

Official Journal of the European Union

L 302



English edition

Legislation

Volume 63

16 September 2020

Contents

II *Non-legislative acts*

REGULATIONS

★ Commission Regulation (EU) 2020/1285 of 11 September 2020 establishing a fisheries closure for swordfish in the Atlantic Ocean, South of 5° N for vessels flying the flag of Portugal	1
★ Commission Implementing Regulation (EU) 2020/1286 of 9 September 2020 approving amendments to the specification for a spirit drink whose name is registered as a geographical indication (Scotch Whisky)	4
★ Commission Implementing Regulation (EU) 2020/1287 of 9 September 2020 approving amendments to the specification for a spirit drink whose name is registered as a geographical indication (Hierbas de Mallorca)	6
★ Commission Implementing Regulation (EU) 2020/1288 of 9 September 2020 concerning the classification of certain goods in the Combined Nomenclature	8
★ Commission Implementing Regulation (EU) 2020/1289 of 9 September 2020 concerning the classification of certain goods in the Combined Nomenclature	11
★ Commission Implementing Regulation (EU) 2020/1290 of 9 September 2020 concerning the classification of certain goods in the Combined Nomenclature	14
★ Commission Implementing Regulation (EU) 2020/1291 of 9 September 2020 concerning the classification of certain goods in the Combined Nomenclature	17
★ Commission Implementing Regulation (EU) 2020/1292 of 15 September 2020 as regards measures to prevent the entry into the Union of <i>Agrilus planipennis</i> Fairmaire from Ukraine and amending Annex XI to Implementing Regulation (EU) 2019/2072	20

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Implementing Regulation (EU) 2020/1293 of 15 September 2020 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance azadirachtin ⁽¹⁾	24
--	----

Corrigenda

★ Corrigendum to Commission Implementing Regulation (EU) 2020/1276 of 11 September 2020 concerning the non-renewal of the approval of the active substance bromoxynil, 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 (OJ L 300, 14.9.2020)	27
---	----

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2020/1285

of 11 September 2020

establishing a fisheries closure for swordfish in the Atlantic Ocean, South of 5° N for vessels flying the flag of Portugal

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2020/123 ⁽²⁾ lays down quotas for 2020.
- (2) According to the information received by the Commission, catches of the stock of swordfish in the Atlantic Ocean, South of 5° N by vessels flying the flag of or registered in Portugal have exhausted the quota allocated for 2020.
- (3) It is therefore necessary to prohibit certain fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to Portugal for the stock of swordfish in the Atlantic Ocean, South of 5° N for 2020 referred to in the Annex shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in Article 1 by vessels flying the flag of or registered in Portugal shall be prohibited from the date set out in the Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

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

Done at Brussels, 11 September 2020.

*For the Commission,
On behalf of the President,
Virginijus SINKEVIČIUS
Member of the Commission*

ANNEX

No	10/TQ/123
Member State	Portugal
Stock	SWO/AS05N and special condition SWO/*AN05N
Species	Swordfish (<i>Xiphias gladius</i>)
Zone	Atlantic Ocean, South of 5° N
Closing date	14.8.2020

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1286**of 9 September 2020****approving amendments to the specification for a spirit drink whose name is registered as a geographical indication (Scotch Whisky)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 ⁽¹⁾, and in particular Article 30(2) thereof,

Whereas:

- (1) Pursuant to Article 21 in conjunction with Article 17(5) of Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁽²⁾, the Commission has examined the United Kingdom's application of 8 May 2018 for the approval of amendments to the technical file for the geographical indication 'Scotch Whisky', protected under Regulation (EC) No 110/2008.
- (2) Regulation (EU) 2019/787, which replaces Regulation (EC) No 110/2008, entered into force on 25 May 2019. Under Article 49(1) thereof, Chapter III of Regulation (EC) No 110/2008 on geographical indications was repealed with effect from 8 June 2019. Under Article 22(2) of Regulation (EU) 2019/787, technical files submitted as part of any application before 8 June 2019 under Regulation (EC) No 110/2008 are deemed to be product specifications.
- (3) After concluding that the application complied with Regulation (EC) No 110/2008, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 17(6) of that Regulation, in accordance with the first subparagraph of Article 50(4) of Regulation (EU) 2019/787.
- (4) As no statement of opposition under Article 27(1) of Regulation (EU) 2019/787 has been received by the Commission, the amendments to the specification should be approved pursuant to Article 30(2) of that Regulation, which applies *mutatis mutandis* to product specification amendments,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification for the name 'Scotch Whisky', published in the *Official Journal of the European Union*, are hereby approved.

⁽¹⁾ OJ L 130, 17.5.2019, p. 1.

