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⁽¹⁾ Text with EEA relevance.

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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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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2018/689**of 7 May 2018****implementing Article 15(3) of Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen ⁽¹⁾, and in particular Article 15(3) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 December 2014, the Council adopted Regulation (EU) No 1352/2014.
- (2) On 23 April 2018, the United Nations Security Council Committee established pursuant to paragraph 19 of United Nations Security Council Resolution 2140 (2014) updated the information relating to one person subject to restrictive measures.
- (3) Annex I to Regulation (EU) No 1352/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 1352/2014 is hereby amended as set out 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, 7 May 2018.

For the Council

The President

E. ZAHARIEVA

⁽¹⁾ OJ L 365, 19.12.2014, p. 60.

ANNEX

The entry concerning the person listed below is replaced by the following entry:

- ‘3. Ali Abdullah Saleh (*alias*: Ali Abdallah Salih).

Original script: علي عبد الله صالح

Designation: a) President of Yemen's General People's Congress party; b) Former President of the Republic of Yemen. Date of Birth: a) 21.3.1945; b) 21.3.1946; c) 21.3.1942; d) 21.3.1947. Place of Birth: a) Bayt al-Ahmar, Sana'a Governorate, Yemen; b) Sana'a, Yemen; c) Sana'a, Sanhan, Al-Rib' al-Sharqi. Nationality: Yemen. Passport no: 00016161 (Yemen). National identification no: 01010744444. Other information: Gender: Male. Status: reportedly deceased. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5837306>. Date of UN designation: 7.11.2014 (amended on 20 Nov. 2014, 23 April 2018).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ali Abdullah Saleh was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of Resolution 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Ali Abdullah Saleh has engaged in acts that threaten the peace, security or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011 between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and acts that obstruct the political process in Yemen.

Per the 23 November 2011 agreement backed by the Gulf Cooperation Council, Ali Abdullah Saleh stepped down as President of Yemen after more than 30 years.

As of autumn 2012, Ali Abdullah Saleh had reportedly become one of the primary supporters of violent Huthi actions in northern Yemen.

Clashes in the south of Yemen in February 2013 were a result of the combined efforts of Saleh, AQAP and southern secessionist Ali Salim al-Bayd to cause trouble before the 18 March 2013 National Dialogue Conference in Yemen. More recently, as of September 2014, Saleh has been destabilising Yemen by using others to undermine the central government and create enough instability to threaten a coup. According to a September 2014 report by the United Nations Panel of Experts for Yemen, interlocutors alleged that Saleh supports violent actions of some Yemenis by providing them with funds and political support, as well as ensuring that GPC members continue to contribute to the destabilisation of Yemen through various means.'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/690**of 7 May 2018****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance fenazaquin****(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)(c) thereof,

Whereas:

- (1) Commission Implementing Directive 2011/39/EU ⁽²⁾ included fenazaquin as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance fenazaquin, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, was restricted to the uses as acaricide on ornamentals in greenhouses.
- (4) In accordance with Article 7(1) of Regulation (EC) No 1107/2009, on 19 September 2011 Gowan Comércio Internacional e Serviços Limitada, the producer of the active substance, submitted an application to the designated rapporteur Member State, Greece, seeking an amendment to the conditions of approval of fenazaquin in order to lift the restriction and allow uses on grapes, citrus, pome fruit and stone fruit. The application was found to be admissible by the rapporteur Member State.
- (5) The rapporteur Member State prepared an addendum to the draft assessment report and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 14 February 2012.
- (6) The Authority circulated the addendum to the draft assessment report to the applicant and to the Member States for comments and made it available to the public in accordance with Article 12(1) of Regulation (EC) No 1107/2009.
- (7) On 19 March 2013 the Authority communicated to the Commission its conclusion ⁽⁵⁾ on whether the new uses of the active substance fenazaquin can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission referred the amended draft review report to the applicant for comments on 17 September 2013 and to the Standing Committee on the Food Chain and Animal Health on 2 October 2013. The Standing Committee could not conclude whether it was appropriate to modify the conditions of approval of fenazaquin, as requested by the applicant.

⁽¹⁾ 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 (OJ L 309, 24.11.2009, p. 1).

⁽²⁾ Commission Implementing Directive 2011/39/EU of 11 April 2011 amending Council Directive 91/414/EEC to include fenazaquin as active substance and amending Commission Decision 2008/934/EC (OJ L 97, 12.4.2011, p. 30).

⁽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 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).

⁽⁵⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance fenazaquin. *EFSA Journal* 2013;11(4):3166. [80 pp.] doi:10.2903/j.efsa.2013.3166.

