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⁽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.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/137**of 26 January 2016****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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (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.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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.

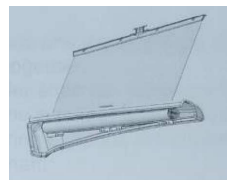
Done at Brussels, 26 January 2016.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An article consisting of a rectangular piece of transparent textile material made of knitted closed weave fabric of synthetic fibres, a plastic rail and a roller mechanism of plastics and metal. On one end, the textile fabric is fixed to the roller mechanism that is designed to be fixed permanently into the door panel of a specific model of a motor vehicle. On the other end, the textile fabric is fixed to the plastic rail that has a fixture mechanism allowing it to be attached to the frame of the window of the motor vehicle when the textile fabric is unrolled providing protection against the sun. The article does not cover the window pane completely. (See images) (*)	6303 12 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature (GIR), note 7(f) to Section XI and by the wording of CN codes 6303, 6303 12 and 6303 12 00. Classification under CN code 8708 29 90 as a part or accessory of bodies of motor vehicles of heading 8703 is excluded, because the article is neither indispensable for the functioning of the motor vehicle nor does it adapt the motor vehicle for a particular operation, or increase its range of operations, or enable it to perform a particular service connected with its main function (see Case C-152/10, <i>Unomedical</i>, ECLI:EU:C:2011:402, paragraphs 29 and 36). Due to the fact that the article is designed to be fixed permanently into the door panel of a specific motor vehicle (there is an incision in the door panel) and cannot be removed and fixed to no matter which other window pane, it is an interior blind of heading 6303. Moreover, comparable articles such as interior blinds for railway carriage windows are also covered by heading 6303 (see also the Harmonized System Explanatory Notes to heading 6303, first paragraph, point (2)). The article is a blind of textile material of Section XI and not a blind of plastics of subheading 3925 30 00, because the plastic materials serve only attachment purposes. The article is assembled from parts of textile material, plastics and metal. It is therefore a made-up article. Consequently, the article is to be classified under CN code 6303 12 00 as knitted interior blinds of synthetic fibres.

(*) The images are purely for information.





COMMISSION IMPLEMENTING REGULATION (EU) 2016/138**of 2 February 2016****concerning the non-approval of the active substance 3-decen-2-one, 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****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In accordance with Article 7(1) of Regulation (EC) No 1107/2009, on 14 September 2011, the Netherlands received an application from AMVAC CV (now AMVAC Netherlands BV) for the approval of the active substance 3-decen-2-one.
- (2) In accordance with Article 9(3) of that Regulation, the rapporteur Member State notified the applicant, the other Member States, the Commission and the European Food Safety Authority (hereinafter 'the Authority') of the admissibility of the application on 13 April 2012.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with Article 11(2) and (3) of that Regulation, for the use proposed by the applicant. The rapporteur Member State submitted a draft assessment report to the Commission and the Authority on 26 November 2013.
- (4) The Authority complied with Article 12(1) of Regulation (EC) No 1107/2009. In accordance with Article 12(3) of that Regulation, it requested that the applicant supply additional information to the Member States, the Commission and the Authority. The assessment of the additional information by the rapporteur Member State was submitted to the Authority in the format of an updated draft assessment report.
- (5) The draft assessment report was reviewed by the Member States and the Authority. The Authority presented to the Commission its conclusion on the risk assessment of the active substance 3-decen-2-one ⁽²⁾ on 3 December 2014. The Authority concluded that the presence of positive genotoxicity results and the limited toxicological data package prevented final toxicological reference values from being established and therefore the risk assessment for operators, workers, bystanders, residents and consumers could not be completed. It further concluded that the evaluation of the MRL application with the request to exempt 3-decen-2-one from MRL setting could not be finalised, since the available information is insufficient to conclude on whether use of 3-decen-2-one as an active substance in plant protection products will have no immediate or delayed harmful effects on human health, including that of vulnerable groups, through dietary intakes.
- (6) The Commission invited the applicant to submit its comments on the conclusion of the Authority and, in accordance with Article 13(1) of Regulation (EC) No 1107/2009, on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (7) However, despite the arguments put forward by the applicant, the concerns referred to in recital 5 could not be eliminated.
- (8) Consequently, it has not been demonstrated that it may be expected that, with respect to one or more representative uses of at least one plant protection product containing 3-decen-2-one, the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. The active substance 3-decen-2-one should therefore not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ EFSA Journal 2015;13(1):3932 Available online: www.efsa.europa.eu/efsajournal

- (9) This Regulation does not prejudice the submission of a further application for 3-decen-2-one pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Non-approval of active substance

The active substance 3-decen-2-one is not approved.

Article 2

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, 2 February 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/139**of 2 February 2016**

renewing the approval of the active substance metsulfuron-methyl, as a candidate for substitution, 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 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 Article 24 in conjunction with Article 20(1) thereof,

Whereas:

- (1) The approval of the active substance metsulfuron-methyl, as set out in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾, expires on 30 June 2016.
- (2) An application for the renewal of the inclusion of metsulfuron-methyl in Annex I to Council Directive 91/414/EEC ⁽³⁾ was submitted in accordance with Article 4 of Commission Regulation (EU) No 1141/2010 ⁽⁴⁾ within the time period provided for in that Article.
- (3) The applicant submitted the supplementary dossiers required in accordance with Article 9 of Regulation (EU) No 1141/2010. The application was found to be complete by the rapporteur Member State.
- (4) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority (hereinafter 'the Authority') and the Commission on 8 August 2013.
- (5) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (6) On 5 December 2014 the Authority communicated to the Commission its conclusion ⁽⁵⁾ on whether metsulfuron-methyl can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft review report for metsulfuron-methyl to the Standing Committee on Plants, Animals, Food and Feed on 29 May 2015.
- (7) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. Those approval criteria are therefore deemed to be satisfied.
- (8) The risk assessment for the renewal of the approval of metsulfuron-methyl is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing metsulfuron-methyl may be authorised. It is therefore appropriate not to maintain the restriction to use as a herbicide.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ Commission Regulation (EU) No 1141/2010 of 7 December 2010 laying down the procedure for the renewal of the inclusion of a second group of active substances in Annex I to Council Directive 91/414/EEC and establishing the list of those substances (OJ L 322, 8.12.2010, p. 10).

⁽⁵⁾ EFSA Journal 2015;13(1):3936. Available online: www.efsa.europa.eu

- (9) The Commission, however, considers that metsulfuron-methyl is a candidate for substitution pursuant to Article 24 of Regulation (EC) No 1107/2009. Metsulfuron-methyl is considered a persistent and toxic substance in accordance with points 3.7.2.1 and 3.7.2.3 respectively, of Annex II to Regulation (EC) No 1107/2009, given that the half-life in fresh water is higher than 40 days and the long-term no-observed effect concentration for freshwater organisms is less than 0,01 mg/L. Metsulfuron-methyl therefore fulfils the condition set in the second indent of point 4 of Annex II to Regulation (EC) No 1107/2009.
- (10) In accordance with Article 20(1) 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 include certain conditions. It is, in particular, appropriate to require further confirmatory information.
- (11) It is therefore appropriate to renew the approval of metsulfuron-methyl as a candidate for substitution.
- (12) In accordance with Article 20(3) of Regulation (EC) No 1107/2009, in conjunction with Article 13(4) thereof, the Annex to Implementing Regulation (EU) No 540/2011 should be amended accordingly.
- (13) Commission Implementing Regulation (EU) 2015/1885 ⁽¹⁾ extended the expiry date of metsulfuron-methyl to 30 June 2016 in order to allow the renewal process to be completed before the expiry of the approval of that substance. Given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation shall apply from 1 April 2016.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the approval of active substance as a candidate for substitution

The approval of the active substance metsulfuron-methyl, as a candidate for substitution, is renewed as set out in Annex I.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

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

Article 3

Entry into force and date of application

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

It shall apply from 1 April 2016.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/1885 of 20 October 2015 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2,4-D, acibenzolar-s-methyl, amitrole, bentazone, cyhalofop butyl, diquat, esfenvalerate, famoxadone, flumioxazine, DPX KE 459 (flupyrsulfuron-methyl), glyphosate, iprovalicarb, isoproturon, lambda-cyhalothrin, metalaxyl-M, metsulfuron methyl, picolinafen, prosulfuron, pymetrozine, pyraflufen-ethyl, thiabendazole, thifensulfuron-methyl and triasulfuron (OJ L 276, 21.10.2015, p. 48).

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

Done at Brussels, 2 February 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Metsulfuron-methyl CAS No 74223-64-6 CIPAC No 441.201	Methyl 2-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoylsulfamoyl) benzoate	967 g/kg	1 April 2016	31 March 2023	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 metsulfuron-methyl, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of consumers, — the protection of groundwater, — the protection of non-target terrestrial plants. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit to the Commission, the Member States and the Authority by 30 September 2016 confirmatory information as regards the genotoxic potential of the metabolite triazine-amine (IN-A4098) to confirm that this metabolite is not genotoxic and not relevant for risk assessment.

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

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) in Part A, entry 7 on metsulfuron-methyl is deleted;

(2) in Part E, the following entry is added:

	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
'3	Metsulfuron-methyl CAS No 74223-64-6 CIPAC No 441.201	Methyl 2-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoylsulfamoyl) benzoate	967 g/kg	1 April 2016	31 March 2023	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 metsulfuron-methyl, and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of consumers, — the protection of groundwater, — the protection of non-target terrestrial plants. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit to the Commission, the Member States and the Authority by 30 September 2016 confirmatory information as regards the genotoxic potential of the metabolite triazine-amine (IN-A4098) to confirm that this metabolite is not genotoxic and not relevant for risk assessment.'

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

COMMISSION IMPLEMENTING REGULATION (EU) 2016/140**of 2 February 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, 2 February 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	EG	162,9
	IL	236,2
	MA	90,6
	TN	85,0
	TR	86,6
	ZZ	132,3
0707 00 05	MA	85,6
	TR	165,2
	ZZ	125,4
0709 93 10	MA	45,8
	TR	143,5
	ZZ	94,7
0805 10 20	EG	47,5
	MA	55,2
	TN	53,7
	TR	60,1
	ZZ	54,1
0805 20 10	IL	131,8
	MA	72,5
	TR	102,3
	ZZ	102,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	132,6
	MA	116,6
	TR	74,9
	ZZ	108,0
0805 50 10	TR	99,3
	ZZ	99,3
0808 10 80	CL	88,0
	US	161,8
	ZZ	124,9
0808 30 90	CL	224,0
	CN	90,1
	TR	200,0
	ZA	130,6
	ZZ	161,2

⁽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'.

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) No 771/2014 of 14 July 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the model for operational programmes, the structure of the plans for the compensation of additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions, the model for the transmission of financial data, the content of the *ex ante* evaluation reports and the minimum requirements for the evaluation plan to be submitted under the European Maritime and Fisheries Fund

(Official Journal of the European Union L 209 of 16 July 2014)

On page 42, in Annex II, under point 3, in footnote (**):

for: 'Calculation on the basis of the criteria laid out in Commission Delegated Regulation (EU) XXX/2014',

read: 'Calculation on the basis of the criteria laid out in Commission Delegated Regulation (EU) No 1046/2014 (OJ L 291, 7.10.2014, p. 1).'