⁽²⁾ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁽³⁾ OJ C 174, 25.5.2020, p. 8.

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, 9 September 2020.

*For the Commission,
On behalf of the President,
Janusz WOJCIECHOWSKI
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1287**of 9 September 2020****approving amendments to the specification for a spirit drink whose name is registered as a geographical indication (Hierbas de Mallorca)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 ⁽¹⁾, and in particular Article 30(2) thereof,

Whereas:

- (1) Pursuant to Article 21 in conjunction with Article 17(5) of Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁽²⁾, the Commission has examined Spain's application of 17 December 2018 for the approval of amendments to the technical file for the geographical indication 'Hierbas de Mallorca', protected under Regulation (EC) No 110/2008. These amendments include changing the name 'Hierbas de Mallorca' to 'Hierbas de Mallorca'/'Herbes de Mallorca'.
- (2) Regulation (EU) 2019/787, which replaces Regulation (EC) No 110/2008, entered into force on 25 May 2019. Under Article 49(1) thereof, Chapter III of Regulation (EC) No 110/2008 on geographical indications was repealed with effect from 8 June 2019. Under Article 22(2) of Regulation (EU) 2019/787, technical files submitted as part of any application before 8 June 2019 under Regulation (EC) No 110/2008 are deemed to be product specifications.
- (3) After concluding that the application complied with Regulation (EC) No 110/2008, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 17(6) of that Regulation, in accordance with the first subparagraph of Article 50(4) of Regulation (EU) 2019/787.
- (4) As no statement of opposition under Article 27(1) of Regulation (EU) 2019/787 has been received by the Commission, the amendments to the specification should be approved pursuant to Article 30(2) of that Regulation, which applies *mutatis mutandis* to product specification amendments,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification for the name 'Hierbas de Mallorca', published in the *Official Journal of the European Union*, are hereby approved.

Article 2

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

⁽¹⁾ OJ L 130, 17.5.2019, p. 1.

⁽²⁾ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁽³⁾ OJ C 172, 20.5.2020, p. 5.

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

Done at Brussels, 9 September 2020.

*For the Commission,
On behalf of the President,
Janusz WOJCIECHOWSKI
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1288
of 9 September 2020
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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 Article 57(4) and Article 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 Customs Code Committee has not delivered an opinion within the time limit laid down by its Chair,

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.

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*.

⁽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).

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

Done at Brussels, 9 September 2020.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A product consisting of a colourless liquid in a small cylindrical container, holding 2 ml, with one fine brush on the detachable cap. The brush is designed to be used to apply the liquid. The product is a conditioner for eyelashes and is intended to be used to moisturise and nourish them. It helps protecting them from brittleness and breakage and extending the growth phase of the eyelashes and therefore their lifespan. The product contains the following main ingredients: — biotin, — dechloro dihydroxy difluoro ethylcloprostenolamide, — biotinoyl tripeptide-1, — calendula extract, — ginseng extract. The product is presented in a cardboard box, put up for retail sale.	3304 99 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 3304 and 3304 99 00. Classification under heading 3305 is excluded as the product is a preparation applied to hair on parts of the human body other than the scalp (see also the Harmonized System Explanatory Note (HSEN) to heading 3305, exclusion note). As the product helps improving flexibility, moisture, and shine, it is considered as a beauty preparation (see also the HSEN to heading 3304, (A)(3)). Therefore, classification under heading 3307 as 'other perfumery, cosmetic or toilet preparations, not elsewhere specified or included' is excluded. Consequently, the product is to be classified in CN code 3304 99 00 as a beauty preparation.

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1289
of 9 September 2020
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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 Article 57(4) and Article 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, 9 September 2020.

*For the Commission,
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Disposable non-woven paper wipes (approximately 3 cm × 6 cm each), individually wrapped and put up for retail sale in boxes holding 100 wipes. The wipes are impregnated with an alcoholic solution consisting of 70 % isopropyl alcohol and 30 % water. The product is presented to be used for general disinfection of the skin and of other surfaces (such as those of non-invasive medical instruments).	3808 94 90	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 3808, 3808 94 and 3808 94 90. Classification under heading 3005 is excluded as the wipes are not used for any specific medical, surgical, dental or veterinary purpose (see also the Harmonized System Explanatory Note to heading 3005, first paragraph). Classification under heading 3402 is excluded as the main purpose of the product is not cleaning but disinfection. The product is considered a disinfectant and is put up for retail sale as a disinfectant (see note 2 to Section VI). Consequently, the product is to be classified in CN code 3808 94 90 as a disinfectant, put up for retail sale.

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1290
of 9 September 2020
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 Article 57(4) and Article 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.