- (8) Following further examination of the dossier, the Commission produced a draft addendum to the original review report and a draft Regulation on fenazaquin. The Commission presented the draft addendum and draft Regulation to the Standing Committee on Plants, Animals, Food and Feed on 13 December 2017.
- (9) The Commission invited the applicant to submit its comments on the draft addendum of the review report for fenazaquin. The applicant submitted its comments which have been carefully examined.
- (10) It has not been demonstrated that it may be expected that plant protection products containing fenazaquin satisfy in general the requirements laid down in Article 4 of Regulation (EC) No 1107/2009 unless the currently provided restriction for the use in greenhouse only is kept. It is, therefore, appropriate to maintain the restriction for the use in greenhouses only, as defined in Article 3(27) of Regulation (EC) No 1107/2009.
- (11) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance that, when the plant protection product is used on the edible crop, the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to maintain the restriction for the use of fenazaquin on ornamentals only.
- (12) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in light of current scientific and technical knowledge, it is necessary and appropriate to amend the conditions of approval of the active substance fenazaquin while keeping it subject to certain conditions and restrictions. Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (13) 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

Amendment to Implementing Regulation (EU) No 540/2011

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

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, 7 May 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

The text of the column 'Specific provisions' of row 342, fenazaquin, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

'PART A

Only uses as acaricide in greenhouses may be authorised.

PART B

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on fenazaquin, and in particular Appendices I and II thereto, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 March 2011, and of the addendum to the review report on fenazaquin, and in particular Appendices I and II thereto, as finalised in the Standing Committee on Plants, Animals, Food and Feed on 22 March 2018, shall be taken into account.

In this overall assessment Member States shall pay particular attention to:

- (a) the protection of aquatic organisms;
- (b) the protection of operators, also ensuring that the conditions of the use include the application of adequate personal protective equipment;
- (c) the protection of bees;
- (d) the risk to bees and bumble bees released for pollination, when the substance is applied in glasshouses;
- (e) the risk to consumers, in particular from the residues generated during processing;
- (f) the conditions of use to avoid exposure to residues of fenazaquin with respect to crops for human and animal consumption.

Conditions of use shall include risk mitigation measures, where appropriate.'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/691**of 7 May 2018****approving the basic substance Talc E553B in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(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 23(5) in conjunction with Article 13(2) thereof,

Whereas:

- (1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 23 July 2015 an application from Compo Expert France SAS, for the approval of Talc E553B as a basic substance. That application was accompanied by the information required by the second subparagraph of Article 23(3).
- (2) The Commission asked the European Food Safety Authority (hereinafter ‘the Authority’) for scientific assistance. The Authority presented to the Commission a Technical Report on Talc E553B on 6 June 2016 ⁽²⁾. Considering the additional documentation submitted by the applicant to address the comments collated through the consultation with Member States and the Authority and related to operator exposure, the Commission asked the Authority for further scientific assistance to assess the new information submitted. The Authority presented to the Commission a second Technical Report on Talc E553B on 27 July 2017 ⁽³⁾.
- (3) The Commission presented the draft review report ⁽⁴⁾ on 5 October 2017 and a draft of this Regulation to the Standing Committee on Plants, Animals, Food and Feed on 13 December 2017 and finalised them for the meeting of that Committee on 22 March 2018.
- (4) The documentation provided by the applicant shows that Talc E553B fulfils the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁵⁾. Moreover, it is not predominantly used for plant protection purposes but nevertheless is useful in plant protection in a product consisting of the substance and water. Consequently, it is to be considered as a basic substance.
- (5) It has appeared from the examinations made that Talc E553B may be expected to satisfy, in general, the requirements laid down in Article 23 of Regulation (EC) No 1107/2009, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve Talc E553B as a basic substance.
- (6) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions for the approval which are detailed in Annex I to this Regulation.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ European Food Safety Authority, 2016. Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for Talc E553B for use in plant protection as repellent on fruit trees and grapevine. EFSA supporting publication 2016:EN-1044. 29 pp.

⁽³⁾ European Food Safety Authority, 2017. Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for Talc E553B for use in plant protection as repellent on fruit trees and grapevine. EFSA supporting publication 2017:EN-1277. 21 pp.

⁽⁴⁾ <http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN>.

⁽⁵⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

- (7) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾ should be amended accordingly.
- (8) 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

Approval of a basic substance

The substance Talc E553B is approved as a basic substance as laid down in Annex I.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

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

Article 3

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, 7 May 2018.

For the Commission
The President
Jean-Claude JUNKER

⁽¹⁾ 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).

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Specific provisions
Talc E553B CAS No: 14807-96-6	Magnesium hydrogen metasilicate silicate mineral	Food grade in conformity with Commis- sion Regulation (EU) No 231/2012 ⁽²⁾ . < 0,1 % of respirable Crystalline Silica	28 May 2018	Talc E553B shall be used in accordance with the specific conditions included in the conclusions of the review report on Talc E553B (SANTE/11639/2017) and in particular Appendices I and II thereof.

