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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2016/79 of 25 November 2015 amending Annex III to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences** 1
- ★ **Commission Implementing Regulation (EU) 2016/80 of 13 January 2016 entering a name in the register of protected designations of origin and protected geographical indications (Σταφίδα Σουλτανίνα Κρήτης (Stafida Soultanina Kritis) (PGI))** 3
- ★ **Commission Implementing Regulation (EU) 2016/81 of 19 January 2016 entering a name in the register of protected designations of origin and protected geographical indications (Cantuccini Toscani/Cantucci Toscani (PGI))** 6
- ★ **Commission Implementing Regulation (EU) 2016/82 of 19 January 2016 entering a name in the register of protected designations of origin and protected geographical indications (Asparago di Cantello (PGI))** 7
- ★ **Commission Implementing Regulation (EU) 2016/83 of 19 January 2016 entering a name in the register of protected designations of origin and protected geographical indications (Granada Mollar de Elche/Granada de Elche (PDO))** 8
- ★ **Commission Implementing Regulation (EU) 2016/84 of 20 January 2016 entering a name in the register of protected designations of origin and protected geographical indications [Ternera de Aliste (PGI)]** 9
- ★ **Commission Implementing Regulation (EU) 2016/85 of 25 January 2016 suspending the submission of applications for the private storage aid for pigmeat provided for in Implementing Regulation (EU) 2015/2334** 10
- Commission Implementing Regulation (EU) 2016/86 of 25 January 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables 12

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

- ★ **Commission Implementing Decision (EU) 2016/87 of 22 January 2016 on the withdrawal from the market of existing products derived from MON 863 (MON-ØØ863-5) and repealing Decisions 2010/139/EU, 2010/140/EU, 2010/141/EU authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON863×MON810×NK603 (MON-ØØ863-5×MON-ØØ810-6×MON-ØØ603-6), MON863×MON810 (MON-ØØ863-5×MON-ØØ810-6) and MON863×NK603 (MON-ØØ863-5×MON-ØØ603-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (notified under document C(2016) 204) ⁽¹⁾** 14

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ **Decision No 1 of the EU-Bosnia and Herzegovina Stabilisation and Association Council of 11 December 2015 adopting its rules of procedure [2016/88]** 17

Corrigenda

- ★ **Corrigendum to Decision No 1/2011 (2011/293/EU) of the EU-Morocco Association Council of 30 March 2011 with regard to the amendment of Annex II of Protocol 4 to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, containing the list of working or processing required to be carried out on non-originating materials in order for the product manufactured to obtain originating status (OJ L 141, 27.5.2011)** 23

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/79**of 25 November 2015****amending Annex III to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Article 9(1) of Regulation (EU) No 978/2012 establishes specific eligibility criteria for the granting of tariff preferences under the special incentive arrangement for sustainable development and good governance (GSP+) to a requesting country. For that purpose, the country should be considered vulnerable. It should have ratified all the conventions listed in Annex VIII to Regulation (EU) No 978/2012 and the most recent available conclusions of the relevant monitoring bodies should not identify a serious failure to effectively implement any of those conventions. In relation to any of the relevant conventions, the country should not have formulated a reservation which is prohibited by the convention or which, for the exclusive purposes of Article 9 of Regulation (EU) No 978/2012, is considered to be incompatible with the object and purpose of that convention. It should accept without reservation the reporting requirements imposed by each convention and give the binding undertakings referred to in points (d), (e) and (f) of Article 9(1) of Regulation (EU) No 978/2012.
- (2) A GSP beneficiary country wishing to benefit from GSP+ has to submit a request accompanied by comprehensive information concerning ratification of the relevant conventions, its reservations and the objections to those reservations made by other parties to the convention, and its binding undertakings.
- (3) The Commission has been empowered to adopt a delegated act in accordance with Article 290 TFEU to establish and amend Annex III to Regulation (EU) No 978/2012 in order to grant GSP+ to a requesting country by adding it to the list of GSP+ beneficiary countries.
- (4) On 25 May 2015, the Commission received a GSP+ request from the Kyrgyz Republic.
- (5) The Commission has examined the request made in accordance with the provisions of Article 10(1) of Regulation (EU) No 978/2012, and has established that the Kyrgyz Republic meets the eligibility criteria. The Kyrgyz Republic should therefore be granted GSP+ from the date of entry into force of this Regulation and Annex III to Regulation (EU) No 978/2012 should be amended accordingly.
- (6) The Commission will keep under review the status of ratification of the relevant conventions and their effective implementation by the Kyrgyz Republic, as well as the Kyrgyz Republic's cooperation with the relevant monitoring bodies, in accordance with Article 13 of Regulation (EU) No 978/2012,

