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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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/81**of 16 January 2018****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 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 57(4) and 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, 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 34(9) of Regulation (EU) No 952/2013. 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.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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, 16 January 2018.

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

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Electrical apparatus for skin treatment and hair removal by means of laser technology, using two lasers of different wavelengths (755 and 1 064 nm). It has dimensions of approximately 104 × 38 × 64 cm and a weight of 82 kg. The treatment for which it is presented includes hair removal, cosmetic rejuvenation, treatment of facial and leg veins, treatment of uneven pigmentation (for example, sun spots), and treatment of other vascular and benign pigmented lesions. The apparatus is designed to be used both in beauty parlours without the intervention of medical practitioners and in authorised medical centres under the supervision of medical practitioners. See image (*).	8543 70 90	Classification is determined by general rules 1, and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8543, 8543 70 and 8543 70 90. The fact that the apparatus mainly brings about aesthetic improvement, it may be operated outside of a medical environment (in a beauty parlour) and without the intervention of a practitioner indicates that the apparatus is not intended for medical use. The apparatus can also treat one or more different pathologies but this treatment can be also carried out outside of a medical environment and there are thus not sufficient indications capable of establishing that the apparatus is intended for medical use (see Case C-547/13, Oliver Medical, ECLI:EU:C:2015:139). Classification under heading 9018 as an apparatus used in medical science is therefore excluded. Consequently, the apparatus is to be classified under CN code 8543 70 90 as an electrical apparatus, having an individual function, not specified or included elsewhere in Chapter 85.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2018/82**of 19 January 2018****correcting Regulation (EC) No 891/2009 opening and providing for the administration of certain
Community tariff quotas in the sugar sector**

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⁾, and in particular Article 187 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/1085 ⁽²⁾ amended Part I of Annex I to Regulation (EC) No 891/2009 ⁽³⁾ in accordance with the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union ⁽⁴⁾ ('the Agreement'), increasing the allocation for Brazil. The additional allocation amounts to 19 500 tonnes for the marketing year 2016/2017, and to 78 000 tonnes for the marketing years from 2017/2018 to 2022/2023. For the marketing year 2023/2024, the additional allocation amounts to 58 500 tonnes. The additional allocation is managed through two new order numbers, 09.4329 and 09.4330, which have a different in quota rate compared to the previously allocated volume with order number 09.4318 for the origin Brazil.
- (2) By mistake, the two new order numbers and in quota rates for the Brazil quota have not been added in the enacting terms of Regulation (EC) No 891/2009, although all sugar from that quota has to meet the same conditions, in particular as regards import licence applications and certificates of origin. It is therefore necessary to correct those errors by inserting the two new order numbers and in quota rates in the enacting terms of Regulation (EC) No 891/2009.
- (3) Regulation (EC) No 891/2009 should therefore be corrected accordingly.
- (4) For reasons of legal certainty as regards the rights and obligations of all operators concerning the increased allocation for Brazil since its addition, this Regulation should apply retroactively from the date of entry into force of the Agreement.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 891/2009 is corrected as follows:

- (1) in Article 6, point (a) is replaced by the following:

‘(a) in box 8, the country of origin.

For CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4321, 09.4329 and 09.4330 and for Balkan sugar, the word “yes” in box 8 shall be marked by a cross. Those licences shall give rise to an obligation to import from the specified country;’;

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2017/1085 of 19 June 2017 amending Regulation (EC) No 891/2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 156, 20.6.2017, p. 19).

⁽³⁾ 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 (OJ L 254, 26.9.2009, p. 82).

⁽⁴⁾ OJ L 108, 26.4.2017, p. 3.

(2) in Article 7, paragraph 3 is replaced by the following:

‘3. For CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4320, 09.4329 and 09.4330, import licence applications shall be accompanied by the undertaking by the applicant to refine the quantities of sugar in question before the end of the third month following that in which the import licence concerned expires.’;

(3) Article 10 is replaced by the following:

‘Article 10

Release for free circulation

Release for free circulation for the quotas of CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4321, 09.4329 and 09.4330 shall be subject to the presentation of a certificate of origin issued by the competent authorities of the third country concerned in accordance with Articles 55 to 65 of Regulation (EEC) No 2454/93.