⁽¹⁾ Further details on identity, specification and manner of use of the basic substance are provided in the review report.

⁽²⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

ANNEX II

In Part C of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

'19	Talc E553B CAS No: 14807-96-6	Magnesium hydrogen metasilicate silicate mineral	Food grade in conformity with Commis- sion Regulation (EU) No 231/2012 (*). < 0,1 % of respirable Crystalline Silica	28 May 2018	Talc E553B shall be used in accordance with the specif- ic conditions included in the conclusions of the review report on Talc E553B (SANTE/11639/2017) and in par- ticular Appendices I and II thereof.
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(*) Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/692**of 7 May 2018****renewing the approval of the active substance zoxamide in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(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 20(1) thereof,

Whereas:

- (1) Commission Directive 2003/119/EC ⁽²⁾ included zoxamide as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance zoxamide, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 January 2019.
- (4) An application for the renewal of the approval of zoxamide was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) 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 ('the Authority') and the Commission on 5 August 2016.
- (7) 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.
- (8) On 21 August 2017 the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether zoxamide can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft renewal report for zoxamide to the Standing Committee on Plants, Animals, Food and Feed on 26 January 2018.
- (9) The applicant was given the opportunity to submit comments on the draft renewal report. 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.

⁽¹⁾ 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 (OJ L 309, 24.11.2009, p. 1).

⁽²⁾ Commission Directive 2003/119/EC of 5 December 2003 amending Council Directive 91/414/EEC to include mesosulfuron, propoxy-carbazone and zoxamide as active substances (OJ L 325, 12.12.2003, p. 41).

⁽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 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).

⁽⁵⁾ 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).

⁽⁶⁾ EFSA Journal 2017;15(9):4980. Available online: www.efsa.europa.eu

- (10) It is therefore appropriate to renew the approval of zoxamide.
- (11) The risk assessment for the renewal of the approval of zoxamide is based on a limited number of representative uses, which, however, do not restrict the uses for which plant protection products containing zoxamide may be authorised. It is therefore appropriate to remove the restriction for use only as a fungicide.
- (12) In accordance with Article 14(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, however, necessary to include certain conditions and restrictions. It is, in particular, appropriate to require further confirmatory information.
- (13) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (14) Commission Implementing Regulation (EU) 2018/84 ⁽¹⁾ extended the expiry date of zoxamide to 31 January 2019 in order to allow the renewal process to be completed before the expiry of the approval of that active substance. However, given that a decision on renewal has been taken ahead of that extended expiry date, this Regulation should apply from 1 July 2018.
- (15) 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

The approval of the active substance zoxamide 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 on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2018.

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

Done at Brussels, 7 May 2018.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ 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 (OJ L 16, 20.1.2018, p. 8).

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Zoxamide CAS No 156052-68-5 CIPAC No 640	(RS)-3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-p-toluamide	≥ 953 g/kg	1 July 2018	30 June 2033	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on zoxamide, and in particular Appendices I and II thereto, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of groundwater from metabolite RH-141455, — the protection of bees, aquatic organisms and earthworms. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit to the Commission, the Member States and the Authority confirmatory information as regards the effect of water treatment processes on the nature of residues present in drinking water within two years of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and ground-water is made public by the Commission.

⁽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, the entry 77 on zoxamide is deleted;

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

Number	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
'123	Zoxamide CAS No 156052-68-5 CIPAC No 640	(RS)-3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-p-toluamide	≥ 953 g/kg	1 July 2018	30 June 2033	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on zoxamide, and in particular Appendices I and II thereto, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the protection of groundwater from metabolite RH-141455, — the protection of bees, aquatic organisms and earthworms. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit to the Commission, the Member States and the Authority confirmatory information as regards the effect of water treatment processes on the nature of residues present in drinking water within two years of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater is made public by the Commission.'

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

COMMISSION IMPLEMENTING REGULATION (EU) 2018/693**of 7 May 2018****establishing the derogation from Council Regulation (EC) No 1967/2006 as regards the prohibition to fish above protected habitats, the minimum distance from the coast and the minimum sea depth for the 'gangui' trawlers fishing in certain territorial waters of France (Provence-Alpes-Côte d'Azur)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 ⁽¹⁾, and in particular Article 4(5) and Article 13(5) and (10) thereof,

Whereas:

