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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.

DECISIONS

2013/438/EU:

- ★ **Commission Decision of 16 August 2013 in application of Article 7 of Directive 94/9/EC of the European Parliament and the Council as regards a prohibition measure adopted by the Swedish authorities in respect of a fluorescent lamp ‘GW 80 455’ (ATEX-SE-01-2012) (notified under document C(2013) 5315) ⁽¹⁾** 12

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* (see page 3 of the cover)

Note to readers — way of referring to acts (see page 3 of the cover)



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 789/2013

of 16 August 2013

amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, and in particular Articles 19(6) and 20 thereof,

Whereas:

- (1) At the Washington Plenary meeting in November 2012, Kimberley Process participants approved, by a decision of the Plenary, the addition of Panama, Cambodia and Kazakhstan to the list of Kimberley Process participants.
- (2) As confirmed by a KP Chair notice on 1 August 2013, Kimberley Process participants also approved, by written procedure, the addition of Mali to the list of Kimberley Process Participants.

(3) Furthermore, the address of several participants' contact points in Annex II should be updated.

(4) Annex II to Regulation (EC) No 2368/2002 should be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the committee referred to in Article 22 of Regulation (EC) No 2368/2002,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2368/2002 is amended as follows:

Annex II 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*.

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

Done at Brussels, 16 August 2013.

*For the Commission,
On behalf of the President,
Johannes HAHN
Member of the Commission*

⁽¹⁾ OJ L 358, 31.12.2002, p. 28.

ANNEX

‘ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
C.P # 1260
Luanda
Angola

CAMBODIA

Trade Promotion Department, Ministry of Commerce
Building #65-69, Street 136,
Sangkat Phsar Kandal 1, Khan Duan Penh
Phnom Penh
Cambodia

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
M. Mkrtchyan 5
Yerevan
Armenia

CAMEROON

National Permanent Secretariat for the Kimberley Process
Ministry of Mines, Industry and Technological Development
Intek Building
Navik Street
P.O. Box 8390
Yaoundé
Cameroon

AUSTRALIA

Department of Foreign Affairs and Trade
Trade Development Division
R.G. Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

CANADA

International:

Department of Foreign Affairs, Trade and Development
Human Rights, Governance and Indigenous Affairs
Policy Division - MIH
125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada

BANGLADESH

Export Promotion Bureau
TCB Bhaban
1, Karwan Bazaar
Dhaka
Bangladesh

For General Enquiries at Natural Resources Canada:

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
580 Booth Street, 10th floor
Ottawa, Ontario
Canada K1A 0E4

BELARUS

Ministry of Finance
Department for Precious Metals and Precious Stones
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

CHINA, People's Republic of

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision,
Inspection and Quarantine (AQSIQ)
9 Madiandonglu
Haidian District, Beijing 100088
People's Republic of China

BOTSWANA

Ministry of Minerals, Energy and Water Resources
PI Bag 0018
Gaborone
Botswana

HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry
Hong Kong Special Administrative Region
Peoples Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministérios - Bloco "U" – 4º andar
70065 - 900 Brasília - DF
Brazil

CONGO, Democratic Republic of

Centre d'Expertise, d'Evaluation et de Certification des
Substances Minérales Précieuses et Semi-précieuses
(CEEC)
3989, av des cliniques,
Kinshasa/Gombe
Democratic Republic of Congo

CONGO, Republic of

Bureau d'Expertise, d'Evaluation et de Certification des
Substances Minérales Précieuses (BEEC)
BP 2787
Brazzaville
Republic of Congo

EUROPEAN UNION

European Commission
Service for Foreign Policy Instruments
Office EEAS 02/309
B-1049 Bruxelles/Brussel
Belgium

GHANA

Precious Minerals Marketing Company (Ltd.)
Diamond House,
Kinbu Road,
P.O. Box M. 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

INDIA

Department of Commerce
Ministry of Commerce & Industry
Udyog Bhawan
Maulana Azad Road
New Delhi 110011
India

INDONESIA

Directorate-General of Foreign Trade
Ministry of Trade
JI M.I. Ridwan Rais No. 5
Blok I lantai 4
Jakarta Pusat Kotak Pos. 10110
Jakarta
Indonesia

ISRAEL

Ministry of Industry, Trade and Labor
Office of the Diamond Controller
3 Jabotinsky Road
Ramat Gan 52520
Israel

