No 152/2009.

8. The dioxin testing requirements shall be reviewed by 16 March 2014.

(*) OJ L 54, 26.2.2009, p. 1.

(**) OJ L 300, 14.11.2009, p. 1.;

- (5) the following point is added in the section headed 'STORAGE AND TRANSPORT':

7. Containers which are to serve for storage or transport of blended fats, oils of vegetable origin or products derived thereof intended for use in feed shall not be used for the transport or storage of products other than these unless the products comply with the requirements of:

— this Regulation or of Article 4(2) of Regulation (EC) No 852/2004, and

— Annex I to Directive 2002/32/EC.

They shall be kept separate from any other cargo where there is a risk of contamination.

Where this separate use is not possible, the containers shall be efficiently cleaned so as to remove any trace of product if those containers were previously used for products not meeting the requirements of:

— this Regulation or of Article 4(2) of Regulation (EC) No 852/2004, and

— Annex I to Directive 2002/32/EC.

Animal fats of category 3, as laid down in Article 10 of Regulation (EC) No 1069/2009, intended for use in feed shall be stored and transported in line with that Regulation.

COMMISSION IMPLEMENTING REGULATION (EU) No 226/2012**of 15 March 2012****amending Regulation (EC) No 1730/2006 as regards the conditions of use of benzoic acid (holder of authorisation Emerald Kalama Chemical BV)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) The preparation benzoic acid, belonging to the additive category of 'zootechnical additives', was authorised for 10 years as a feed additive for use in weaned piglets by Commission Regulation (EC) No 1730/2006⁽²⁾ and for use in pigs for fattening by Commission Regulation (EC) No 1138/2007⁽³⁾.
- (2) In accordance with Article 13(3) of Regulation (EC) No 1831/2003, the holder of the authorisation has proposed changing the terms of the authorisation of the preparation benzoic acid as feed additive for weaned piglets to delete the condition regarding inclusion of that preparation in compound feed via premixture and to modify the conditions regarding complementary feedingstuffs. The application was accompanied by the relevant supporting data. The Commission forwarded that application to the European Food Safety Authority ('the Authority').

- (3) The Authority concluded in its opinion of 6 September 2011⁽⁴⁾ that there is no reason to continue to restrict the inclusion of the preparation benzoic acid to compound feed via premixtures. It considered the restrictions on the use of the additive in complementary feed established by Regulation (EC) No 1138/2007 as being sufficient and applicable to weaned piglets.
- (4) The conditions provided for in Article 5 of Regulation (EC) No 1831/2003 are satisfied.
- (5) Regulation (EC) No 1730/2006 should therefore be amended accordingly.
- (6) 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

Annex to Regulation (EC) No 1730/2006 is replaced by the text of the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 March 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 325, 24.11.2006, p. 9.

⁽³⁾ OJ L 256, 2.10.2007, p. 8.

⁽⁴⁾ EFSA Journal 2011; 9(9):2358.

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: other zootechnical additives (improvement of performance parameters: weight gain or feed gain ratio)									
4d210	Emerald Kalama Chemical BV	Benzoic acid	<i>Additive composition</i> Benzoic acid (≥ 99,9 %) <i>Characterisation of the active substance</i> Benzenecarboxylic acid, phenylcarboxylic acid, C ₇ H ₆ O ₂ CAS number 65-85-0 Maximum level in: Phthalic acid: ≤ 100 mg/kg Biphenyl: ≤ 100 mg/kg <i>Analytical method</i> ⁽¹⁾ Quantification of benzoic acid in the feed additive: titration with sodium hydroxide (European Pharmacopeia monograph 0066) Quantification of benzoic acid in the premixture and feedingstuff: Reversed Phase Liquid chromatography with UV detection (RP-HPLC/UV) — method based on ISO9231:2008	Piglets (weaned)	—	—	5 000	1. The mixture of different sources of benzoic acid must not exceed the permitted maximum level in complete feedingstuff of 5 000 mg/kg of complete feed. 2. Recommended minimum dose: 5 000 mg/kg of complete feed. 3. Complementary feed containing benzoic acid must not be fed directly to weaned piglets, unless thoroughly mixed with other feed materials of the daily ration. 4. For weaned piglets up to 25 kg. 5. For safety: it is recommended to use breathing protection and gloves during handling.	14.12.2016