- (1) Article 4(1) of Regulation (EC) No 1967/2006 prohibits fishing with trawl nets, dredges, purse seines, boat seines, shore seines or similar nets above seagrass beds of, in particular, *Posidonia oceanica* or other marine phanerogams.
- (2) At the request of a Member State, the Commission may allow a derogation from Article 4(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 4(5) are fulfilled.
- (3) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.
- (4) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and (9) are fulfilled.
- (5) On 18 May 2011 the Commission received a request from France for a derogation from the first subparagraph of Article 4(1), from the first subparagraph of Article 13(1) and from Article 13(2) of that Regulation, for the use of 'gangui' trawlers in certain sea areas situated within the territorial waters of France, above seagrass beds of *Posidonia oceanica* and within 3 nautical miles from the coast, irrespective of the depth.
- (6) The derogation requested by France complied with the conditions laid down in Article 4(5) and Article 13(5) and (9) of Regulation (EC) No 1967/2006 and was granted until 6 June 2017 by Commission Implementing Regulation (EU) No 586/2014 ⁽²⁾.
- (7) On 16 June 2017 the Commission received a request from France for derogations beyond 6 June 2017. France provided up-to-date information and data to justify the derogations, including the implementation report of the management plan adopted by France on 13 May 2014 ⁽³⁾.
- (8) The request concerns fishing activities by vessels of less than or equal to 12 metres overall length and engine power of less than or equal to 85 kW with bottom-towed nets traditionally undertaken on *Posidonia* beds, in accordance with the first subparagraph of Article 4(5) of Regulation (EC) No 1967/2006.
- (9) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the derogations requested by France and the implementation report concerned during its 55th plenary session held in July 2017. Additional data and clarifications submitted by France were assessed by the STECF in its 56th plenary session held in November 2017. STECF concluded that the data submitted by the French authorities were not sufficient and

⁽¹⁾ OJ L 36, 8.2.2007, p. 6.

⁽²⁾ Commission Implementing Regulation (EU) No 586/2014 of 2 June 2014 establishing a derogation from Council Regulation (EC) No 1967/2006 as regards the prohibition to fish above protected habitats and the minimum distance from the coast and depth for the 'gangui' trawlers fishing in certain territorial waters of France (Provence-Alpes-Côte d'Azur) (OJ L 164, 3.6.2014, p. 10).

⁽³⁾ Arrêté du 13 mai 2014 portant adoption de plans de gestion pour les activités de pêche professionnelle à la senne tournante coulissante, à la drague, à la senne de plage et au gangui en mer Méditerranée par les navires battant pavillon français. Reference JORF n° 0122, 27.5.2014, p. 8669.

needed to be improved. Following that, France provided adequate clarifications to the Commission. The current characteristics of the 'gangui' trawlers do not allow providing complete data of the activities thereof, since the small-scale vessels are exempt from certain provisions of the Community control system, such as the fishing logbook data and Vessel Monitoring System. France justified the derogations requested with the scientific and technical data it provided as regards requirements of Regulation (EC) No 1967/2006. France further adopted specific measures, including a complete set of new control and monitoring measures of gangui fisheries, which will allow to confirm the assessment of the use of 'gangui' trawlers. Those measures are provided for by the national Decree ⁽¹⁾ adopted on 16 March 2018.

- (10) France should provide, based on scientific and technical data, the updated mapping of *Posidonia* seagrass beds and a yearly report as regards the implementation of the additional control and monitoring measures and as regards compliance with the requirements for granting the derogations concerned, including information on all necessary measures adopted. On that basis, the Commission considers that the derogations requested by France may be considered complying with the conditions set out in Article 4(5) and in Article 13(5) and (9) of Regulation (EC) No 1967/2006.
- (11) The fishing activities concerned affect approximately 15 % of the area covered by seagrass beds of *Posidonia oceanica* within the area covered by the French management plan and 5,8 % of seagrass beds in the territorial waters of France, in line with the ceilings established under requirements of points (ii) and (iii) of the first subparagraph of Article 4(5) of Regulation (EC) No 1967/2006.
- (12) There are specific geographical constraints given the limited size of the continental shelf.
- (13) The fishery has no significant impact on the marine environment.
- (14) The fishery conducted with 'gangui' trawlers target a variety of species which correspond to an ecological niche; the catch composition of this fishery, in particular as regards the number of species caught, is not reflected in any other fishing gear. Therefore, the fishery cannot be undertaken with other gears.
- (15) The derogations requested by France affect a limited number of only 24 vessels. This represents a very significant reduction of the fishing effort in terms of a number of vessels, where in 2014 the fisheries concerned 36 vessels.
- (16) The management plan guarantees no future increase in the fishing effort, as fishing authorisations will be issued to specified 24 vessels involving a total of 1 136 kW that are already authorised to fish by France. The Commission also takes into consideration that according to France the fishing effort in terms of number of vessels will gradually be reduced.
- (17) The request covers vessels with a track record in the fishery of more than five years and which operate under the French management plan in accordance with Article 19(2) of Regulation (EC) No 1967/2006.
- (18) Those vessels are included on a list communicated to the Commission in line with Article 13(9) of Regulation (EC) No 1967/2006.
- (19) The fishing activities concerned fulfil the requirements of Article 4, Article 8(1)(h) and Article 9(3) of Regulation (EC) No 1967/2006.
- (20) The management plan includes measures for the monitoring of fishing activities, thus fulfilling the conditions set out in Article 14 of Council Regulation (EC) No 1224/2009 ⁽²⁾.
- (21) The fishing activities concerned do not interfere with the activities of vessels using gears other than trawls, seines or similar towed nets.
- (22) The activity of 'gangui' trawlers is regulated in the French management plan to ensure that catches of species mentioned in Annex III of Regulation (EC) No 1967/2006 are minimal.
- (23) 'Gangui' trawlers do not target cephalopods.