JAPAN

United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-2-1 Kasumigaseki, Chiyoda-ku
100-8919 Tokyo, Japan
Japan

KAZAKHSTAN

Ministry of Economy and Budget Planning
Orynbor str., 8, entrance 7
Administrative building 'The house of ministries'
010000 Astana
Kazakhstan

KOREA, Republic of

Export Control Policy Division
Ministry of Knowledge Economy
Government Complex
Jungang-dong 1, Gwacheon-si
Gyeonggi-do 427-723
Seoul
Korea

LAOS, People's Democratic Republic

Department of Import and Export
Ministry of Industry and Commerce
Vientiane
Laos

LEBANON

Ministry of Economy and Trade
Lazariah Building
Down Town
Beirut
Lebanon

LESOTHO

Department of Mines
Corner Constitution and Parliament Road
P.O. Box 750
Maseru 100
Lesotho

LIBERIA

Government Diamond Office
Ministry of Lands, Mines and Energy
Capitol Hill
P.O. Box 10-9024
1000 Monrovia 10
Liberia

MALAYSIA

Ministry of International Trade and Industry
Trade Cooperation and Industry Coordination Section
Block 10
Komplek Kerajaan Jalan Duta
50622 Kuala Lumpur
Malaysia

MALI

Ministère des Mines
Bureau d'Expertise d'Evaluation et de Certification des
Diamants Bruts
Zone Industrielle Ex. DNGM
Bamako
République du Mali

MAURITIUS

Import Division
Ministry of Industry, Small & Medium Enterprises,
Commerce & Cooperatives
4th Floor, Anglo Mauritius Building
Intendance Street
Port Louis
Mauritius

MEXICO

Secretaría de Economía
Dirección General de Política Comercial
Alfonso Reyes No. 30, Colonia Hipodromo Condesa,
Piso 16.
Delegación Cuactemoc, Código Postal: 06140 México,
D.F.
Mexico

NAMIBIA

Diamond Commission
Directorate of Diamond Affairs
Ministry of Mines and Energy
Private Bag 13297
1st Aviation Road (Eros Airport)
Windhoek
Namibia

NEW ZEALAND

Certificate Issuing authority:

Middle East and Africa Division
Ministry of Foreign Affairs and Trade
Private Bag 18901
Wellington
New Zealand

Import and Export Authority:

New Zealand Customs Service
PO Box 2218
Wellington
New Zealand

NORWAY

Section for Public International Law
Department for Legal Affairs
Royal Ministry of Foreign Affairs
P.O. Box 8114
0032 Oslo
Norway

PANAMA

General Direction of International Economic Affairs
Ministry of Foreign Affairs
San Felipe, Calle 3
Palacio Bolívar, Edificio 26
Panamá 4
Republic of Panama

RUSSIAN FEDERATION

International:

Ministry of Finance
9, Ilyinka Street,
109097 Moscow
Russia

Import and Export Authority:

Gokhran of Russia
14, 1812 Goda St.
121170 Moscow
Russia

SIERRA LEONE

Ministry of Mineral Resources
Gold and Diamond Office (GDO)
Youyi Building
Brookfields
Freetown
Sierra Leone

SINGAPORE

Ministry of Trade and Industry
100 High Street
#09-01, The Treasury,
Singapore 179434

SOUTH AFRICA

South African Diamond and Precious Metals Regulator
SA Diamond Centre
251 Fox Street
Johannesburg 2000
South Africa

SRI LANKA

National Gem and Jewellery Authority
25, Galleface Terrace
Colombo 03
Sri Lanka

SWAZILAND

Office for the Commissioner of Mines
Ministry of Natural Resources and Energy
Mining department
Lilunga House (3rd floor, Wing B)
Somhlolo Road
PO Box 9,
Mbabane H100
Swaziland

SWITZERLAND

State Secretariat for Economic Affairs (SECO)
Sanctions Unit
Holzikofenweg 36
CH-3003 Berne / Switzerland

TAIWAN, PENGHU, KINMEN AND MATSU, SEPARATE
CUSTOMS TERRITORY

Export/Import Administration Division
Bureau of Foreign Trade
Ministry of Economic Affairs
1, Hu Kou Street
Taipei, 100
Taiwan

TANZANIA

Commission for Minerals
Ministry of Energy and Minerals
PO Box 2000
Dar es Salaam
Tanzania

THAILAND

Department of Foreign Trade
Ministry of Commerce
44/100 Nonthaburi 1 Road
Muang District, Nonthaburi 11000
Thailand