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 227/2012

of 15 March 2012

concerning the authorisation of *Lactococcus lactis* (NCIMB 30117) as a feed additive for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of *Lactococcus lactis* (NCIMB 30117). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of *Lactococcus lactis* (NCIMB 30117) as a feed additive for all animal species, to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 16 November 2011⁽²⁾ that, under the proposed conditions of use, the preparation of *Lactococcus lactis* (NCIMB 30117) does not

have an adverse effect on animal health, human health or the environment, and that the use of the preparation has the potential to improve the production of silage from all forages by reducing the pH and increasing the preservation of dry matter. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of *Lactococcus lactis* (NCIMB 30117) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex belonging to the additive category 'technological additives' and to the functional group 'silage additives', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 15 March 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2011; 9(12): 2448.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of fresh material			
Category of technological additives. Functional group: silage additives									
1k2083	—	Lactococcus lactis (NCIMB 30117)	Additive composition Preparation of Lactococcus lactis (NCIMB 30117) containing a minimum of 5 × 10 ¹⁰ CFU/g additive Characterisation of the active substance Lactococcus lactis (NCIMB 30117) Analytical method ⁽¹⁾ Enumeration in the feed additive: pour plate method using MSR agar (ISO 15214) Identification: Pulsed Field Gel Electrophoresis (PFGE)	All animal species	—	—	—	1. In the directions for use of the additive and premixture, indicate the storage temperature and storage life. 2. Minimum dose of the additive when used not in combination with other micro-organisms as silage additive: 1 × 10 ⁸ CFU/kg of fresh material. 3. For Safety: it is recommended to use breathing protection and gloves during handling.	5 April 2022

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 228/2012**of 15 March 2012****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:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 15 March 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	51,1
	JO	68,6
	MA	57,8
	TN	84,0
	TR	97,9
	ZZ	71,9
0707 00 05	JO	225,1
	TR	174,9
	ZZ	200,0
0709 91 00	EG	91,5
	ZZ	91,5
0709 93 10	MA	64,2
	TR	121,7
	ZZ	93,0
0805 10 20	EG	53,0
	IL	75,6
	MA	65,8
	TN	76,9
	TR	62,9
	ZZ	66,8
0805 50 10	EG	69,0
	MA	69,1
	TR	56,0
	ZZ	64,7
0808 10 80	AR	89,5
	BR	88,4
	CA	119,9
	CL	104,1
	CN	115,1
	MK	33,9
	US	159,8
	ZZ	101,5
0808 30 90	AR	95,3
	CL	127,3
	CN	47,7
	ZA	91,4
	ZZ	90,4

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

COMMISSION IMPLEMENTING REGULATION (EU) No 229/2012**of 15 March 2012****fixing the import duties in the cereals sector applicable from 16 March 2012**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 16 March 2012 and should apply until new import duties are fixed and enter into force.

(5) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 March 2012, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

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

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

Done at Brussels, 15 March 2012.

*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 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 March 2012

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 19 00 1001 11 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00 1002 90 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed ⁽²⁾	0,00
1007 10 90 1007 90 00	Grain sorghum other than hybrids for sowing	0,00

⁽¹⁾ The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.3.2012-14.3.2012

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/tonne)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	241,57	195,02	—	—	—
Fob price USA	—	—	309,02	299,02	279,02
Gulf of Mexico premium	88,06	18,76	—	—	—
Great Lakes premium	—	—	—	—	—

⁽¹⁾ Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 15,55 EUR/t

Freight costs: Great Lakes-Rotterdam: — EUR/t

COMMISSION IMPLEMENTING REGULATION (EU) No 230/2012**of 15 March 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

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

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 192/2012 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

Article 2

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

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

Done at Brussels, 15 March 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 69, 8.3.2012, p. 13.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 16 March 2012

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 ⁽¹⁾	42,21	0,00
1701 12 90 ⁽¹⁾	42,21	1,94
1701 13 10 ⁽¹⁾	42,21	0,00
1701 13 90 ⁽¹⁾	42,21	2,24
1701 14 10 ⁽¹⁾	42,21	0,00
1701 14 90 ⁽¹⁾	42,21	2,24
1701 91 00 ⁽²⁾	49,75	2,54
1701 99 10 ⁽²⁾	49,75	0,00
1701 99 90 ⁽²⁾	49,75	0,00
1702 90 95 ⁽³⁾	0,50	0,22

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

DECISIONS

EUROPEAN COUNCIL DECISION of 1 March 2012 electing the President of the European Council (2012/151/EU)

THE EUROPEAN COUNCIL,

Article 2

Having regard to the Treaty on European Union, and in particular Article 15(5) thereof,

This Decision shall be notified to Mr Herman VAN ROMPUY by the Secretary-General of the Council.

Whereas:

(1) On 1 December 2009, by European Council Decision 2009/879/EU ⁽¹⁾, Mr Herman VAN ROMPUY was elected President of the European Council for the period from 1 December 2009 until 31 May 2012.

It shall be published in the *Official Journal of the European Union*.

(2) In accordance with the Treaty, the holder of the office of President of the European Council may be re-elected once,

Done at Brussels, 1 March 2012.

HAS ADOPTED THIS DECISION:

Article 1

Mr Herman VAN ROMPUY is hereby re-elected President of the European Council for the period from 1 June 2012 until 30 November 2014.

For the European Council

The President

H. VAN ROMPUY

⁽¹⁾ OJ L 315, 2.12.2009, p. 48.

COUNCIL DECISION 2012/152/CFSP**of 15 March 2012****amending Decision 2010/413/CFSP concerning restrictive measures against Iran**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Article 1

Whereas:

In Article 20 of Decision 2010/413/CFSP, the following paragraph is added:

- (1) On 26 July 2010, the Council adopted Decision 2010/413/CFSP concerning restrictive measures against Iran ⁽¹⁾.
- (2) On 23 January 2012, the Council adopted Decision 2012/35/CFSP amending Decision 2010/413/CFSP ⁽²⁾, in response to its serious and deepening concerns over the nature of Iran's nuclear programme.
- (3) In this context, the application of targeted financial measures by providers of specialised financial messaging services should be further developed, consistent with Decision 2010/413/CFSP.
- (4) Decision 2010/413/CFSP should be amended accordingly,

'12. Without prejudice to the exemptions provided for in this Article, it shall be prohibited to supply specialised financial messaging services, which are used to exchange financial data, to the persons and entities referred to in paragraph 1.'

Article 2

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

Done at Brussels, 15 March 2012.

For the Council
The President
N. WAMMEN

⁽¹⁾ OJ L 195, 27.7.2010, p. 39.

⁽²⁾ OJ L 19, 24.1.2012, p. 22.

DECISION OF THE EUROPEAN CENTRAL BANK**of 5 March 2012****on the eligibility of marketable debt instruments issued or fully guaranteed by the Hellenic Republic
in the context of the Hellenic Republic's debt exchange offer****(ECB/2012/3)****(2012/153/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Article 12.1, Article 18 and the second indent of Article 34.1,

Having regard to Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾, and in particular Sections 1.6, 6.3.1 and 6.3.2 of Annex I thereof,

Whereas:

- (1) Given the exceptional circumstances prevailing in financial markets and the disruption in the normal assessment by the market of securities issued or guaranteed by the Hellenic Republic, the Governing Council adopted Decision ECB/2010/3 of 6 May 2010 on temporary measures relating to the eligibility of marketable debt instruments issued or guaranteed by the Greek Government ⁽²⁾. This Decision temporarily suspended the Eurosystem's minimum requirements for credit quality thresholds, as specified in the Eurosystem credit assessment framework rules for certain marketable assets in Section 6.3.2 of Annex I to Guideline ECB/2011/14. Decision ECB/2012/2 ⁽³⁾ repealed Decision ECB/2010/3 because of the negative impact on the credit ratings assigned to such debt instruments of the launch of the debt exchange offer in the context of private sector involvement to holders of marketable debt instruments issued or guaranteed by the Greek Government.
- (2) On 21 July 2011, the Heads of State or Government of the euro area and Union institutions announced measures to stabilise Greek public finances, which included their commitment to provide collateral enhancement to underpin the quality of marketable debt instruments issued or guaranteed by the Hellenic Republic. The Governing Council has decided that such

collateral enhancement is to be provided by the Hellenic Republic for the benefit of the national central banks (NCBs).