⁽¹⁾ 'Arrêté du 16 mars 2018 définissant un plan de contrôle et de suivi des débarquements pour les navires titulaires d'une autorisation européenne de pêche au gangui'. Reference JORF n° 0069 of 23 March 2018, texte n° 43.

⁽²⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (24) The French management plan includes measures for the monitoring of fishing activities, as provided for in the fifth subparagraph of Article 4(5) and in the third subparagraph of Article 13(9) of Regulation (EC) No 1967/2006.
- (25) The requested derogations should therefore be granted.
- (26) France should report to the Commission in due time and in accordance with the monitoring plan provided for in the French management plan.
- (27) The duration of the derogation should be limited in order to allow prompt corrective management measures in case the report to the Commission shows a poor conservation status of the exploited stock, while providing scope to enhance the scientific basis for an improved management plan.
- (28) The measures provided for in the Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation

Article 4(1) and Article 13(1) and (2) of Regulation (EC) No 1967/2006 shall not apply in the territorial waters of France adjacent to the coast of the Provence-Alpes-Côte d'Azur region to 'gangui' trawlers:

- (a) bearing a registration number mentioned in the French management plan adopted by France in accordance with Article 19 of Regulation (EC) No 1967/2006;
- (b) having a track record in the fishery of more than five years and not involving any future increase in fishing effort provided; and
- (c) holding a fishing authorisation and operating under the French management plan.

Article 2

Reporting

France shall communicate to the Commission, within two years following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the French management plan referred to in Article 1.

By June of each year following the entry into force of this Regulation and by June 2019 for the first time, France shall submit to the Commission a report, based on scientific and technical data, on the implementation of the additional control and monitoring measures and on the compliance with the requirements for granting the derogations provided for by this Regulation.

Article 3

Entry into force

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 11 May 2018 until 11 May 2020.

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

Done at Brussels, 7 May 2018.

For the Commission

The President

Jean-Claude JUNKER

DECISIONS

COUNCIL IMPLEMENTING DECISION (CFSP) 2018/694

of 7 May 2018

implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2014/932/CFSP of 18 December 2014 concerning restrictive measures in view of the situation in Yemen ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 December 2014, the Council adopted Decision 2014/932/CFSP.
- (2) On 23 April 2018, the United Nations Security Council Committee established pursuant to paragraph 19 of the United Nations Security Council Resolution 2140 (2014) updated the information relating to one person subject to restrictive measures.
- (3) The Annex to Decision 2014/932/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2014/932/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 7 May 2018.

For the Council
The President
E. ZAHARIEVA

⁽¹⁾ OJ L 365, 19.12.2014, p. 147.

ANNEX

The entry concerning the person listed below is replaced by the following entry:

- ‘3. Ali Abdullah Saleh (*alias*: Ali Abdallah Salih).

Original script: علي عبد الله صالح

Designation: a) President of Yemen's General People's Congress party; b) Former President of the Republic of Yemen. Date of Birth: a) 21.3.1945; b) 21.3.1946; c) 21.3.1942; d) 21.3.1947. Place of Birth: a) Bayt al-Ahmar, Sana'a Governorate, Yemen; b) Sana'a, Yemen; c) Sana'a, Sanhan, Al-Rib' al-Sharqi. Nationality: Yemen. Passport no: 00016161 (Yemen). National identification no: 01010744444. Other information: Gender: Male. Status: reportedly deceased. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5837306>. Date of UN designation: 7.11.2014 (amended on 20 Nov. 2014, 23 April 2018).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ali Abdullah Saleh was designated for sanctions on 7 November 2014 pursuant to paragraphs 11 and 15 of Resolution 2140 (2014), as meeting the designation criteria set out in paragraphs 17 and 18 of the Resolution.

Ali Abdullah Saleh has engaged in acts that threaten the peace, security or stability of Yemen, such as acts that obstruct the implementation of the agreement of 23 November 2011 between the Government of Yemen and those in opposition to it, which provides for a peaceful transition of power in Yemen, and acts that obstruct the political process in Yemen.

