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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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Corrigenda

★ **Corrigendum to Commission Implementing Regulation (EU) No 1012/2012 of 5 November 2012 amending Regulation (EC) No 2074/2005 and Regulation (EC) No 1251/2008 as regards the list of vector species, the health requirements and the certification requirements concerning epizootic ulcerative syndrome and as regards the entry for Thailand in the list of third countries from which imports of certain fish and fishery products into the Union are permitted (OJ L 306, 6.11.2012) 11**

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 765/2013

of 29 July 2013

entering a name in the register of protected designations of origin and protected geographical indications (Walbecker Spargel (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, Germany's application to register the name

'Walbecker Spargel' was published in the *Official Journal of the European Union* ⁽³⁾.

- (3) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, the name 'Walbecker Spargel' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*This Regulation shall enter into force on the twentieth day following that 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, 29 July 2013.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ L 93, 31.3.2006, p. 12.⁽³⁾ OJ C 288, 25.9.2012, p. 13.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

GERMANY

Walbecker Spargel (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 766/2013
of 7 August 2013
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth day following that 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, 7 August 2013.

*For the Commission,
On behalf of the President,
Günther OETTINGER
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Liquid product based on fermented milk products with added fruit and cereal flakes, consisting of (% by weight): — yoghurt (milk fat content 1,9% by weight) 78,9 — sugar 8,4 — water 7,4 — peach 4,3 — wheat flakes 0,6 — rye flakes 0,3 and small quantities of aroma preparations (flavourings), carotene (colouring agent) and micro-organisms used in food products. The product, put up in a plastic bottle containing 400 g, is intended for direct consumption as a beverage.	2202 90 95	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 2202, 2202 90 and 2202 90 95. Classification of the product under heading 0403 as liquid yoghurt is excluded because cereal flakes are not substances which may be added to the products of Chapter 4 (see also the Harmonized System (HS) Explanatory Notes to Chapter 4, General, point (I), second paragraph). In addition, cereals do not meet the criteria of the wording of heading 0403 as they cannot be considered to be 'added fruit, nuts or cocoa'. Classification under heading 1901 is also excluded because the product has the characteristics of a beverage of Chapter 22 (see also the HS Explanatory Notes to heading 1901, point (III), second paragraph). As the product is directly consumable as a beverage, it is covered by heading 2202. The product is therefore to be classified under heading 2202 as 'other non-alcoholic beverage'.

COMMISSION IMPLEMENTING REGULATION (EU) No 767/2013**of 8 August 2013****withdrawing the approval of the active substance bitertanol, 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 Commission Implementing Regulation (EU) No 540/2011****(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 the second alternative of Article 21(3) and Article 78(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1278/2011 ⁽²⁾ approved bitertanol as active substance in accordance with Regulation (EC) No 1107/2009, with the condition that the applicant at whose request bitertanol has been approved provides further confirmatory information on the toxicological relevance of the impurities BUE 1662, thus referred to for confidentiality reasons, and 3-chlorophenoxy compound by 30 June 2012.
- (2) The applicant at whose request bitertanol had been approved did not submit any confirmatory information by the deadline of 30 June 2012. By letter of 11 December 2011 it had already informed the Commission of its intention not to submit such information.
- (3) Consequently, it is appropriate to withdraw the approval of bitertanol.
- (4) Implementing Regulation (EU) No 1278/2011 should therefore be repealed.
- (5) Commission Implementing Regulation (EU) No 540/2011 ⁽³⁾ should therefore be amended accordingly.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 1278/2011 of 8 December 2011 approving the active substance bitertanol, 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 (OJ L 327, 9.12.2011, p. 49).

⁽³⁾ 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 (OJ L 153, 11.6.2011, p. 1).

(6) Member States should be provided with time to withdraw authorisations for plant protection products containing bitertanol.

(7) 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***Withdrawal of approval**

The approval of the active substance bitertanol is withdrawn.

*Article 2***Repeal of Implementing Regulation (EU) No 1278/2011**

Implementing Regulation (EU) No 1278/2011 is repealed.

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

In Part B of the Annex to Implementing Regulation (EU) No 540/2011, row 21, bitertanol, is deleted.

*Article 4***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing bitertanol as active substance by 1 March 2014.

*Article 5***Grace period**

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 12 months after withdrawal of the respective authorisation at the latest.

*Article 6***Entry into force**This Regulation shall enter into force on the twentieth day following that 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, 8 August 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 768/2013

of 8 August 2013

amending Regulation (EC) No 917/2004 on detailed rules to implement Council Regulation (EC) No 797/2004 on measures improving general conditions for the production and marketing of apiculture products

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 110 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 917/2004 ⁽²⁾ lays down provisions for the implementation of the national apiculture programmes provided for in Article 105 of Regulation (EC) No 1234/2007. According to Article 2(2) and (3) of Regulation (EC) No 917/2004, the apiculture programme measures laid down for every year of the three-year period shall be implemented by 31 August of the year to which they relate and payments shall be carried out during the annual exercise established from 16 October of the same year to 15 October of the following year. As a result, Member States cannot implement apiculture measures between 1 September of the year of the apiculture programme and 15 October of the same year.
- (2) In order to avoid the gap between the implementation and the funding of apiculture measures, the relevant dates need to be changed so that measures can be implemented all year round.
- (3) The Union financial contribution to national apiculture programmes is based on the bee census/number of hives in each Member State as set out in Annex I to Regulation (EC) No 917/2004.
- (4) In accordance with Article 109 of Regulation (EC) No 1234/2007, Member States submitted their national apiculture programmes and updated the numbers of

hives as provided for in Article 1(a) of Regulation (EC) No 917/2004. The updated numbers of hives should be reflected in Annex I to Regulation (EC) No 917/2004.

- (5) Regulation (EC) No 917/2004 should therefore be amended accordingly.
- (6) The amendments provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation for Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 917/2004 is amended as follows:

- (1) in Article 2, paragraphs 2 and 3 are replaced by the following:

‘2. Each year of the apiculture programme (“apiculture year”) shall run for 12 consecutive months from 1 September until 31 August.

3. The apiculture programme measures laid down for each apiculture year shall be implemented in full within the apiculture year concerned.

Payments related to measures implemented during each apiculture year shall be made within the 12-month period starting on 16 October of that apiculture year and ending on 15 October of the following year.’;

- (2) Annex I is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply as from the 2014 apiculture year starting on 1 September 2013.

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

Done at Brussels, 8 August 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 163, 30.4.2004, p. 83.

ANNEX

‘ANNEX I

Member State	Bee census Number of hives
BE	107 800
BG	526 014
CZ	540 705
DK	150 000
DE	711 299
EE	41 400
IE	15 710
EL	1 584 206
ES	2 459 292
FR	1 636 000
HR	491 481
IT	1 316 774
CY	44 953
LV	83 801
LT	144 969
LU	7 804
HU	1 088 590
MT	3 142
NL	80 000
AT	376 485
PL	1 280 693
PT	566 793
RO	1 550 000
SI	167 000
SK	254 859
FI	50 000
SE	150 000
UK	274 000
EU 28	15 704 270'

COMMISSION IMPLEMENTING REGULATION (EU) No 769/2013**of 8 August 2013****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, 8 August 2013.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
*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)		
Code NC	Code des pays tiers ⁽¹⁾	Valeur forfaitaire à l'importation
0709 93 10	TR	125,7
	ZZ	125,7
0805 50 10	AR	97,0
	BO	85,6
	CL	99,9
	TR	71,0
	UY	97,1
	ZA	101,4
	ZZ	92,0
0806 10 10	EG	187,2
	MA	180,7
	TR	163,4
	ZZ	177,1
0808 10 80	AR	154,3
	BR	111,3
	CL	127,9
	CN	97,1
	NZ	135,0
	US	139,5
	ZA	110,5
	ZZ	125,1
0808 30 90	AR	177,2
	CL	168,6
	NZ	194,4
	TR	153,0
	ZA	114,2
	ZZ	161,5
0809 29 00	TR	377,5
	ZZ	377,5
0809 30	TR	146,3
	ZZ	146,3
0809 40 05	BA	46,3
	MK	61,9
	TR	88,0
	XS	57,7
	ZZ	63,5

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

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) No 1012/2012 of 5 November 2012 amending Regulation (EC) No 2074/2005 and Regulation (EC) No 1251/2008 as regards the list of vector species, the health requirements and the certification requirements concerning epizootic ulcerative syndrome and as regards the entry for Thailand in the list of third countries from which imports of certain fish and fishery products into the Union are permitted

(Official Journal of the European Union L 306 of 6 November 2012)

On page 3, Annex I, 'Model health certificate for imports of fishery products intended for human consumption', point I.28, 'Identification of the commodities':

for:

'I.28. Identification of the commodities						
Species (scientific name)	Nature of commodity	Treatment type of establishment	Approval number	Manufacturing plant	Number of packages	Net weight'

read:

'I.28. Identification of the commodities						
Species (Scientific name)	Nature of commodity	Treatment type	Approval number of establishments Manufacturing plant		Number of packages	Net weight'

NOTICE TO READERS

Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union*

In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

Where it is not possible to publish the electronic edition of the Official Journal due to unforeseen and exceptional circumstances, the printed edition shall be authentic and shall have legal effect in accordance with the terms and conditions set out in Article 3 of Regulation (EU) No 216/2013.

NOTE TO READERS — WAY OF REFERRING TO ACTS

As of 1 July 2013 the way of referring to acts has changed.

During a transitional period this new practice will coexist with the previous one.

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