- (3) The Governing Council has decided that the Eurosystem's credit quality threshold should be suspended in respect of marketable debt instruments issued or fully guaranteed by the Hellenic Republic that are covered by the collateral enhancement,

HAS ADOPTED THIS DECISION:

*Article 1***Eligibility of marketable debt instruments issued or fully guaranteed by the Hellenic Republic in the context of the Hellenic Republic's debt exchange offer**

1. The use, as collateral for Eurosystem credit operations, of marketable debt instruments issued or fully guaranteed by the Hellenic Republic that do not fulfil the Eurosystem's minimum requirements for credit quality thresholds, as specified in the Eurosystem credit assessment framework rules for certain marketable assets in Section 6.3.2 of Annex I to Guideline ECB/2011/14 while fulfilling the other eligibility requirements specified in Annex I to Guideline ECB/2011/14, shall be conditional on the provision by the Hellenic Republic to NCBs of a collateral enhancement in form of a buy-back scheme.
2. The marketable debt instruments referred to in paragraph 1 shall remain eligible for the duration of the collateral enhancement.

*Article 2***Entry into force**

This Decision shall enter into force on 8 March 2012.

Done at Frankfurt am Main, 5 March 2012.

The President of the ECB

Mario DRAGHI

⁽¹⁾ OJ L 331, 14.12.2011, p. 1.

⁽²⁾ OJ L 117, 11.5.2010, p. 102.

⁽³⁾ OJ L 59, 1.3.2012, p. 36.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 15 March 2012

on the monitoring of the presence of ergot alkaloids in feed and food

(Text with EEA relevance)

(2012/154/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed ⁽¹⁾ provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I thereto is prohibited.
- (2) A maximum level of 1 000 mg/kg of rye ergot (*Claviceps purpurea*) sclerotia has been established for feed containing unground cereals.
- (3) The Scientific Panel on Contaminants in the Food Chain of the European Food Safety Authority (EFSA) adopted an opinion on a request from the Commission related to ergot as undesirable substance in animal feed on 19 April 2005 ⁽²⁾.
- (4) The term ergot refers to fungal structures from *Claviceps* species developing instead of kernels on grain ears or seeds on grass heads, being visible as large dark coloured sclerotia. These sclerotia contain different classes of alkaloids, the most prominent being ergometrine, ergotamine, ergosine, ergocristine, ergocryptine and ergocornine and their related -inines. The amount and toxin pattern vary between fungal strains, depending on the host plant and the geographical region.

- (5) At present, the degree of variability in ergot alkaloid pattern in relation to fungal species, geographical distribution as well as in relation to the host plant (for example, the alkaloid pattern in rye ergot is different from that in other grass ergot) is not known. More data would be needed to identify all factors responsible for the variability in ergot alkaloid pattern in individual plant species.

- (6) The physical determination of the contamination rate of cereals by rye ergot is often inaccurate, as size and weight of the sclerotia may vary considerably. Moreover, this physical determination is impossible in processed feed and food. Hence, it has been suggested to provide in addition to control by physical methods also the possibility to control by chemical analysis of potentially contaminated feed and food, as various chromatographic methods are available to detect ergot alkaloids in feed and food. The methods are confined, however, to a selected number of ergot alkaloids.

- (7) It is necessary to generate more data on the presence of these ergot alkaloids, not only in unground cereals but also in cereal products and compound feed and food and to obtain reliable data on the ergot alkaloid pattern in feed and food and to relate the presence of ergot alkaloids to the amount of sclerotia present. It is appropriate to focus this monitoring on the six predominantly present ergot alkaloids, i.e. ergometrine, ergotamine, ergosine, ergocristine, ergocryptine and ergocornine and their related -inines,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should perform with the active involvement of the feed and food business operators monitoring on the presence of ergot alkaloids in cereals and cereal products intended for human consumption or intended for animal feeding, in pasture/forage grasses for animal feeding and in compound feed and food.

⁽¹⁾ OJ L 140, 30.5.2002, p. 10.

⁽²⁾ Opinion of the Scientific Panel on Contaminants in Food Chain on a request from the Commission related to ergot as undesirable substance in animal feed, *EFSA Journal* (2005)225, 1-27. http://www.efsa.europa.eu/en/scdocs/doc/contam_op_ej225_ergot_en1.pdf

2. Member States should analyse the samples for at least the following ergot alkaloids:

- ergocristine/ergocristinine,
- ergotamine/ergotaminine,
- ergocryptine/ergocryptinine,
- ergometrine/ergometrinine,
- ergosine/ergosinine,
- ergocornine/ergocorninine.

3. Member States should determine, whenever possible, simultaneously the sclerotia content in the sample in order to be able to improve the knowledge on the relation between the content of sclerotia and the level of individual ergot alkaloids.

4. The analytical results should be provided on a regular basis to EFSA for compilation into a database.

Done at Brussels, 15 March 2012.

For the Commission
John DALLI
Member of the Commission

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