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Price: EUR 3

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(¹) Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 762/2012

of 24 July 2012

approving a non-minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Langres (PDO)]

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined France's application for the approval of amendments to the specification for the name 'Langres' registered under Commission Regulation (EC) No 1107/1996 ⁽²⁾.
- (2) Since the amendment in question is not minor within the meaning of Article 9 of Regulation (EC) No 510/2006,

the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendment should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation 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*.

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

Done at Brussels, 24 July 2012.

For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p.12.

⁽²⁾ OJ L 148, 21.6.1996, p.1.

⁽³⁾ OJ C 247, 25.8.2011, p.11.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. Cheeses

FRANCE

Langres (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 763/2012**of 22 August 2012****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 August 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	57,4
	ZZ	57,4
0707 00 05	MK	66,1
	TR	91,2
	ZZ	78,7
0709 93 10	TR	107,9
	ZZ	107,9
0805 50 10	AR	93,9
	CL	88,4
	TR	95,0
	UY	88,9
	ZA	99,2
	ZZ	93,1
0806 10 10	BA	61,1
	CL	196,9
	EG	199,0
	TR	148,1
	ZZ	151,3
0808 10 80	BR	88,1
	CL	146,1
	NZ	121,2
	US	148,7
	UY	68,3
	ZA	107,8
0808 30 90	ZZ	113,4
	AR	111,1
	CN	61,3
	TR	137,4
	ZA	120,9
0809 30	ZZ	107,7
	TR	163,7
0809 40 05	ZZ	163,7
	BA	64,0
	IL	106,3
	ZZ	85,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 764/2012**of 22 August 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 759/2012 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

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, 22 August 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 223, 21.8.2012, p. 53.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 23 August 2012

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 ⁽¹⁾	38,09	0,00
1701 12 90 ⁽¹⁾	38,09	3,18
1701 13 10 ⁽¹⁾	38,09	0,00
1701 13 90 ⁽¹⁾	38,09	3,48
1701 14 10 ⁽¹⁾	38,09	0,00
1701 14 90 ⁽¹⁾	38,09	3,48
1701 91 00 ⁽²⁾	44,19	4,21
1701 99 10 ⁽²⁾	44,19	1,08
1701 99 90 ⁽²⁾	44,19	1,08
1702 90 95 ⁽³⁾	0,44	0,25

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DIRECTIVES

COMMISSION DIRECTIVE 2012/22/EU

of 22 August 2012

amending Directive 98/8/EC of the European Parliament and of the Council to include DDACarbonate as an active substance in Annex I thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

- (1) The United Kingdom received on 17 January 2007 an application from Lonza, in accordance with Article 11(1) of Directive 98/8/EC, for the inclusion of the active substance DDACarbonate in Annex I to that Directive for use in product type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC. DDACarbonate was not on the market on the date referred to in Article 34(1) of Directive 98/8/EC as an active substance of a biocidal product.
- (2) After carrying out an evaluation, the United Kingdom submitted its report, together with a recommendation, to the Commission on 11 November 2010.
- (3) The report was reviewed by the Member States and the Commission within the Standing Committee on Biocidal Products on 2 March 2012, and the findings of the review were incorporated in an assessment report.
- (4) It appears from the evaluations that biocidal products used as wood preservatives and containing DDACarbonate may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include DDACarbonate for use in product type 8 in Annex I to that Directive.
- (5) Not all potential uses have been evaluated at Union level. For example, use by non-professional users was not assessed. It is therefore appropriate to require that

Member States assess those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment and, when granting product authorisations, ensure that appropriate measures are taken or specific conditions imposed in order to reduce the identified risks to acceptable levels.