For CXL concession sugar with order numbers 09.4317, 09.4318, 09.4319, 09.4320, 09.4329 and 09.4330, where the polarimetric reading of the imported raw sugar departs from 96 degrees, the rate of, respectively, EUR 98, EUR 11 and EUR 54 per tonne shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established.’.

Article 2

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

It shall apply from 1 July 2017.

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

Done at Brussels, 19 January 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/83**of 19 January 2018****amending Annex I to Regulation (EU) No 605/2010 as regards the list of third countries or parts thereof from which the introduction into the European Union of consignments of raw milk, dairy products, colostrum and colostrum-based products is authorised****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point (1) and point (4) of Article 8 and Article 9(4) thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 605/2010 ⁽³⁾ lays down the public and animal health conditions and certification requirements for the introduction into the Union of consignments of raw milk, dairy products, colostrum and colostrum-based products and the list of third countries from which the introduction into the Union of such consignments is authorised.
- (2) Annex I to Regulation (EU) No 605/2010 sets out a list of third countries or parts thereof authorised for the introduction into the Union of consignments of raw milk, dairy products, colostrum and colostrum-based products and indicates the type of treatment required for such commodities. Article 4 of Regulation (EU) No 605/2010 provides that Member States are to authorise the importation of consignments of dairy products derived from raw milk of cows, ewes, goats, buffaloes or, where specifically authorised in Annex I to that Regulation, from camels of the species *Camelus dromedarius* from the third countries or parts thereof at risk of foot-and-mouth disease, which are listed in column C of that Annex, provided that such dairy products have undergone, or been produced from raw milk which has undergone, a treatment as referred to in that Article.
- (3) The Emirate of Abu Dhabi of the United Arab Emirates, which is a third country not listed by the World Organisation for Animal Health as being free of foot-and-mouth disease, has expressed an interest in exporting to the Union dairy products produced from raw milk derived from dromedary camels after physical or chemical treatment in accordance with Article 4 of Regulation (EU) No 605/2010.
- (4) The authorisation to export dromedary camel milk products was already given to the Emirate of Dubai by Commission Implementing Regulation (EU) No 300/2013 ⁽⁴⁾. The control systems in place in Abu Dhabi mirror those in place in Dubai. The Emirate of Abu Dhabi sent to the Commission inspection service the relevant information on the systems and controls in place for the production of dromedary camel milk products.
- (5) Based on that information, it can be concluded that the Emirate of Abu Dhabi can provide the necessary guarantees to ensure that dairy products produced in the Emirate of Abu Dhabi from raw milk of dromedary camels are in conformity with the applicable animal and public health requirements for imports into the Union of dairy products from third countries or parts thereof at risk of foot-and-mouth disease listed in column C of Annex I to Regulation (EU) No 605/2010.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk, dairy products, colostrum and colostrum-based products intended for human consumption (OJ L 175, 10.7.2010, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 300/2013 of 27 March 2013 amending Regulation (EU) No 605/2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption (OJ L 90, 28.3.2013, p. 71).

- (6) In order to authorise imports into the Union of dairy products produced from dromedary milk from certain parts of the territory of the United Arab Emirates, the Emirate of Abu Dhabi should be added to the list of third countries or parts thereof referred to in Annex I to Regulation (EU) No 605/2010, with an indication that the authorisation provided for in Column C of that list applies only to dairy products produced from milk of that species.
- (7) Montenegro asked the Commission for an authorisation to export raw milk, dairy products, colostrum and colostrum-based products to the Union. Montenegro is a third country listed by the World Organisation for Animal Health as being free of foot-and-mouth disease (FMD) without vaccination.
- (8) The Commission has carried out veterinary controls in Montenegro. The results of such controls have shown certain shortcomings in particular as regards public health issues in the establishments. The Montenegrin competent authorities are in the process of addressing those shortcomings.
- (9) However, based on the favourable animal health situation as regards FMD, in Montenegro it is appropriate to add Montenegro in column A of Annex I to Regulation (EU) No 605/2010. This addition to the list of Annex I should be without prejudice to obligations arising from other provisions of Union legislation concerning imports into, and placing on the market within, the Union of products of animal origin, in particular those relating to the listing of establishments under Article 12 of Regulation (EC) No 854/2004.
- (10) Regulation (EU) No 605/2010 should therefore be amended accordingly.
- (11) 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