TOGO

Ministry of Mine, Energy and Water
Head Office of Mines and Geology
216, Avenue Sarakawa
B.P. 356
Lomé
Togo

TURKEY

Foreign Exchange Department

Undersecretariat of Treasury
T.C. Başbakanlık Hazine
Müşteşarlığı İnönü Bulvarı No:36
06510 Emek - Ankara
Turkey

Import and Export Authority:

Istanbul Gold Exchange
Rıhtım Cad. No:81
34425 Karaköy – İstanbul
Turkey

UKRAINE

Ministry of Finance
State Gemological Center
Degtyarivska St. 38-44
Kiev 04119
Ukraine

UNITED ARAB EMIRATES

U.A.E Kimberley Process Office
Dubai Multi Commodities Center
Dubai Airport Free Zone
Emirates Security Building
Block B, 2nd Floor, Office # 20
P.O. Box 48800
Dubai
United Arab Emirates

UNITED STATES OF AMERICA

United States Kimberley Process Authority
11 West 47 Street 11th floor
New York, NY 10036
United States of America

U.S. Department of State
Room 4843 EB/ESC
2201 C Street, NW
Washington D.C. 20520
United States of America

VIETNAM

Ministry of Industry and Trade
Import Export Management Department
54 Hai Ba Trung,
Hoan Kiem
Hanoi
Vietnam

ZIMBABWE

Principal Minerals Development Office
Ministry of Mines and Mining Development
Private Bag 7709, Causeway
Harare
Zimbabwe'

COMMISSION IMPLEMENTING REGULATION (EU) No 790/2013

of 19 August 2013

amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance acetic acid

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Committee on the Food Chain and Animal Health and finalised on 16 July 2013 in the format of the Commission review report for acetic acid.

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)(c) thereof,

Whereas:

(1) The active substance acetic acid was included in Annex I to Council Directive 91/414/EEC ⁽²⁾ by Commission Directive 2008/127/EC ⁽³⁾ in accordance with the procedure provided for in Article 24b of Commission Regulation (EC) No 2229/2004 ⁽⁴⁾. Since the replacement of Directive 91/414/EEC by Regulation (EC) No 1107/2009, this substance is deemed to have been approved under that Regulation and is listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁵⁾.

(2) In accordance with Article 25a of Regulation (EC) No 2229/2004, the European Food Safety Authority, hereinafter 'the Authority', presented to the Commission its view on the draft review report for acetic acid ⁽⁶⁾ on 18 December 2012. The Authority communicated its view on acetic acid to the notifier. The Commission invited it to submit comments on the draft review report for acetic acid. The draft review report and the view of the Authority were reviewed by the Member States and the Commission within the Standing

(3) It is confirmed that the active substance acetic acid is to be deemed to have been approved under Regulation (EC) No 1107/2009.

(4) 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 necessary to amend the conditions of approval. It is, in particular, appropriate to require further confirmatory information.

(5) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(6) A reasonable period of time should be allowed before the application of this Regulation in order to allow Member States, notifier and holders of authorisations for plant protection products containing acetic acid to meet the requirements resulting from amendment to the conditions of the approval.

(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

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

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*.

It shall apply from 1 January 2014.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽³⁾ Commission Directive 2008/127/EC of 18 December 2008 amending Council Directive 91/414/EEC to include several active substances (OJ L 344, 20.12.2008, p. 89).

⁽⁴⁾ Commission Regulation (EC) No 2229/2004 of 3 December 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 (OJ L 379, 24.12.2004, p. 13).

⁽⁵⁾ 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⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance acetic acid. EFSA Journal 2013;11(1):3060. [57 pp.] doi:10.2903/j.efsa.2013.3060. Available online: www.efsa.europa.eu/efsajournal

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

Done at Brussels, 19 August 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 218 on the active substance acetic acid is replaced by the following:

Number	Common Name, Identification Numbers	IUPAC Name	Purity	Date of approval	Expiration of approval	Specific provisions
'218	Acetic acid CAS No 64-19-7 CIPAC 838	acetic acid	≥ 980 g/kg	1 September 2009	31 August 2019	PART A Only uses as herbicide 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 acetic acid (SANCO/2602/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 16 July 2013, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators, the protection of groundwater and the protection of aquatic organisms. Conditions of use shall include, where appropriate, risk mitigation measures. The notifier shall submit confirmatory information as regards: — the acute and long-term risk to birds and mammals, — the risk to honeybees, — the risk to non-target arthropods. The notifier shall submit that information to the Commission, the Member States and the Authority by 31 December 2015.'

COMMISSION IMPLEMENTING REGULATION (EU) No 791/2013**of 19 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, 19 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	136,4
	ZZ	136,4
0805 50 10	AR	109,9
	CL	102,1
	TR	70,0
	UY	124,3
	ZA	104,7
	ZZ	102,2
0806 10 10	EG	190,0
	MA	163,8
	MX	264,4
	TR	157,6
	ZZ	194,0
0808 10 80	AR	191,5
	BR	108,7
	CL	133,9
	CN	88,3
	NZ	131,0
	US	141,8
	ZA	120,1
	ZZ	130,8
0808 30 90	AR	180,6
	CL	148,9
	TR	151,4
	ZA	113,1
	ZZ	148,5
0809 30	TR	146,8
	ZZ	146,8
0809 40 05	BA	47,9
	TR	101,0
	ZZ	74,5

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

COMMISSION IMPLEMENTING REGULATION (EU) No 792/2013**of 19 August 2013****withdrawing the suspension of submission of applications for import licences for sugar products under certain tariff 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⁾,

Having regard to Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) The submission of applications for import licences concerning order numbers 09.4319 and 09.4320 was suspended as from 27 September 2012 by Commission Implementing Regulation (EU) No 879/2012 of 26 September 2012 fixing the allocation coefficient for the issuing of import licences applied for from 8 to

14 September 2012 for sugar products under certain tariff quotas and suspending submission of applications for such licences ⁽³⁾, in accordance with Regulation (EC) No 891/2009.

- (2) Following notifications on unused and/or partly used licences, quantities became available again for these order numbers. The suspension of applications should therefore be withdrawn,

HAS ADOPTED THIS REGULATION:

Article 1

The suspension of submission of applications for import licences for order numbers 09.4319 and 09.4320 as from 27 September 2012 laid down by Implementing Regulation (EU) No 879/2012 is withdrawn.

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, 19 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 254, 26.9.2009, p. 82.

⁽³⁾ OJ L 259, 27.9.2012, p. 3.

DECISIONS

COMMISSION DECISION

of 16 August 2013

in application of Article 7 of Directive 94/9/EC of the European Parliament and the Council as regards a prohibition measure adopted by the Swedish authorities in respect of a fluorescent lamp 'GW 80 455' (ATEX-SE-01-2012)

(notified under document C(2013) 5315)

(Text with EEA relevance)

(2013/438/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres ⁽¹⁾ (the ATEX Directive), and in particular Article 7 thereof,

Whereas:

- (1) Article 2(1) of Directive 94/9/EC states that Member States shall take all appropriate measures to ensure that the equipment, protective systems and devices to which the Directive applies, may be placed on the market and put into service only if, when properly installed and maintained and used for their intended purpose, they do not endanger the health and safety of persons and, where appropriate, domestic animals or property.
- (2) Article 7(1) of Directive 94/9/EC provides that when a Member State ascertains that equipment, protective systems or devices bearing the CE conformity marking and used in accordance with its intended use are liable to endanger the safety of persons and, where appropriate, domestic animals or property, it shall take all appropriate measures to withdraw such equipment or protective systems from the market, to prohibit the placing on the market, putting into service or use thereof, or to restrict free movement thereof. The Member State shall immediately inform the Commission of any such measure, indicating the reason for its decision.
- (3) On 2 October 2012, the authorities of Sweden formally notified to the European Commission a prohibition measure, taken on 19 September 2012, concerning the placing on the market of a fluorescent lamp, mark and type 'GW 80 455', manufactured by Gewiss SpA, via A. Volta 1, 24069 Cenate Sotto (Bergamo), Italy.

- (4) The Swedish authorities indicated that their measure was based on the non-conformity of the product with the essential health and safety requirements referred to in Article 3 of the Directive 94/9/EC and set out in Annex II, in particular in points 1.0.5 (Marking) and 1.0.6 (Instructions), related to the incorrect application or shortcomings of the harmonised standard EN 60079-0:2006 — Electrical apparatus for explosive gas atmospheres — Part 0: General requirements (IEC 60079-0:2004, modified), which is referred in the manufacturer's EC Declaration of Conformity.