- (6) In view of the risks identified for human health, for industrial users it is appropriate to require that safe operational procedures are established, and that products are used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks can be reduced to an acceptable level by other means.
- (7) In view of the risks identified for the aquatic and terrestrial compartments, it is appropriate to require that industrial application is conducted within a contained area or on impermeable hard standing with bunding, that freshly treated timber is stored after treatment under shelter or on impermeable hard standing, or both, and that any losses from the application of products used as wood preservatives and containing DDACarbonate are collected for reuse or disposal.
- (8) Unacceptable risks for the environment were identified for situations where wood treated by dipping with DDACarbonate was continually exposed to the weather or subject to frequent wetting (use class 3 as defined by OECD⁽²⁾), and where wood treated with DDACarbonate was used for outdoor constructions near or above water (the 'bridge' scenario in use class 3, as defined by OECD⁽³⁾) or was in contact with fresh water (use class 4b as defined by OECD⁽⁴⁾). It is therefore appropriate to require that products are not authorised for the treatment of wood intended for those uses, unless data is submitted demonstrating that the product will meet the requirements of both Article 5 of and Annex VI to Directive 98/8/EC, if necessary by the application of appropriate risk mitigation measures.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OECD series on emission scenario documents, Number 2, Emission Scenario Document for Wood Preservatives, Part 2, p. 64.

⁽³⁾ Ibid.

⁽⁴⁾ Ibid.

- (9) The provisions of this Directive should be applied simultaneously in all Member States in order to ensure equal treatment on the Union market of biocidal products of product type 8 containing the active substance DDACarbonate and also to facilitate the proper operation of the biocidal products market in general.
- (10) A reasonable period should be allowed to elapse before an active substance is included in Annex I to Directive 98/8/EC in order to permit Member States to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.
- (11) Directive 98/8/EC should therefore be amended accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 31 January 2013 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 February 2013.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 August 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 98/8/EC, the following entry is added:

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'58	DDACarbonate	Reaction mass of N,N-Didecyl-N,N-dimethyl-ammonium Carbonate and N,N-Didecyl-N,N-dimethyl-ammonium Bicarbonate EC No: 451-900-9 CAS No: 894406-76-9	Dry weight: 740 g/kg	1 February 2013	Not applicable	31 January 2023	8	The Union level risk assessment did not address all potential uses; certain uses, such as use by non-professionals, were excluded. When assessing the application for authorisation of a product in accordance with Article 5 and Annex VI, Member States shall assess, where relevant for the particular product, those uses or exposure scenarios and those risks to human populations and to environmental compartments that have not been representatively addressed in the Union level risk assessment. Member States shall ensure that authorisations are subject to the following conditions: (1) for industrial users safe operational procedures shall be established, and products shall be used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks can be reduced to an acceptable level by other means; (2) labels and, where provided, safety data sheets of products authorised shall indicate that industrial application shall be conducted within a contained area or on impermeable hard standing with bunding, that freshly treated timber shall be stored after treatment under shelter or on impermeable hard standing, or both, to prevent direct losses to soil or water, and that any losses from the application of the product shall be collected for reuse or disposal;

No	Common Name	IUPAC Name Identification Numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
								(3) products shall not be authorised for treatment of wood that will be in contact with fresh water or used for outdoor constructions near or above water, or for treatment by dipping of wood that will be continually exposed to the weather or subject to frequent wetting, unless data is submitted to demonstrate that the product will meet the requirements of Article 5 and Annex VI, if necessary by the application of appropriate mitigation measures.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 21 August 2012

pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the Eastern Republic of Uruguay with regard to automated processing of personal data

*(notified under document C(2012) 5704)***(Text with EEA relevance)**

(2012/484/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾, and in particular Article 25(6) thereof,

After consulting the European Data Protection Supervisor ⁽²⁾,

Whereas:

- (1) Pursuant to Directive 95/46/EC, Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.
- (2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.
- (3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations and giving particular consideration to a number of elements relevant for the transfer and listed in Article 25 thereof.
- (4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out,

and any decision based on Article 25(6) of Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or unjustifiably discriminate against or between third countries where like conditions prevail, nor constitute a disguised barrier to trade, regard being had to the European Union's present international commitments.

- (5) The Political Constitution of the Eastern Republic of Uruguay, passed in 1967, does not expressly recognise the rights to privacy and the protection of personal data. However, the catalogue of fundamental rights is not a closed list since Article 72 of the Constitution provides that the listing of rights, obligations and guarantees made by the Constitution does not exclude others that are inherent to the human personality or that derive from the republican form of government. Article 1 of Act No 18.331 on the Protection of Personal Data and 'Habeas Data' Action of 11 August 2008 (Ley No 18.331 de Protección de Datos Personales y Acción de 'Habeas Data') expressly sets out that 'the right to the protection of personal data is inherent to the human being and it is therefore included in Article 72 of the Constitution of the Republic'. Article 332 of the Constitution provides that the application of the provisions of this Constitution that acknowledge individuals' rights as well as those awarding rights and imposing obligations on public authorities, shall not be impaired by of the lack of specific regulation; rather, it shall be based, through recourse to the underlying principles of similar laws, on the general principles of the law and generally accepted doctrines.
- (6) The legal standards for the protection of personal data in the Eastern Republic of Uruguay are largely based on the standards set out in Directive 95/46/EC and are laid down in Act No 18.331 on the Protection of Personal Data and 'Habeas Data' Action (Ley No 18.331 de Protección de Datos Personales y de Acción de 'Habeas Data') of 11 August 2008. It covers natural persons and legal persons.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ Letter of 31 August 2011.

(7) This Act is further complemented by Decree No 414/009 of 31 August 2009, adopted in order to clarify several

aspects of the Act and to lay down the detailed regulation of the organisation, powers and functioning of the data protection supervisory authority; The Preamble of the Decree sets out that it is appropriate to adjust the national legal system on this matter to the most accepted comparable legal regime, essentially that established by European countries through Directive 95/46/EC.

- (8) Data protection provisions are also contained in a number of special acts that create and regulate databases, namely, acts regulating certain public registries (public deeds, industrial property and trade marks, personal acts, real estate, mining or credit reporting). Act No 18.331 applies additionally to these acts in relation to those issues that are not governed by these specific legal instruments, pursuant to Article 332 of the Constitution.
- (9) The legal data protection standards applicable in the Eastern Republic of Uruguay cover all the basic principles necessary for an adequate level of protection for natural persons, and also provide for exceptions and limitations in order to safeguard important public interests. These legal data protection standards and the exceptions reflect the principles laid down by Directive 95/46/EC.
- (10) The application of the legal data protection standards is guaranteed by administrative and judicial remedies, in particular, by the 'habeas data' action, which enables a data subject to take a data controller to court in order to enforce his right of access, rectification and deletion, and by independent supervision carried out by the supervisory authority, the Unit for the Regulation and Control of Personal Data (Unidad Reguladora y de Control de Datos Personales (URCDP)), which is invested with powers of investigation, intervention and sanction in line with Article 28 of Directive 95/46/EC, and which acts completely independently. Moreover, any interested party is entitled to seek judicial redress for compensation for damages suffered as a result of the unlawful processing of his personal data.
- (11) Uruguayan data protection authorities have provided explanations and assurances as to how the Uruguayan law is to be interpreted, and have given assurances that the Uruguayan data protection legislation is implemented in accordance with such interpretation. In particular, Uruguayan data protection authorities have explained that, pursuant to Article 332 of the Constitution, Act No 18.331 applies additionally to special acts that create and regulate specific databases in relation to those issues that are not governed by these specific legal instruments. They have also clarified that, regarding the lists referred to in Article 9 C) of Act No 18.331, and which do not require the consent of the data subject for the processing, the Act also applies, namely the principles of proportionality and finality, the rights of data subjects and that they are subject to

the supervision by the data protection authority. With regard to the transparency principle, the Uruguayan data protection authorities have informed that the obligation to provide the data subject with the necessary information applies in all cases. Regarding the right of access, the data protection authority has clarified that it is sufficient for a data subject to prove its identity when making a request. The Uruguayan data protection authorities have clarified that the exceptions relating to the principle on international transfers laid down in Article 23(1) of Act No 18.331 cannot be understood as having a broader application than that of Article 26(1) of Directive 95/46/EC.

- (12) This Decision takes into account these explanations and assurances and it is based upon them.
- (13) The Eastern Republic of Uruguay is also party to the American Convention of Human Rights (Pact of San José de Costa Rica) of 22 November 1969, and in force since 18 July 1978⁽¹⁾. Article 11 of this Convention lays down the right to privacy and Article 30 sets out that restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognised by the Convention may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established (Article 30). Moreover the Eastern Republic of Uruguay has accepted the jurisdiction of the Inter-American Court of Human Rights. Furthermore at the 1118th meeting of the Ministers' Deputies of the Council of Europe held on 6 July 2011, the Deputies invited the Eastern Republic of Uruguay to accede the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No 108) and to its Additional Protocol (ETS No 118), after a favourable opinion of the relevant Consultative Committee⁽²⁾.
- (14) The Eastern Republic of Uruguay should therefore be regarded as providing an adequate level of protection for personal data as referred to in Directive 95/46/EC.
- (15) This Decision should concern the adequacy of protection provided in the Eastern Republic of Uruguay with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC. It should not affect other conditions or