The table set out in Annex I to Regulation (EU) No 605/2010 is amended as follows:

- (a) the entry for the United Arab Emirates is replaced by the following:

'AE	The Emirates of Abu Dhabi and Dubai of the United Arab Emirates ⁽¹⁾	0	0	+ ⁽²⁾
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- (b) the following entry is inserted after the entry for Morocco:

'ME	Montenegro	+	+	+
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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 2018.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/84**of 19 January 2018****amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances chlorpyrifos, chlorpyrifos-methyl, clothianidin, copper compounds, dimoxystrobin, mancozeb, mecoprop-p, metiram, oxamyl, pethoxamid, propiconazole, propineb, propyzamide, pyraclostrobin and zoxamide****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the first paragraph of Article 17 thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.
- (2) The approval periods of the active substances mecoprop-p, propiconazole, propineb, propyzamide, pyraclostrobin and zoxamide were last extended by Commission Implementing Regulation (EU) 2016/2016 ⁽³⁾. The approval periods of those substances will expire on 31 January 2018.
- (3) The approval periods of the active substances chlorpyrifos, chlorpyrifos-methyl, mancozeb and metiram were extended by Commission Implementing Regulation (EU) No 762/2013 ⁽⁴⁾. The approval periods of those substances will expire on 31 January 2018.
- (4) The approval periods of the active substances clothianidin, dimoxystrobin, oxamyl and pethoxamid were extended by Commission Implementing Regulation (EU) No 1136/2013 ⁽⁵⁾. The approval periods of those substances will expire on 31 January 2018.
- (5) The approval period of the active substance copper compounds was extended by Commission Implementing Regulation (EU) No 85/2014 ⁽⁶⁾. The approval period of the substance will expire on 31 January 2018.
- (6) Applications for the renewal of the approval of the substances referred to in recitals 2 to 5 were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ⁽⁷⁾.
- (7) Due to the fact that the assessment of the substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.

⁽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⁾ Commission Implementing Regulation (EU) 2016/2016 of 17 November 2016 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances acetamiprid, benzoic acid, flazasulfuron, mecoprop-P, mepanipyrim, mesosulfuron, propineb, propoxycarbazon, propyzamide, propiconazole, Pseudomonas chlororaphis Strain: MA 342, pyraclostrobin, quinoxifen, thiacloprid, thiram, ziram, zoxamide (OJ L 312, 18.11.2016, p. 21).

⁽⁴⁾ Commission Implementing Regulation (EU) No 762/2013 of 7 August 2013 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb, MCPA, MCPB and metiram (OJ L 213, 8.8.2013, p. 14).

⁽⁵⁾ Commission Implementing Regulation (EU) No 1136/2013 of 12 November 2013 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances clothianidin, dimoxystrobin, oxamyl and pethoxamid (OJ L 302, 13.11.2013, p. 34).

⁽⁶⁾ Commission Implementing Regulation (EU) No 85/2014 of 30 January 2014 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance copper compounds (OJ L 28, 31.1.2014, p. 34).

⁽⁷⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

- (8) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission will adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.
- (9) Taking into account that the approvals of the active substances expire on 31 January 2018, this Regulation should enter into force as soon as possible.
- (10) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (11) 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

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 third 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 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in the sixth column, expiration of approval, of row 54, Propineb, the date is replaced by '31 January 2019';
 - (2) in the sixth column, expiration of approval, of row 55, Propyzamide, the date is replaced by '31 January 2019';
 - (3) in the sixth column, expiration of approval, of row 57, Mecoprop-P, the date is replaced by '31 January 2019';
 - (4) in the sixth column, expiration of approval, of row 58, Propiconazole, the date is replaced by '31 January 2019';
 - (5) in the sixth column, expiration of approval, of row 77, Zoxamide, the date is replaced by '31 January 2019';
 - (6) in the sixth column, expiration of approval, of row 81, Pyraclostrobin, the date is replaced by '31 January 2019';
 - (7) in the sixth column, expiration of approval, of row 111, Chlorpyrifos, the date is replaced by '31 January 2019';
 - (8) in the sixth column, expiration of approval, of row 112, Chlorpyrifos-methyl, the date is replaced by '31 January 2019';
 - (9) in the sixth column, expiration of approval, of row 114, Mancozeb, the date is replaced by '31 January 2019';
 - (10) in the sixth column, expiration of approval, of row 115, Metiram, the date is replaced by '31 January 2019';
 - (11) in the sixth column, expiration of approval, of row 116, Oxamyl, the date is replaced by '31 January 2019';
 - (12) in the sixth column, expiration of approval, of row 121, Clothianidin, the date is replaced by '31 January 2019';
 - (13) in the sixth column, expiration of approval, of row 122, Pethoxamid, the date is replaced by '31 January 2019';
 - (14) in the sixth column, expiration of approval, of row 128, Dimoxystrobin, the date is replaced by '31 January 2019';
 - (15) in the sixth column, expiration of approval, of row 277, Copper compounds, the date is replaced by '31 January 2019'.
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DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/85

of 18 January 2018

amending Implementing Decision (EU) 2016/715 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa

(notified under document C(2018) 92)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) Directive 2000/29/EC lays down protective measures against the introduction into the Union of organisms harmful to plants or plant products and against their spread within the Union.
- (2) Point 16 of Section I of Part A of Annex IV to Directive 2000/29/EC provides for special requirements for the introduction and movement into and within the Union of fruits of *Citrus* L., *Fortunella* Swingle, and *Poncirus* Raf. and their hybrids.
- (3) Commission Implementing Directive (EU) 2017/1279 ⁽²⁾ introduced point 16.4(e) in Section I of Part A of Annex IV to Directive 2000/29/EC. That point lays down protective measures against the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa in respect of fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, others than fruits of *Citrus aurantium* L. and *Citrus latifolia* Tanaka (hereinafter: 'the specified fruits'), destined for industrial processing.
- (4) Commission Implementing Decision (EU) 2016/715 ⁽³⁾ lays down measures to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa, which apply to the specified fruits if they originate in Argentina, Brazil, South Africa and Uruguay.
- (5) The specified fruits originating in Argentina, Brazil, South Africa or Uruguay, destined exclusively for industrial processing into juice should continue being introduced into, and moved within, the Union in accordance with the special requirements laid down in Chapter III of Implementing Decision (EU) 2016/715 and by way of derogation from point 16.4(e) of Section I of Part A of Annex IV to Directive 2000/29/EC. This is necessary to ensure the continued phytosanitary protection of the Union territory, against the introduction of *Phyllosticta citricarpa* (McAlpine) Van der Aa on specified fruits originating in those third countries.
- (6) Implementing Directive (EU) 2017/1279 introduced point 16.6 in Section I of Part A of Annex IV to Directive 2000/29/EC. The provisions of that point establish protective measures against *Thaumatotibia leucotreta* (Meyrick) in respect of fruits of certain species of *Citrus* L. originating in the African continent. In order to ensure the phytosanitary protection of the Union territory against the introduction of the harmful organism *Thaumatotibia leucotreta* (Meyrick), Implementing Decision (EU) 2016/715 should apply without prejudice to those provisions.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Directive (EU) 2017/1279 of 14 July 2017 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 184, 15.7.2017, p. 33).

⁽³⁾ Commission Implementing Decision (EU) 2016/715 of 11 May 2016 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa (OJ L 125, 13.5.2016, p. 16).

- (7) Implementing Decision (EU) 2016/715 should therefore be amended accordingly.
- (8) 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

Amendment to Implementing Decision (EU) 2016/715

Implementing Decision (EU) 2016/715 is amended as follows:

- (1) Article 3(2) is replaced by the following:

‘2. Paragraph 1 of this Article shall apply without prejudice to the requirements laid down in points 16.1, 16.2, 16.3, 16.5 and 16.6 of Section I of Part A of Annex IV to Directive 2000/29/EC.’;

- (2) Article 8 is replaced by the following:

‘Article 8

Introduction into, and movement within, the Union of specified fruits destined exclusively for industrial processing into juice

1. By way of derogation from point 16.4(e) of Section I of Part A of Annex IV to Directive 2000/29/EC, specified fruits originating in Argentina, Brazil, South Africa or Uruguay, destined exclusively for industrial processing into juice, shall only be introduced into, and moved within, the Union in accordance with Articles 9 to 17 of this Decision.

2. Paragraph 1 of this Article shall apply without prejudice to the requirements laid down in points 16.1, 16.2, 16.3, 16.5 and 16.6 of Section I of Part A of Annex IV to Directive 2000/29/EC.’.

Article 2

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 18 January 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2018/86
of 19 January 2018
concerning certain protective measures relating to African swine fever in Romania

(notified under document C(2018) 422)

(Only the Romanian text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting domestic and feral pig populations and can have a severe impact on the profitability of pig farming causing disturbance to trade within the Union and exports to third countries.
- (2) In the event of an outbreak of African swine fever, there is a risk that the disease agent might spread to other pig holdings and to feral pigs. As a result, it may spread from one Member State to another Member State and to third countries through trade in live pigs or their products.
- (3) Council Directive 2002/60/EC ⁽³⁾ lays down minimum measures to be applied within the Union for the control of African swine fever. Article 9 of Directive 2002/60/EC provides for the establishment of protection and surveillance zones in the event of outbreaks of that disease where the measures laid down in Articles 10 and 11 of that Directive are to apply.
- (4) Romania has informed the Commission of the current African swine fever situation on its territory, and in accordance with Article 9 of Directive 2002/60/EC, it has established protection and surveillance zones where the measures referred to in Articles 10 and 11 of that Directive are applied.
- (5) Commission Implementing Decision (EU) 2018/60 ⁽⁴⁾ was adopted in response to these cases.
- (6) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to describe at Union level the areas established as protection and surveillance zones for African swine fever in Romania in collaboration with that Member State.
- (7) Accordingly, the areas identified as protection and surveillance zones in Romania should be set out in the Annex to this Decision and the duration of that regionalisation fixed. This Decision should repeal and replace Implementing Decision (EU) 2018/60.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

⁽⁴⁾ Commission Implementing Decision (EU) 2018/60 of 12 January 2018 concerning certain interim protective measures relating to African swine fever in Romania (OJ L 10, 13.1.2018, p. 20).

HAS ADOPTED THIS DECISION:

Article 1

Romania shall ensure that the protection and surveillance zones established in accordance with Article 9 of Directive 2002/60/EC comprise at least the areas listed as the protection and surveillance zones in the Annex to this Decision.

Article 2

Implementing Decision (EU) 2018/60 is repealed.

Article 3

This Decision shall apply until 31 March 2018.

Article 4

This Decision is addressed to Romania.

Done at Brussels, 19 January 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Romania	Areas as referred to in Article 1	Date until applicable
Protection zone	Micula locality, Micula commune Micula Noua locality, Micula commune	31 March 2018
Surveillance zone	Cidreag locality, Halmeu commune Porumbesti locality, Halmeu commune Halmeu locality Dorobolt locality, Halmeu commune Mesteacan locality, Halmeu commune Turulung locality, Turulung commune Draguseni locality, Turulung commune Agris locality, Agris commune Ciuperceni locality, Agris commune Dumbrava locality, Livada commune Vanatoresti locality, Odoreu commune Botiz locality, Odoreu commune Lazuri locality, Lazuri commune Noroieni locality, Lazuri commune Peles locality, Lazuri commune Pelisor locality, Lazuri commune Nisipeni locality, Lazuri commune Bercu locality, Lazuri commune Bercu Nou locality, Micula commune	31 March 2018