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

In Annex III of Regulation (EU) No 978/2012, the following country and the corresponding alphabetical code is inserted under columns B and A, respectively:

‘Kyrgyz Republic KG’

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, 25 November 2015.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/80**of 13 January 2016****entering a name in the register of protected designations of origin and protected geographical indications (Σταφίδα Σουλτανίνα Κρήτης (Stafida Soultanina Kritis) (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(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Greece to register the name ‘Σταφίδα Σουλτανίνα Κρήτης’ (Stafida Soultanina Kritis) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 26 June 2014, the Commission received a notice of opposition from *Izmir Commodity Exchange* (Turkey). This notice of opposition was followed by a reasoned statement of opposition sent by letter of 26 August 2014.
- (3) The Commission examined the opposition and found it admissible within the meaning of Article 10 of Regulation (EU) No 1151/2012. By letter of 26 September 2014, it therefore, invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (4) No agreement was reached between the parties within the time limit.
- (5) Given that no agreement was reached, the Commission should adopt a decision in accordance with the procedure referred to in Article 52(3)(b) of Regulation (EU) No 1151/2012.
- (6) The opponent claims that the application does not comply with the conditions laid down in Articles 5, 6(3), 6(4) and 7(1) of Regulation (EU) No 1151/2012. In the opinion of the opponent, the characteristics of the product are not distinctive, since climate and soil conditions, which are a determinant element for the product's quality, are the same as in Turkey. Furthermore, the words ‘sultan’ and ‘sultaniye’ have their etymological origin in Turkey (i.e. in Anatolia). ‘Soultanina’ would, therefore, be attributable to Turkey. Besides, a product named ‘Aegean Sultana’, similar to ‘Σταφίδα Σουλτανίνα Κρήτης’ (Stafida Soultanina Kritis) is claimed to have been registered as Protected Designation of Origin in Turkey and to have become a trade mark. The presence of the term ‘Soultanina’ in the Greek name would accordingly pose a threat to the Turkish registered name, create unfair competition and mislead the consumers. The term ‘Soultanina’ is finally homonymous with a name already in the register and therefore may not be registered. The application therefore should be rejected overall.
- (7) Despite the abovementioned allegations submitted by the opponent, the PGI ‘Σταφίδα Σουλτανίνα Κρήτης’ (Stafida Soultanina Kritis) should be registered for the following reasons.
- (8) It is not disputed that the name originates in Anatolia. However, since ‘Soultanina’ has become admittedly the name of a vine variety which is cultivated in many countries, it is no longer linked to the place of origin. It may, therefore, legally refer to a product that does not originate from Anatolia. ‘Soultanina’ was already classified as a vine variety under Commission Regulation (EEC) No 3800/81 ⁽³⁾, now repealed. In the currently applicable legal framework, ‘Soultanina’ was notified as a wine grape variety under Article 63(1), point (d), of Commission Regulation (EC) No 607/2009 ⁽⁴⁾.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 101, 5.4.2014, p. 7.

⁽³⁾ Commission Regulation (EEC) No 3800/81 of 16 December 1981 determining the classification of vine varieties (OJ L 381, 31.12.1981, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60).

- (9) As regards the specific characteristics of 'Σταφίδα Σουλτανίνα Κρήτης' (Stafida Soultanina Kritis) (PGI), the single document correctly and exhaustively describes the link between the specific qualities of the product and the geographical area. It is characterised by high sugar content (minimum 75 %) and low moisture content (maximum 16 %). The calcareous soils of Crete give plants that produce very good quality fruit, as it contains more sugar. The low rainfall and long hours of sunshine in July-August, when the grapes are ripening, has a favourable impact on sugar concentration. Rain during this period leads to dilution of the sugars in the grapes, which affects their quality. The hot, dry conditions and the practice of dipping the grapes in an alkaline solution before they are dried result in rapid loss of water and a simultaneous increase in sugars, so the darkening stops and the sultanas acquire their characteristic colour. *Izmir Commodity Exchange* has not given a valid reasoning to challenge these statements.
- (10) Turkey's product 'Aegean Sultanas' is not a PDO registered according to the EU law. It has no specific protection under Regulation (EU) No 1151/2012. In particular, it cannot be considered liable to prevent the registration of a homonymous name under Article 6(3) of Regulation (EU) No 1151/2012. In any event, 'Soultanina' is not the name of a product which is homonymous with 'Aegean Sultanas'.
- (11) The name 'Soultanina' in itself is not likely to mislead consumers on the origin of the product since it is commonly known as a vine variety which can be cultivated worldwide. In addition, in this specific case, the name 'Soultanina' is accompanied by a geographical term ('Kritis') which eliminates any hypothetical doubt on the origin of the product.
- (12) Notwithstanding the protection granted to 'Σταφίδα Σουλτανίνα Κρήτης' (Stafida Soultanina Kritis), the name 'Soultanina' may continue to be used within the territory of the Union, provided the principles and rules applicable in its legal order are respected.
- (13) The opposition does not refer the exact references of the alleged registered trade mark. No mention is made of a trade mark registered by Turkey in the EU territory.
- (14) For the abovementioned reasons it is to conclude that the name 'Σταφίδα Σουλτανίνα Κρήτης' (Stafida Soultanina Kritis) (PGI) should be entered in the register of Protected Designation of Origin and Protected Geographical Indications.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Σταφίδα Σουλτανίνα Κρήτης' (Stafida Soultanina Kritis) (PGI) is registered.

The name in the first paragraph identifies a product from Class 1.6. Fruit, vegetables and cereals fresh or processed set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽¹⁾.

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*.

⁽¹⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 13 January 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/81**of 19 January 2016****entering a name in the register of protected designations of origin and protected geographical indications (Cantuccini Toscani/Cantucci Toscani (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) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Cantuccini Toscani'/'Cantucci Toscani' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Cantuccini Toscani'/'Cantucci Toscani' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Cantuccini Toscani'/'Cantucci Toscani' (PGI) is hereby entered in the register.

The name referred to in the first paragraph identifies a product in Class 2.3. Bread, pastry, cakes, confectionery, biscuits and other baker's wares in accordance with Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 19 January 2016.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 263, 11.8.2015, p. 4.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/82**of 19 January 2016****entering a name in the register of protected designations of origin and protected geographical indications (Asparago di Cantello (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) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Asparago di Cantello' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of objection under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Asparago di Cantello' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Asparago di Cantello' (PGI) is hereby entered in the register.

The name referred to in the first paragraph identifies a product in Class 1.6. Fruit, vegetables and cereals fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 19 January 2016.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 255, 4.8.2015, p. 7.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/83**of 19 January 2016****entering a name in the register of protected designations of origin and protected geographical indications (Granada Mollar de Elche/Granada de Elche (PDO))**

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) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Spain's application to register the name 'Granada Mollar de Elche'/'Granada de Elche' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Granada Mollar de Elche'/'Granada de Elche' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Granada Mollar de Elche'/'Granada de Elche' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 19 January 2016.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 264, 12.8.2015, p. 40.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/84**of 20 January 2016****entering a name in the register of protected designations of origin and protected geographical indications [Ternera de Aliste (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) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Spain's application to register the name 'Ternera de Aliste' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Ternera de Aliste' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Ternera de Aliste' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.1. Fresh meat (and offal), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 20 January 2016.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 281, 26.8.2015, p. 8.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/85**of 25 January 2016****suspending the submission of applications for the private storage aid for pigmeat provided for in
Implementing Regulation (EU) 2015/2334**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products ⁽²⁾, and in particular Article 23(3)(a) and (c) thereof,

Whereas:

- (1) An examination of the situation on the market and the use of the private storage aid scheme for pigmeat provided for in Commission Implementing Regulation (EU) 2015/2334 ⁽³⁾ make it advisable to consider closing it. The Commission intends submitting the respective closing Regulation for an opinion to the Committee for the Common Organisation of the Agricultural Markets. However, the intention itself bears the risk that there will be an excessively large number of applications for the aid scheme.
- (2) Therefore, it is necessary to suspend the submission of applications for the aid provided for in Implementing Regulation (EU) 2015/2334 and reject certain applications made before the period of suspension.
- (3) In order to avoid speculation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. The application of Article 2 of Implementing Regulation (EU) 2015/2334 shall be suspended for the period from 27 January 2016 to 2 February 2016. Applications to conclude contracts submitted during this period shall not be accepted.

2. Applications submitted from 21 January 2016, whose acceptance would have been decided during the period referred to in paragraph 1, shall be rejected.

Article 2

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 223, 21.8.2008, p. 3.

⁽³⁾ Commission Implementing Regulation (EU) 2015/2334 of 14 December 2015 opening private storage for pigmeat and fixing in advance the amount of aid (OJ L 329, 15.12.2015, p. 10).

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

Done at Brussels, 25 January 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

COMMISSION IMPLEMENTING REGULATION (EU) 2016/86**of 25 January 2016****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽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 multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (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, 25 January 2016.

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

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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	236,2
	MA	76,9
	TN	100,7
	TR	92,5
	ZZ	126,6
0707 00 05	MA	85,9
	TR	157,1
	ZZ	121,5
0709 93 10	MA	48,1
	TR	149,2
	ZZ	98,7
0805 10 20	EG	49,2
	MA	62,8
	TN	62,0
	TR	65,1
	ZZ	59,8
0805 20 10	IL	147,6
	MA	81,7
	ZZ	114,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	126,0
	JM	160,3
	MA	82,8
	TR	79,4
	ZZ	112,1
0805 50 10	TR	97,9
	ZZ	97,9
0808 10 80	CL	87,5
	US	130,3
	ZZ	108,9
0808 30 90	CN	49,1
	TR	82,0
	ZZ	65,6

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/87

of 22 January 2016

on the withdrawal from the market of existing products derived from MON 863 (MON-ØØ863-5) and repealing Decisions 2010/139/EU, 2010/140/EU, 2010/141/EU authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON863×MON810×NK603 (MON-ØØ863-5×MON-ØØ810-6×MON-ØØ603-6), MON863×MON810 (MON-ØØ863-5×MON-ØØ810-6) and MON863×NK603 (MON-ØØ863-5×MON-ØØ603-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

(notified under document C(2016) 204)

(Only the Dutch and French texts are authentic)

(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 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular its Articles 8(6) and 20(6), as well as its Articles 9(2) and 21(2) thereof,

Whereas:

- (1) By Commission Decision 2005/608/EC ⁽²⁾, the placing on the market of feed containing or consisting of MON 863 maize and MON 863 maize in products consisting of it or containing it for any other uses than food and feed, with the exception of cultivation, is authorised in accordance with Directive 2001/18/EC of the European Parliament and of the Council ⁽³⁾, until 12 January 2016.
- (2) By Commission Decision 2006/68/EC ⁽⁴⁾, the placing on the market of food containing, consisting of, or produced from MON 863 maize is authorised in accordance with Regulation (EC) No 258/97 of the European Parliament and of the Council ⁽⁵⁾, until 12 January 2016.
- (3) Food additives, feed materials and feed additives produced from genetically modified maize MON 863 were placed on the market before the entry into force of Regulation (EC) No 1829/2003 and were notified as existing products in accordance with Articles 8(1)(b) and 20(1)(b) of that Regulation when it came into force.
- (4) On 13 April 2007, Monsanto Europe S.A. submitted to the Commission an application in accordance with Articles 8(4), 11, 20(4) and 23 of Regulation (EC) No 1829/2003, for renewal of the authorisation for continued marketing of existing food additives, feed materials and feed additives produced from MON 863 maize which were previously notified in accordance with Article 8(1)(b) and Article 20(1)(b) of that Regulation ('the application'). On 30 March 2010, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Article 6 and Article 18 of Regulation (EC) No 1829/2003 and concluded that the new information provided in the renewal application and the review of the scientific literature that has been published since the previous scientific opinions on MON 863 maize by EFSA do not require changes of the opinions.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ Commission Decision 2005/608/EC of 8 August 2005 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line MON 863) genetically modified for resistance to corn rootworm (OJ L 207, 10.8.2005, p. 17).

⁽³⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).

⁽⁴⁾ Commission Decision 2006/68/EC of 13 January 2006 authorising the placing on the market of foods and food ingredients derived from genetically modified maize line MON 863 as novel foods or novel food ingredients under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 34, 7.2.2006, p. 26).

⁽⁵⁾ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

Therefore it reiterated its previous conclusions that MON 863 maize is unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed uses. In its opinion EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for by Article 6(4) and Article 18(4) of Regulation (EC) No 1829/2003.

- (5) By Commission Decisions 2010/139/EU ⁽¹⁾, 2010/140/EU ⁽²⁾ and 2010/141/EU ⁽³⁾, the placing on the market of food and feed containing, consisting of, or produced from MON863×MON810×NK603 maize, MON863×MON810 maize and MON863×NK603 maize is authorised in accordance with Regulation (EC) No 1829/2003, until 1 March 2020.
- (6) On 29 June 2015, Monsanto Europe S.A. asked the Commission to put an end to all the authorisations granted by the Commission to products containing, consisting or produced from genetically modified maize MON 863, as single event and in stacked events, following a commercial decision of the company not to market these products anymore in the EU.
- (7) As a consequence, Monsanto Europe S.A. withdrew the application for the renewal of the authorisation for continued marketing of existing food additives, feed materials and feed additives produced from MON 863 maize submitted on 13 April 2007 for which EFSA published an opinion on 30 March 2010 and asked the European Commission to repeal Decisions 2005/608/EC, 2006/68/EC, 2010/139/EU, 2010/140/EU and 2010/141/EU.
- (8) As MON 863, as single event or in stacked events, has not been commercially cultivated since 2011 in third countries and the commercial phase out is completed, it is not necessary to provide for a limited period of time within which existing stocks of the product may be used up.
- (9) Decisions 2005/608/EC and 2006/68/EC expire on 12 January 2016. Since no applications for the renewal of the authorisation granted in these decisions have been lodged by Monsanto Europe S.A, the products covered in these decisions should not be placed on the market after this date.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

1. Food additives produced from MON-ØØ863-5 maize notified as existing products under Article 8(1)(b) of Regulation (EC) No 1829/2003 as well as feed materials and feed additives produced from MON-ØØ863-5 maize notified as existing products under Article 20(1)(b) shall be withdrawn from the market no later than the date of the publication of this Decision in the *Official Journal of the European Union*.
2. Decisions 2010/139/EU, 2010/140/EU and 2010/141/EU shall be repealed on the date of the publication of this Decision in the *Official Journal of the European Union*.

Article 2

The entries in the Community Register of genetically modified food and feed, referred to in Article 28 of Regulation (EC) No 1829/2003, regarding MON-ØØ863-5 maize, MON-ØØ863-5×MON-ØØ81Ø-6×MON-ØØ6Ø3-6, MON-ØØ863-5×MON-ØØ81Ø-6 and MON-ØØ863-5×MON-ØØ6Ø3-6 shall be adapted in order to take account of this Decision.

⁽¹⁾ Commission Decision 2010/139/EU of 2 March 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON863×MON810×NK603 (MON-ØØ863-5×MON-ØØ81Ø-6×MON-ØØ6Ø3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 55, 5.3.2010, p. 68).

⁽²⁾ Commission Decision of 2010/140/EU of 2 March 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON863×MON810 (MON-ØØ863-5×MON-ØØ81Ø-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 55, 5.3.2010, p. 73).

⁽³⁾ Commission Decision 2010/141/EU of 2 March 2010 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON863×NK603 (MON-ØØ863-5×MON-ØØ6Ø3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ L 55, 5.3.2010, p. 78).

Article 3

This Decision is addressed to Monsanto Europe S.A., Scheldelaan 460, Haven 627, 2040 Antwerp, Belgium.

Done at Brussels, 22 January 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1 OF THE EU-BOSNIA AND HERZEGOVINA STABILISATION AND ASSOCIATION COUNCIL

of 11 December 2015

adopting its rules of procedure [2016/88]

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ('the Agreement'), and in particular Articles 115, 116, 118 and 120 thereof,

Whereas the Agreement entered into force on 1 June 2015,

HAS ADOPTED THIS DECISION:

Article 1

Chairmanship

The Parties shall hold the chairmanship of the Stabilisation and Association Council alternately for a period of 12 months. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Stabilisation and Association Council shall meet at ministerial level once a year. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Stabilisation and Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the Chair.

Article 3

Representation

The members of the Stabilisation and Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the Chair of the name of his representative before the meeting at which he is to be so represented. The representative of a member of the Stabilisation and Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Stabilisation and Association Council may be accompanied by officials. Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party. A representative of the European Investment Bank shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters

which concern the Bank appear on the agenda. The Stabilisation and Association Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of Bosnia and Herzegovina to the European Union shall act jointly as Secretaries of the Stabilisation and Association Council.

Article 6

Correspondence

Correspondence addressed to the Stabilisation and Association Council shall be sent to the Chair of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the European External Action Service, the Permanent Representations of the Member States and the Mission of Bosnia and Herzegovina to the European Union.

Communications from the Chair of the Stabilisation and Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council referred to in the second paragraph.

Article 7

Publicity

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

Article 8

Agendas for meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda. The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Stabilisation and Association Council,
- statements requested for entry by a member of the Stabilisation and Association Council,
- the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the Chair and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties. The Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.
2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 117 of the Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Stabilisation and Association Council shall be signed by the Chair and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6. Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

Article 11

Languages

The official languages of the Stabilisation and Association Council shall be the official languages of the two Parties. Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in these languages.

Article 12

Expenses

The European Union and Bosnia and Herzegovina shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents as well as other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 13

Stabilisation and Association Committee

1. A Stabilisation and Association Committee ('the Committee') is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the Council of the European Union and of representatives of the European Commission, on the one hand, and of representatives of the Council of Ministers of Bosnia and Herzegovina on the other, normally at senior civil servant level.
2. The Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions or recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Committee. The consultation may continue in the Stabilisation and Association Council if the two Parties so agree.
4. The rules of procedure of the Committee are annexed to this Decision.

Done at Brussels, 11 December 2015.

For the Stabilisation and Association Council

The Chair

F. MOGHERINI

ANNEX

Rules of Procedure of the Stabilisation and Association Committee*Article 1***Chairmanship**

The Parties shall hold the chairmanship of the Committee alternately for a period of 12 months. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Committee shall be held at a time and place agreed by both Parties. Meetings of the Committee shall be convened by the Chair.

*Article 3***Delegations**

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the European Commission and an official of Bosnia and Herzegovina shall act jointly as Secretaries of the Committee. All communications to and from the Chair of the Committee provided for in this Decision shall be forwarded to the Secretaries of the Committee and to the Secretaries and the Chair of the Stabilisation and Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Committee to the addressees referred to in Article 4 not later than 30 working days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 35 working days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chair of the conclusions arrived at by the Committee. When approved by the Committee, the minutes shall be signed by the Chair and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Committee is empowered by the Stabilisation and Association Council under Article 118 of the Agreement to take decisions or make recommendations, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, the date of their adoption and a description of their subject matter. Decisions and recommendations shall be made by common agreement between the Parties. The Committee may take decisions or make recommendations by written procedure if both Parties so agree. The decisions and recommendations of the Committee shall be signed by the Chair and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4. Each Party may decide on the publication of the decisions and recommendations of the Committee in its respective official publication.

*Article 9***Expenses**

The European Union and Bosnia and Herzegovina shall each defray the expenses they incur by reason of their participation in the meetings of the Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents as well as other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and special groups**

The Committee may create subcommittees or special groups to work under its authority. They shall report to the Committee after each of their meetings. The Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. Those subcommittees and groups shall not have any decision-making powers.

CORRIGENDA

Corrigendum to Decision No 1/2011 (2011/293/EU) of the EU-Morocco Association Council of 30 March 2011 with regard to the amendment of Annex II of Protocol 4 to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, containing the list of working or processing required to be carried out on non-originating materials in order for the product manufactured to obtain originating status

(Official Journal of the European Union L 141 of 27 May 2011)

On page 113, Annex, HS heading 'ex 8401', third column:

for: 'Manufacture from materials of any heading, except that of the product',

read: 'Manufacture from materials of any heading, except that of the product ⁽¹²⁾

⁽¹²⁾ This rule shall apply until 31.12.2005.'