⁽¹⁾ Organisation of American States; OAS, Treaty Series, No 36, 1144 UNTS 123. <http://www.oas.org/juridico/english/treaties/b-32.html>

⁽²⁾ Council of Europe: [https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Del/Dec\(2011\)1118/10.3&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=CM/Del/Dec(2011)1118/10.3&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

restrictions implementing other provisions of that Directive that pertain to the processing of personal data within the Member States.

- (16) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.
- (17) The Commission should monitor the functioning of the Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC. Such monitoring should cover, inter alia, the Eastern Republic of Uruguay's regime applicable to transfers in the framework of international treaties.
- (18) The Working Party on the protection of individuals with regard to the processing of personal data established under Article 29 of Directive 95/46/EC has delivered a favourable opinion on the level of adequacy as regards protection of personal data which has been taken into account in the preparation of this Decision ⁽¹⁾.
- (19) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31(1) of Directive 95/46/EC,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purposes of Article 25(2) of Directive 95/46/EC, the Eastern Republic of Uruguay is considered as ensuring an adequate level of protection for personal data transferred from the European Union.
2. The competent supervisory authority of the Eastern Republic of Uruguay for the application of the legal data protection standards in the Eastern Republic of Uruguay is set out in the Annex to this Decision.

Article 2

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in the Eastern Republic of Uruguay in order to protect individuals with regard to the processing of their personal data in the following cases:

- (a) where a competent Uruguayan authority has determined that the recipient is in breach of the applicable standards of protection; or

- (b) where there is a substantial likelihood that the standards of protection are being infringed, there are reasonable grounds for believing that the competent Uruguayan authority is not taking or will not take adequate and timely steps to settle the case at issue, the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in the Eastern Republic of Uruguay with notice and an opportunity to respond.

2. The suspension shall cease as soon as the standards of protection are assured and the competent authority of the Member States concerned is notified thereof.

Article 3

1. Member States shall inform the Commission without delay when measures are adopted on the basis of Article 2.
2. The Member States and the Commission shall inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in the Eastern Republic of Uruguay fails to secure such compliance.

3. Where the information collected under Article 2 and under paragraphs 1 and 2 of this Article provides evidence that any body responsible for ensuring compliance with the standards of protection in the Eastern Republic of Uruguay is not effectively fulfilling its role, the Commission shall inform the competent Uruguayan authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

Article 4

The Commission shall monitor the functioning of this Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision, that protection in the Eastern Republic of Uruguay is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory way.

Article 5

Member States shall take all the measures necessary to comply with the Decision within three months of the date of its notification.

⁽¹⁾ Opinion 6/2010 on the level of protection of personal data in the Eastern Republic of Uruguay. Available at http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2010/wp177_en.pdf

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 21 August 2012.

For the Commission

Viviane REDING

Vice-President

ANNEX

Competent supervisory authority referred to in Article 1(2) of this Decision:

Unidad Reguladora y de Control de Datos Personales (URCDP)

Andes 1365, Piso 8

Tel. + 598 2901 2929 Int. 1352

11.100 Montevideo

URUGUAY

Contact e-mail: <http://www.datospersonales.gub.uy/sitio/contactenos.aspx>

Online complaints: <http://www.datospersonales.gub.uy/sitio/denuncia.aspx>

Website: <http://www.datospersonales.gub.uy/sitio/index.aspx>

CORRIGENDA**Corrigendum to Council Implementing Regulation (EU) No 742/2012 of 16 August 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria***(Official Journal of the European Union L 219 of 17 August 2012)*

On page 2, the table in the Annex, row '1.', column 'Date of listing':

for: '16.8.2012',

read: '17.8.2012'.

Corrigendum to Council Implementing Decision 2012/478/CFSP of 16 August 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria*(Official Journal of the European Union L 219 of 17 August 2012)*

On page 22, the table in the Annex, row '1.', column 'Date of listing':

for: '16.8.2012',

read: '17.8.2012'.

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