Per the 23 November 2011 agreement backed by the Gulf Cooperation Council, Ali Abdullah Saleh stepped down as President of Yemen after more than 30 years.

As of autumn 2012, Ali Abdullah Saleh had reportedly become one of the primary supporters of violent Huthi actions in northern Yemen.

Clashes in the south of Yemen in February 2013 were a result of the combined efforts of Saleh, AQAP and southern secessionist Ali Salim al-Bayd to cause trouble before the 18 March 2013 National Dialogue Conference in Yemen. More recently, as of September 2014, Saleh has been destabilising Yemen by using others to undermine the central government and create enough instability to threaten a coup. According to a September 2014 report by the United Nations Panel of Experts for Yemen, interlocutors alleged that Saleh supports violent actions of some Yemenis by providing them with funds and political support, as well as ensuring that GPC members continue to contribute to the destabilisation of Yemen through various means.'

COMMISSION IMPLEMENTING DECISION (EU) 2018/695**of 30 April 2018****pursuant to Article 31(1) of Directive 2010/35/EU of the European Parliament and of the Council,
on a measure taken by Denmark concerning the withdrawal and recall of composite gas cylinders
of the type 10 kg and 5 kg PrimaDonna/Compolite CS***(notified under document C(2018) 2535)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC ⁽¹⁾, and in particular Article 31(1) thereof,

Whereas:

- (1) In August 2016, after a series of accidents, Denmark notified the Commission in accordance with Article 30 of Directive 2010/35/EU of a measure to withdraw and recall from the market composite gas cylinders manufactured by Composite Scandinavia AB, Kompositvägen 3, 943 33 Öjebyn, Sweden and distributed in Denmark by Primagaz Danmark A/S.
- (2) The products concerned were manufactured by Composite Scandinavia AB. They were type approved under the type designation 'Compolite CS6' and 'Compolite CS 10, Passion 10', according to EC Type-Examination Certificates Nos 01-794441 and 08-11688701, issued by the notified body Inspecta Sweden AB on tests carried out according to the standards EN 12245:2002 and EN 14427:2004+A1:2005, and sold by the company Primagaz Danmark A/S under the commercial name 'PrimaDonna 5 kg code 1305' and 'PrimaDonna 10 kg code 1310'. The gas cylinders for gas-powered forklift-trucks, designed according to the abovementioned type designation certificates, are not covered by the withdrawal and recall.
- (3) The technical requirements applicable to transportable pressure equipment are contained in the Annexes to Directive 2008/68/EC of the European Parliament and of the Council ⁽²⁾. According to the specific requirements of Section 6.2.4.1 in Sections I.1 of Annex I and Section II.1 of Annex II of Directive 2008/68/EC, if more than one standard is referenced for the application of the same requirements, only one of them shall be applied, but in full unless otherwise specified. Therefore, a type approval certificate shall not be issued according to two different standards.
- (4) The standard EN 12245:2002 provides in clause 5.2.12 that the cylinders shall not burst during a period of 2 minutes from the start of the fire test, while the standard EN 14427:2004+A1:2005 provides in clauses 5.2.13.1 and 5.2.13.2 that the cylinders shall not burst in a catastrophic way during the test, which is supposed to be performed for a minimum period of 30 minutes.
- (5) The notification by Denmark was accompanied by a report of tests carried out on those composite gas cylinders by the Danish Institute of Fire and Security Technology (DBI) against standard EN 14427:2004+A1:2005. According to the test report, the cylinders tested did not fulfil the criteria as described in clauses 5.2.13.1 and 5.2.13.2 of the standard since they burst in a catastrophic way after less than 3 minutes.
- (6) The distributor of these cylinders was therefore ordered by the Danish authorities to withdraw those composite gas cylinders from the distribution chain and to recall those held by consumers.
- (7) The Commission invited the manufacturer and the distributor in Denmark to communicate their observations on the measure taken by the Danish authorities. In its reply, the manufacturer, Composite Scandinavia AB, claimed

⁽¹⁾ OJ L 165, 30.6.2010, p. 1.⁽²⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

that the decision was unfounded due to a misjudgement of the risk which the products pose and that the products were meeting all relevant safety requirements. According to the manufacturer, inappropriate use of products or exposure to direct fire did not prove that the products themselves posed a serious risk. The distributor, Primagaz Danmark A/S, also called into question the decision of the Danish authorities.