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*.

⁽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).

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

Done at Brussels, 9 September 2020.

For the Commission
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Wooden slats made of several layers of beech or birch veneers, with a length of between 480 mm and 1960 mm, a width of between 25 mm and 105 mm and a thickness of approximately 10 mm. They are peeled, laminated, assembled with glue and coated. The slats are rounded at the sides and can be either straight or curved. They have a high load-bearing capacity and bending strength. They are designed to be assembled without any further processing into the frames of beds, armchairs or sofas. See image (*).	4421 99 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 4421, 4421 99 and 4421 99 99. Classification under heading 9401 or 9403 as parts of furniture is excluded, firstly, as it is not possible to determine if the slats are solely/specifically to be assembled into the frames of products of heading 9401 or into the frames of products of heading 9403. Chapter 94 only covers parts of the goods of headings 9401 and 9403, when identifiable by their shape or other specific features as parts designed solely or principally for an article of those headings (see also the Harmonized System Explanatory Notes (HSEN) to Chapter 94, Parts). Secondly, the slats do not constitute parts of beds, armchairs or sofas, but as they are designed to be assembled into their frames, they constitute parts of a mattress support of heading 9404. According to Note 3 (B) to Chapter 94, mattress supports, presented separately, are not to be classified in, inter alia, heading 9401 or 9403 as parts of goods. As heading 9404 does not cover “parts”, but only complete products, classification under that heading is also excluded. The slats are according to their objective characteristics (paired dimensions, rounded edges, surface treatment, high load-bearing capacity and bending strength) recognisable as parts of frames. They have been worked in such a way that they have been given the essential character of articles of another heading (articles of laminated wood) (see also the HSEN to heading 4412, second paragraph). Classification under heading 4412 as laminated wood is therefore excluded. The slats are therefore to be classified according to their constituent material under CN code 4421 99 99 as other articles of wood.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2020/1291
of 9 September 2020
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 Article 57(4) and Article 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.

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*.

⁽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).

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

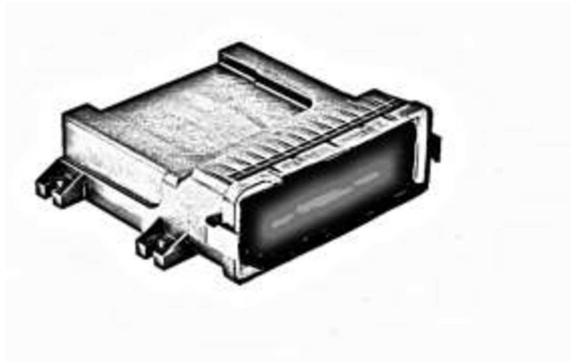
Done at Brussels, 9 September 2020.

For the Commission.
On behalf of the President,
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An article (so-called ‘connector enclosure’) in the shape of a rectangular hollow box, made of plastics, measuring approximately 60 × 190 × 170 mm. The article is designed to be used as an enclosure with electronic control modules in different kinds of vehicles or machines to physically protect electronic contacts against dirt and damp. See image (*).	3926 90 97	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 97. Classification under heading 8536 as “electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits” is excluded, as the article in question is just an enclosure and does not comprise connectors, contacts or provisions thereof (see also the Harmonized System Explanatory Notes (HSEN) to heading 8536, part (III), (C)). The article is not considered to be a part of a machine within the meaning of Note 2(b) to Section XVI as its presence is not necessary for the connector, contact or provision thereof to function but only improves its functionality. Classification under heading 8538 as a part suitable for use solely or principally with the apparatus of heading 8536 is therefore excluded. The product is not considered to be an insulating fitting for electrical appliances of heading 8547 as it is not specifically designed for insulating purposes but for protecting the electrical connections (see also the HSEN to heading 8547, part (A)). Consequently, the article is to be classified according to its constituent material (plastics) under CN code 3926 90 97 as other articles of plastics.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2020/1292**of 15 September 2020****as regards measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine and amending Annex XI to Implementing Regulation (EU) 2019/2072**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC ⁽¹⁾, and in particular Articles 41(2) and 72(1) thereof,

Whereas:

- (1) *Agrilus planipennis* Fairmaire ('the specified pest') is listed as a Union quarantine pest in Annex II to Commission Implementing Regulation (EU) 2019/2072 ⁽²⁾. It is also listed as a priority pest in Commission Delegated Regulation (EU) 2019/1702 ⁽³⁾.
- (2) Import requirements for certain types of plants, wood and isolated bark as regards the specified pest have been established in Annex VII to Implementing Regulation (EU) 2019/2072 for the third countries where the pest is present. According to Part A of Annex XI to that Regulation phytosanitary certificates are required for the introduction into the Union of such plants or plant products from the respective third countries of origin.
- (3) In November 2019, Ukraine confirmed the first official findings of the specified pest on its territory.
- (4) That country is not listed among the third countries the import from which into the Union territory is allowed pursuant to Annex VII to Implementing Regulation (EU) 2019/2072. Therefore, specific measures should be adopted to prevent the possible introduction into the Union of the specified pest present on certain types of plants, wood and isolated bark from Ukraine.
- (5) Taking into account the phytosanitary risk of specified pest, the respective plants, wood and bark known to be hosts of it and originating from Ukraine, when introduced into the Union, should be accompanied by a phytosanitary certificate including an additional declaration stating that they originate from an area free from the specified organism. Such additional declaration should be established in accordance with the relevant International Standards for Phytosanitary Measures and communicated to the Commission in advance. Certain types of wood should only be imported if appropriate treatment or removal of the bark and part of the outer sapwood has been performed, in order to ensure a higher level of phytosanitary protection.
- (6) As the status of the specified pest in Ukraine needs further confirmation, additional technical and scientific evidence should be obtained to assess the phytosanitary risk that it poses to the Union. Such evidence also needs to be obtained concerning its presence in other third countries, in order to update the respective measures listed in Annex VII to Implementing Regulation (EU) 2019/2072. The measures set out in this Regulation should therefore be reviewed as soon as possible.
- (7) Annex XI to Implementing Regulation (EU) 2019/2072 should also be amended, in order to require that the respective plants and plant products are introduced from Ukraine into the Union with a phytosanitary certificate.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food, and Feed,

⁽¹⁾ OJ L 317, 23.11.2016, p. 4.

⁽²⁾ Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2019/1702 of 1 August 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests (OJ L 260, 11.10.2019, p. 8).

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out measures to prevent the entry into the Union of *Agrilus planipennis* Fairmaire from Ukraine.

Article 2

Introduction into the Union of plants, wood and isolated bark originating from Ukraine

The plants, wood and isolated bark originating from Ukraine shall only be introduced into the Union if they comply with the respective measures listed in the Annex.

Article 3

Amendment of Annex XI to Implementing Regulation (EU) 2019/2072

Part A of Annex XI to Implementing Regulation (EU) 2019/2072 is amended as follows:

- (a) in point 3, in the entry '*Fraxinus* L., *Juglans* L., *Pterocarya* Kunth and *Ulmus davidiana* Planch.', the text in the third column is replaced by 'Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan, Ukraine and the United States';
- (b) in point 11, in the entry '*Fraxinus* L., *Juglans* L., *Pterocarya* Kunth and *Ulmus davidiana* Planch.', the text in the third column is replaced by 'Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan, Ukraine and the United States';
- (c) in point 12, in the entry '*Fraxinus* L., *Juglans* L., *Pterocarya* Kunth and *Ulmus davidiana* Planch., and including wood which has not kept its natural round surface' the text in the third column is replaced by 'Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan, Ukraine and the United States'.

Article 4

Review of the provisional measures

The measures set out in this Regulation are aimed to address phytosanitary risks which are not fully assessed and have a temporary character.

These measures shall be reviewed as soon as possible, and no later than one year after the day of adoption of this Regulation.

Article 5

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, 15 September 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

List of plants, plant products and other objects originating from Ukraine, and the corresponding measures for their introduction into the Union territory, as referred to in Article 2

Plants, plant products or other objects	CN Code	Measures
1. Plants of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than fruit and seeds	ex 0602 10 90 ex 0602 20 20 ex 0602 20 80 ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48 ex 0602 90 50 ex 0602 90 70 ex 0602 90 99 ex 0604 20 90 ex 1404 90 00	The plants shall fulfill both of the following conditions: (a) they are accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that the plants originate in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in Ukraine, in accordance with the relevant International Standards for Phytosanitary Measures, and located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; (b) the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of Ukraine.
2.1. Wood of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of: — chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or part from these trees, — wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, whether or not actually in use in the transport of objects of all kinds, except dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same Union phytosanitary requirements as the wood in the consignment, — but including wood which has not kept its natural round surface, and furniture and other objects made of untreated wood.	ex 4401 12 00 ex 4403 12 00 ex 4403 99 00 ex 4404 20 00 ex 4406 12 00 ex 4406 92 00 4407 95 10 4407 95 91 4407 95 99 ex 4407 99 27 ex 4407 99 40 ex 4407 99 90 ex 4408 90 15 ex 4408 90 35 ex 4408 90 85 ex 4408 90 95 ex 4416 00 00 ex 9406 10 00	The wood fulfils one of the following conditions: (a) it is accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that the wood originates in a specifically indicated area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation of Ukraine, in accordance with the relevant International Standards for Phytosanitary Measures, located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed, and the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of Ukraine; (b) it is accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that the bark and at least 2,5 cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation of Ukraine; (c) it is accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