- (5) The Swedish authorities submitted the test report on examination of explosion protection lamp, dated 3 April 2012. According to the Swedish authorities, the list of deviations includes:

— Serious criticism:

- Accompanying instructions (sub-clause 30.1 in EN 60079-0:2006): the marking 'Potential electrostatic charging hazard – See instructions' refers to the instructions for further information. Such information can not be found in the instructions.

— Criticism:

- Marking (sub-clause 29.1 in EN 60079-0:2006)
 - If the lamp is mounted directly on a ceiling, it is difficult to see part of the marking on the label (Ex code and ambient temperature on the upper part of the label).
- Marking (sub-clause 29.2(z1) in EN 60079-0:2006) — Explosion group (II, IIA, IIB or IIC) is missing in the Ex code.
- Marking (sub-clause 29.1 in EN 60079-0:2006)
 - Address of the manufacturer is missing.
- Accompanying instructions (sub-clause 30.1 in EN 60079-0:2006) — The instructions are not in Swedish (they are in five other languages incl. Italian, English, French and German).

⁽¹⁾ OJ L 100, 19.4.1994, p. 1.

- Accompanying instructions (sub-clause 30.1 in EN 60079-0:2006) — Marked information shall be recapitulated in the instructions. Some of this information can not be found in the instructions:
- (a) Warning text in the marking (or corresponding text which describes the warnings) is missing in the instructions.
 - (b) Temperature class 'T3' (for gas) and maximum temperature 'T78 °C' (for dust) for the lamp, can not be found in the instructions.
 - (c) Explosion group (II, IIA, IIB or IIC), which shall be included in the Ex code according to 29.2(e) in EN 60079-0:2006, can not be found in the instructions.
- (6) On 6 November 2012, the Commission wrote to the manufacturer, Gewiss SpA, inviting them to communicate their observations regarding the measure taken by the Swedish authorities.
- (7) On 11 January 2013, Gewiss SpA replied, providing specific answers and technical analysis for each one of the deviations pointed out by the Swedish authorities:
- Regarding the 'serious criticism' on accompanying instructions, the manufacturer indicated that the marking and the instructions have been developed according to the risk assessment of the product for gases and dusts, in order to comply with the specific requirements of the relevant harmonised standard. In particular, information on 'potential electrostatic charging hazard' is reproduced on the product itself within a general interpretation of the term 'instructions', diverging from the interpretation of the Swedish authorities who make reference to 'accompanying instructions'.
- Regarding the 'criticisms', the manufacturer indicated that the deviations are not really critical, being related to possible differences in interpretation of the relevant clauses of the standard.
- (8) In its reply, the manufacturer underlined that accompanying instructions and marking of the product have been improved and modified according to the most recent versions of the applicable harmonised standards (2009, 2010 and 2012). In fact, the product based on the 2006 version of the harmonised standard EN 60079-0 is no longer available on the EU market. Copies of the new markings, instructions and Declaration of

Conformity of the product are provided in the reply; in particular, accompanying instructions are available now also in Swedish.

- (9) The Swedish authorities produced no further documentation after the reply of the manufacturer.
- (10) In light of the documentation available, and the comments of the parties concerned, the Commission considers that the fluorescent lamp, mark and type 'GW 80 455', in its configuration as analysed by the Swedish authorities making reference to the harmonised standard EN 60079-0:2006, failed to comply with the essential health and safety requirements referred to in Article 3 of the Directive 94/9/EC and set out in Annex II, in particular in points 1.0.5 (Marking) and 1.0.6 (Instructions). These non-conformities and the related technical deficiencies gave rise to serious risks for users because they refer to essential health and safety requirements, established in Annex II to Directive 94/9/EC, which had not been fulfilled by the product, taking into consideration that:
- for the 'serious criticism', the reference to 'instructions' is to be interpreted as the 'accompanying instructions', according to point 1.0.6(a) of Annex II, and not in a general manner as instruction in any kind of form,
- for the 'criticisms', the missing elements in markings and instructions have been detected with regard not to different interpretations of the standard, but directly to the specific prescriptions of points 1.0.5 and 1.0.6(a) and (b) of Annex II,

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by the authorities of Sweden prohibiting the placing on the market of a fluorescent lamp, mark and type 'GW 80 455', formerly manufactured by Gewiss SpA, referred to the 2006 edition of standard EN 60079-0 and now obsolete, is justified.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 August 2013.

For the Commission
Antonio TAJANI
Vice-President

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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LUXEMBOURG

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