- (8) The Commission was informed as a follow-up of the consultation that similar withdrawal measures relating to the same products have been taken by Finland, Sweden and Norway.
- (9) Examination of the evidence provided by the Danish authorities confirms that the above mentioned composite gas cylinders fail to comply with the requirements set out in Directive 2008/68/EC on inland transport of dangerous goods. The composite gas cylinders therefore present a serious risk and should be withdrawn and recalled from the market,

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by Denmark, consisting of the withdrawal and recall of composite gas cylinders of type 10 kg and 5 kg PrimaDonna/Compolite CS, manufactured by Composite Scandinavia, is justified.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 April 2018.

For the Commission
Violeta BULC
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2018/696**of 4 May 2018**

concerning the extension of the action taken by the French Ministry of Environment, Energy and Sea, in charge of international negotiations on climate permitting the making available on the market and use of the biocidal product Phéro-Ball Pin in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council

(notified under document C(2018) 2643)

(Only the French text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾ and in particular the third subparagraph of Article 55(1) thereof,

Whereas:

- (1) On 28 April 2017 the French Ministry of Environment, Energy and Sea, in charge of international negotiations on climate (hereinafter referred to as 'competent authority') adopted a decision in accordance with the first subparagraph of Article 55(1) of Regulation (EU) No 528/2012, to permit until 24 October 2017 the making available on the market and use in the territory of France of the biocidal product Phéro-Ball Pin for the control of the pine processionary caterpillars (*Thaumetopoea pityocampa*) ('the action'). The competent authority informed the Commission and the competent authorities of the other Member States without delay about the action and the justification for it, in accordance with the second subparagraph of Article 55(1) of that Regulation.
- (2) According to the information provided by the competent authority, the action was necessary in order to protect public and animal health, since the pine processionary caterpillars may cause serious health problems to humans and animals. The urticant hairs that fall off the pine processionary caterpillars cause a type of dermatitis known as 'erucism', the symptoms of which may include cutaneous, ocular, respiratory and allergic reactions. The allergic reactions may sometimes be severe and even result in anaphylactic shock. According to the competent authority, it is estimated that 67 % of municipalities in France are affected by the periodic proliferation of the pine processionary caterpillars. That authority also estimates that several hundred people are affected each year by erucism caused by the pine processionary caterpillars.
- (3) Phéro-Ball Pin contains the pheromone (Z)-13-hexadecen-11-yn-1-yl acetate (CAS No 78617-58-0), which is an active substance for use in biocidal products of product-type 19 as an attractant as defined in Annex V to Regulation (EU) No 528/2012. As (Z)-13-hexadecen-11-yn-1-yl acetate is a new active substance, it has to be approved before biocidal products containing it can be authorised at national or Union level. An application for approval of that active substance has been submitted in accordance with Article 7 of Regulation (EU) No 528/2012 and is currently being evaluated.
- (4) On 26 December 2017, the Commission received a reasoned request from the French authorities to extend the action in accordance with the third subparagraph of Article 55(1) of Regulation (EU) No 528/2012. The reasoned request was made on the basis of concerns that human and animal health might be endangered by the pine processionary caterpillars, given the impact on human and animal health, with sometimes serious implications, together with the estimated size of the population concerned. The alternatives available in France for the control of the pine processionary caterpillars (mechanical means of control, namely destroying nests manually or mechanical trapping, chemical means of control and biological means of control, namely installing large numbers of tit nesting boxes) are, according to the French authorities, not sufficiently efficient to deal with very large populations of the pine processionary caterpillars in France. Moreover, none of those alternatives is suitable for the treatment of areas such as urban parks or forests and wooded areas managed by regional and local authorities. Therefore, the French authorities are of the opinion that the biocidal product Phéro-Ball Pin is still needed to control the pine processionary caterpillars and contain the danger that those caterpillars pose to human and animal health.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

- (5) As the lack of appropriate control of the pine processionary caterpillars might endanger human and animal health and that danger cannot be contained by using other means than biocidal control, it is appropriate to allow the French authorities to extend the action for a period not exceeding 550 days starting the day following the expiry of the initial period of 180 days permitted in the decision of France adopted on 28 April 2017 and under certain conditions.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

France may extend, until 28 April 2019 at the latest the action to permit the making available on the market and use of the biocidal product Phéro-Ball Pin for the control of the pine processionary caterpillar, provided that it ensures that the product is only used by certified operators and under the supervision of the competent authority.

Article 2

This Decision is addressed to the Republic of France.

Done at Brussels, 4 May 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2018/697**of 7 May 2018****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2018) 2888)***(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) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ⁽⁵⁾ in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ⁽⁶⁾ in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times, mainly to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC.
- (6) The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2018/642 ⁽¹⁾, following the notification by Bulgaria of a new outbreak of highly pathogenic avian influenza of subtype H5 in a poultry holding in the Haskovo region of that Member State. Bulgaria also notified the Commission that it had duly taken the necessary measures required in accordance with Directive 2005/94/EC following that new outbreak, including the establishment of protection and surveillance zones around the infected poultry holding.
- (7) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2018/642, Bulgaria has notified the Commission of further outbreaks of highly pathogenic avian influenza of subtype H5 in poultry holdings in the Plovdiv region of that Member State.
- (8) Bulgaria has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following the latest outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings in that Member State.
- (9) The Commission has examined those measures in collaboration with Bulgaria, and the Commission is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority of Bulgaria, are at a sufficient distance to the poultry holdings where the latest outbreaks were confirmed.
- (10) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria, the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the latest outbreaks of highly pathogenic avian influenza in that Member State.
- (11) Implementing Decision (EU) 2017/247 should therefore be updated to take account of the up-to-date epidemiological situation in Bulgaria, as regards highly pathogenic avian influenza. In particular, the newly established protection and surveillance zones in Bulgaria, now subject to restrictions in accordance with Directive 2005/94/EC, should be listed in the Annex to Implementing Decision (EU) 2017/247.
- (12) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalization at Union level in order to include the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the latest outbreaks of highly pathogenic avian influenza in that Member State, and the duration of the restrictions applicable therein.
- (13) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (14) 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

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Commission Implementing Decision (EU) 2018/642 of 25 April 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 106, 26.4.2018, p. 23).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 May 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) In Part A, the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Plodiv region:	
Municipality of Rodopi: — Krumovo — Yagodovo	9.5.2018
Municipality of Maritsa: — Kalekovets — Trilistnik	10.5.2018
Municipality of Rakovski: — Stryama	10.5.2018
Municipality of Rakovski: — Momino selo — Rakovski	21.5.2018
Municipality of Kaloyanovo: — Glavatar	21.5.2018
Municipality of Brezovo: — Brezovo	21.5.2018
Municipality of Maritsa: — Graf Ignatievo	22.5.2018
Haskovo region:	
Municipality of Haskovo: Malevo	15.5.2018'

(2) In Part B, the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Yambol region:	
Municipality of Yambol: — Yambol	6.5.2018
Municipality of Straldzha: — Zimnitsa — Straldzha — Vodenichene — Dzhinot	

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Municipality of Tundzha: — Mogila — Veselinovo — Kabile	
Sliven region:	
Municipality of Sliven: — Zhelyu Voivoda — Blatets — Dragodanovo — Gorno Aleksandrovo	6.5.2018
Plovdiv region:	
Municipality of Rakovski: — Momino selo — Rakovski	From 22.5.2018 to 30.5.2018
Municipality of Kaloyanovo: — Glavatar	From 22.5.2018 to 30.5.2018
Municipality of Brezovo: — Brezovo	From 22.5.2018 to 30.5.2018
Municipality of Maritsa: — Graf Ignatievo	From 23.5.2018 to 31.5.2018
Municipality of Rodopi: — Krumovo — Yagodovo — Brestnik — Belashtica — Markovo — Branipole Municipality of Sadovo: — Katunitsa — Karadzhzovo — Kochevo — Mominsko Municipality of Kuklen: — Kuklen — Ruen Municipality of Asenovgrad: — Asenovgrad Municipality of Plovdiv: — Plovdiv	18.5.2018

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Municipality of Maritsa: — Maritsa — Zhelyazno — Voivodino — Skutare — Rogosh	19.5.2018
Municipality of Kaloyanovo: — Razhevo Konare — Razhevo Municipality of Brezovo: — Streltsi — Zelenikovo — Choba — Tyurkmen — Drangovo Municipality of Maritsa: — Graf Ignatievo — Dink — Kalekovets — Krislovo — Zhelyzno — Trud — Stroevo Municipality of Kaloyanovo: — Dunavlii — Kaloyanovo — Dalgo pole — Razhevo Konare Municipality of Saedinenie: — Malak chardak — Golyam chardak — Tsarimir	30.5.2018
Municipality of Rakovski: — Rakovski — Shishmantsi — Bolyarino — Stryama — Momino selo Municipality of Maritsa: — Trilistnik — Yasno pole — Manole — Manolsko Konare	31.5.2018

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Municipality of Kaloyanovo: — Glavatar Municipality of Brezovo: — Otets Kirilovo — Padarsko — Borets	
Stara Zagora region:	
Municipality of Bratya Daskalovi: — Kolyu Marinovo — Pravoslav — Veren	30.5.2018
Haskovo region:	
Municipality of Haskovo: — Voivodovo — Manastir — Haskovo — Krivo pole — Knizhovnik — Orlovo — Konush — Momino — Dolno voivodino — Dinevo — Liubenovo — Stoikovo — Stamboliiski Municipality of Stambolovo: — Zjalti briag — Stambolovo — Kralevo	24.5.2018*