Plants, plant products or other objects	CN Code	Measures
2.2 Wood in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or in part from <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc.	ex 4401 22 00 ex 4401 40 10 ex 4401 40 90	The wood fulfils both of the following conditions: (a) it is accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that the wood originates in a specifically indicated area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation in Ukraine, in accordance with the relevant International Standards for Phytosanitary Measures, located at a minimum distance of 100 km to the closest known area from the place where the presence of the specified pest has been officially confirmed; (b) the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of Ukraine.
3. Isolated bark and objects made of bark of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc.	ex 1404 90 00 ex 4401 40 90	The bark shall fulfil both of the following conditions: (a) it is accompanied by a phytosanitary certificate, stating under the rubric 'Additional declaration' that an official statement is provided that the bark originates in a specifically indicated area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, established by the national plant protection organisation of Ukraine, in accordance with the relevant International Standards for Phytosanitary Measures, located at a minimum distance of 100 km to the closest known area, where the presence of the specified pest has been officially confirmed; (b) the freedom status of that area has been communicated in advance in writing to the Commission by the national plant protection organisation of Ukraine.

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1293**of 15 September 2020****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance azadirachtin****(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 2011/44/EU ⁽²⁾ included azadirachtin as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) In accordance with Regulation (EC) No 1107/2009, active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under that Regulation 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 azadirachtin, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, was restricted to the use as insecticide.
- (4) In accordance with Article 7(1) of Regulation (EC) No 1107/2009, on 27 February 2012 Trifolio-M GmbH, one of the producers of the active substance, submitted an application to the designated Rapporteur Member State, Germany, seeking an amendment to the conditions of approval of azadirachtin in order to allow its use as acaricide. The application was found to be admissible by the designated Rapporteur Member State.
- (5) The designated Rapporteur Member State assessed the new use of the active substance azadirachtin in relation to the potential effects on human and animal health and the environment in accordance with the provisions of Article 4 of Regulation (EC) No 1107/2009, and prepared an addendum to the draft assessment report and additional report which was submitted to the European Food Safety Authority ('the Authority') and the Commission on 10 January 2013.
- (6) In accordance with Article 12(1) of Regulation (EC) No 1107/2009, the Authority circulated the addendum to the draft assessment report and additional report to the applicant and to the Member States for comments and made it available to the public. In accordance with Article 12(3) of Regulation (EC) No 1107/2009, additional information was requested from the applicant. Germany evaluated the additional information and submitted a revised addendum to the draft assessment report and additional report to the Commission and to the Authority on 19 September 2017.
- (7) On 14 September 2018, the Authority communicated to the Commission its conclusion ⁽⁵⁾ on whether the new use of the active substance azadirachtin can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft addendum to the review report for azadirachtin and a draft Regulation to the Standing Committee on Plants, Animals, Food and Feed on 19 May 2020.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Directive 2011/44/EU of 13 April 2011 amending Council Directive 91/414/EEC to include azadirachtin as active substance and amending Commission Decision 2008/941/EC (OJ L 100, 14.4.2011, p. 43).

⁽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; Peer review of the pesticide risk assessment of the active substance azadirachtin (Margosa extract). EFSA Journal 2018;16(9):5234. Doi: 10.2903/j.efsa.2018.5234.

- (8) The applicant was invited to submit comments on the addendum to the review report.
- (9) 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 as an acaricide, the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate to withdraw the restriction for the use of azadiracthin as an insecticide only.
- (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

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, 15 September 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The column 'Specific provisions' of row 343, azadirachtin, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

'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 azadirachtin, 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 azadirachtin, and in particular Appendices I and II thereto, as finalised by the Standing Committee on Plants, Animals, Food and Feed on 17 July 2020 shall be taken into account.

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

- (1) the dietary exposure of consumers in view of future revisions of Maximum Residue Levels;
- (2) the protection of non-target arthropods and aquatic organisms.

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

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2020/1276 of 11 September 2020 concerning the non-renewal of the approval of the active substance bromoxynil, 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

(Official Journal of the European Union L 300, 14 September 2020)

1. On page 34, in Article 3, the date is changed as follows:

for '14 March 2021',

read '17 March 2021'.

2. On page 34, in Article 4, the date is changed as follows:

for '14 September 2021',

Read '17 September 2021'.

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN