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⁽¹⁾ Text with EEA relevance

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 632/2014

of 13 May 2014

approving the active substance flubendiamide, 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 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which a decision has been adopted in accordance with Article 6(3) of that Directive before 14 June 2011. For flubendiamide the conditions of Article 80(1)(a) of Regulation (EC) No 1107/2009 are fulfilled by Commission Decision 2006/927/EC ⁽³⁾.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC Greece received on 30 March 2006 an application from Bayer CropScience AG for the inclusion of the active substance flubendiamide in Annex I to Directive 91/414/EEC. Decision 2006/927/EC confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State Greece submitted a draft assessment report on 1 September 2008. In accordance with Article 11(6) of Commission Regulation (EU) No 188/2011 ⁽⁴⁾ additional information was requested from the applicant on 14 July 2011. The evaluation of the additional data by Greece was submitted in the format of an updated draft assessment report in April 2012.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ 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).

⁽³⁾ Commission Decision 2006/927/EC of 13 December 2006 recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of flubendiamide in Annex I to Council Directive 91/414/EEC (OJ L 354, 14.12.2006, p. 54).

⁽⁴⁾ Commission Regulation (EU) No 188/2011 of 25 February 2011 laying down detailed rules for the implementation of Council Directive 91/414/EEC as regards the procedure for the assessment of active substances which were not on the market 2 years after the date of notification of that Directive (OJ L 53, 26.2.2011, p. 51).

- (4) The draft assessment report was reviewed by the Member States and the European Food Safety Authority (hereinafter 'the Authority'). The Authority presented to the Commission its conclusion on the pesticide risk assessment of the active substance flubendiamide ⁽¹⁾ on 1 July 2013. The draft assessment report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 20 March 2014 in the format of the Commission review report for flubendiamide.
- (5) It has appeared from the various examinations made that plant protection products containing flubendiamide may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve flubendiamide.
- (6) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (7) Without prejudice to the obligations provided for in Regulation (EC) No 1107/2009 as a consequence of approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a period of six months after approval to review authorisations of plant protection products containing flubendiamide. Member States should, as appropriate, vary, replace or withdraw authorisations. By way of derogation from that deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (8) The experience gained from inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 ⁽²⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I to that Directive or the Regulations approving active substances.
- (9) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽³⁾ should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of active substance

The active substance flubendiamide, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing flubendiamide as an active substance by 28 February 2015.

⁽¹⁾ EFSA Journal 2013; 11(7):3270. Available online: www.efsa.europa.eu.

⁽²⁾ Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC (OJ L 366, 15.12.1992, p. 10).

⁽³⁾ 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).

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing flubendiamide as either the only active substance or as one of several active substances, all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 August 2014 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009.

Following that determination Member States shall:

- (a) in the case of a product containing flubendiamide as the only active substance, where necessary, amend or withdraw the authorisation by 29 February 2016 at the latest; or
- (b) in the case of a product containing flubendiamide as one of several active substances, where necessary, amend or withdraw the authorisation by 29 February 2016 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or those substances, whichever is the latest.

Article 3

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 4

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 September 2014.

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

Done at Brussels, 13 May 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Flubendiamide CAS No 272451-65-7 CIPAC No 788	3-iodo- <i>N'</i> -(2-mesyl-1,1-dimethylethyl)- <i>N</i> -(4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]- <i>o</i> -tolyl}phthalamide	≥ 960 g/kg	1 September 2014	31 August 2024	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 flubendiamide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 March 2014 shall be taken into account. In this overall assessment Member States shall pay particular attention to: (a) the risk to aquatic invertebrates; (b) the potential presence of residues in rotational crops. Conditions of use shall include risk mitigation measures, where appropriate.

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

ANNEX II

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

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'74	Flubendiamide CAS No 272451-65-7 CIPAC No 788	3-iodo-N'-(2-mesyl-1,1-dimethylethyl)-N-{4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-o-tolyl}phthalamide	≥ 960 g/kg	1 September 2014	31 August 2024	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 flubendiamide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 March 2014 shall be taken into account. In this overall assessment Member States shall pay particular attention to: (a) the risk to aquatic invertebrates; (b) the potential presence of residues in rotational crops. Conditions of use shall include risk mitigation measures, where appropriate.'

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

COMMISSION REGULATION (EU) No 633/2014**of 13 June 2014****amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council and Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council as regards the specific requirements for handling large wild game and for the post-mortem inspection of wild game****(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 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular Article 10(1) and (2) thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular Article 17(1) thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 lays down specific hygiene rules for food of animal origin. It provides, inter alia, requirements for the production and placing on the market of meat from wild game. Food business operators are to ensure that such meat is placed on the market only if it is produced in compliance with Section IV of Annex III to that Regulation.
- (2) Council Directive 89/662/EEC ⁽³⁾, provides that Member States are to ensure that veterinary checks at origin and at destination are carried out on products of animal origin subject to intra-Union trade.
- (3) The audits performed at Union level by the Food and Veterinary Office of the European Commission in Member States have shown that trade in unskinned large wild game from a hunting site to an approved game-handling establishment situated in the territory of another Member State is a common practice which accounts for a significant part of the wild game meat produced in the Union.
- (4) This practice has created uncertainties on the practical application of the current provisions of Regulation (EC) No 853/2004 and the need of compliance with the provisions of Directive 89/662/EEC in particular how to comply with the obligation to ensure the appropriate level of official controls at origin.
- (5) Therefore, in order to ensure that the provisions of Regulation (EC) No 853/2004, and of Directive 89/662/EEC are complied with, it is necessary to supplement the provisions of Regulation (EC) No 853/2004 concerning the transport and trade of unskinned large wild game with a certification of compliance with the EU provisions at the place of origin. In order to avoid a disproportionate administrative burden, an alternative approach based on a declaration of a trained person should be allowed if the game handling establishment, close to the hunting area is in another Member State.
- (6) Regulation (EC) No 853/2004 should therefore be amended accordingly.
- (7) Chapter VIII of Section IV of Annex I to Regulation (EC) No 854/2004 sets out the specific requirements for official controls concerning wild game meat. According to the provisions set out in that Chapter, during the post-mortem inspection, the official veterinarian of the game-handling establishment is to take account of the declaration or information that the trained person involved in hunting the animal has provided in accordance with Regulation (EC) No 853/2004. In cases where unskinned large wild game is transported from a hunting site in another Member State, it is appropriate that the official veterinarians also check that the relevant certificate accompanies the consignment and take into account the information contained in that certificate.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ 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 (OJ L 395, 30.12.1989, p. 13).

- (8) Regulation (EC) No 854/2004 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 853/2004 is amended in accordance with Annex I to this Regulation.

Article 2

Annex I to Regulation (EC) No 854/2004 is amended in accordance with Annex II to 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*.

It shall apply from 1 May 2014 for all consignments arriving at the Member States of destination from that date on.

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

Done at Brussels, 13 June 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

In Chapter II of Section IV of Annex III to Regulation (EC) No 853/2004, point 8 is replaced by the following:

‘8. In addition, unskinned large wild game:

- (a) may be skinned and placed on the market only if:
 - (i) before skinning, it is stored and handled separately from other food and it is not frozen;
 - (ii) after skinning, it undergoes a final inspection in a game-handling establishment in accordance with Regulation (EC) No 854/2004;
- (b) may be sent to a game handling establishment in another Member State only if, during transport to that game-handling establishment, it is accompanied by a certificate conforming to the specimen set out in the Annex to Commission Implementing Regulation (EU) No 636/2014 (*) issued and signed by an official veterinarian, attesting that the requirements set out in point 4 as regards the availability of a declaration, when relevant, and the accompaniment of relevant parts of the body, have been complied with.

In case the game handling establishment, close to the hunting area, is in another Member State, transport to this game handling establishment need not be accompanied by the certificate but by the declaration of the trained person referred to in point 2 to comply with Article 3(1) of Directive 89/662/EEC, taking into account the animal health status of the Member State of origin.

(*) OJ L 175, 14.6.2014, p. 16.’

ANNEX II

In part A of Chapter VIII to Section IV of Annex I to Regulation (EC) No 854/2004 the following point 2a is added:

- ‘2a. The official veterinarian is to check that a health certificate conforming to the specimen set out in the Annex to Commission Implementing Regulation (EU) No 636/2014 (*) or the declaration(s) accompanies the unskinned large wild game transported to the game-handling establishment from the territory of another Member State, in accordance with point 8(b) of Chapter II of Section IV of Annex III to Regulation (EC) No 853/2004. The official veterinarian is to take into account the content of that certificate or declaration(s).

(*) OJ L 175, 14.6.2014, p. 16.’

COMMISSION REGULATION (EU) No 634/2014**of 13 June 2014****amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards Interpretation 21 of the International Financial Reporting Interpretations Committee****(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 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 20 May 2013 the International Accounting Standards Board issued Interpretation 21 of the International Financial Reporting Interpretations Committee (IFRIC) *Levies*.
- (3) In the application of International Accounting Standard 37 *Provisions, contingent liabilities and contingent assets* different practices have evolved regarding the timing of when an entity recognises a liability to pay a levy.
- (4) The objective of the IFRIC Interpretation 21 is to provide guidance on the appropriate accounting treatment of levies that are within the scope of International Accounting Standard 37, in order to increase the comparability of financial statements for users.
- (5) The consultation with the Technical Expert Group of the European Financial Reporting Advisory Group confirms that IFRIC Interpretation 21 meets the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (6) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*In the Annex to Regulation (EC) No 1126/2008, IFRIC Interpretation 21 *Levies* is inserted as set out in the Annex to this Regulation.*Article 2*Each company shall apply IFRIC Interpretation 21 *Levies*, at the latest, as from the commencement date of its first financial year starting on or after 17 June 2014.⁽¹⁾ OJ L 243, 11.9.2002, p. 1.⁽²⁾ Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1).

Article 3

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

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

Done at Brussels, 13 June 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IFRIC 21 IFRIC Interpretation 21 Levies (*)

REFERENCES

- IAS 1 *Presentation of Financial Statements*
- IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*
- IAS 12 *Income Taxes*
- IAS 20 *Accounting for Governments Grants and Disclosures of Government Assistance*
- IAS 24 *Related Party Disclosures*
- IAS 34 *Interim Financial Reporting*
- IAS 37 *Provisions, Contingent Liabilities and Contingent Assets*
- IFRIC 6 *Liabilities arising from Participating in a Specific Market—Waste Electrical and Electronic Equipment*

BACKGROUND

1. A government may impose a levy on an entity. The IFRS Interpretations Committee received requests for guidance on the accounting for levies in the financial statements of the entity that is paying the levy. The question relates to when to recognise a liability to pay a levy that is accounted for in accordance with IAS 37 *Provisions, Contingent Liabilities and Contingent Assets*.

SCOPE

2. This Interpretation addresses the accounting for a liability to pay a levy if that liability is within the scope of IAS 37. It also addresses the accounting for a liability to pay a levy whose timing and amount is certain.
3. This Interpretation does not address the accounting for the costs that arise from recognising a liability to pay a levy. Entities should apply other Standards to decide whether the recognition of a liability to pay a levy gives rise to an asset or an expense.
4. For the purposes of this Interpretation, a levy is an outflow of resources embodying economic benefits that is imposed by governments on entities in accordance with legislation (i.e. laws and/or regulations), other than:
 - (a) those outflows of resources that are within the scope of other Standards (such as income taxes that are within the scope of IAS 12 *Income Taxes*); and
 - (b) fines or other penalties that are imposed for breaches of the legislation.'Government' refers to government, government agencies and similar bodies whether local, national or international.
5. A payment made by an entity for the acquisition of an asset, or for the rendering of services under a contractual agreement with a government, does not meet the definition of a levy.
6. An entity is not required to apply this Interpretation to liabilities that arise from emissions trading schemes.

ISSUES

7. To clarify the accounting for a liability to pay a levy, this Interpretation addresses the following issues:
 - (a) what is the obligating event that gives rise to the recognition of a liability to pay a levy?
 - (b) does economic compulsion to continue to operate in a future period create a constructive obligation to pay a levy that will be triggered by operating in that future period?

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- (c) does the going concern assumption imply that an entity has a present obligation to pay a levy that will be triggered by operating in a future period?
- (d) does the recognition of a liability to pay a levy arise at a point in time or does it, in some circumstances, arise progressively over time?
- (e) what is the obligating event that gives rise to the recognition of a liability to pay a levy that is triggered if a minimum threshold is reached?
- (f) are the principles for recognising in the annual financial statements and in the interim financial report a liability to pay a levy the same?

CONSENSUS

8. The obligating event that gives rise to a liability to pay a levy is the activity that triggers the payment of the levy, as identified by the legislation. For example, if the activity that triggers the payment of the levy is the generation of revenue in the current period and the calculation of that levy is based on the revenue that was generated in a previous period, the obligating event for that levy is the generation of revenue in the current period. The generation of revenue in the previous period is necessary, but not sufficient, to create a present obligation.
 9. An entity does not have a constructive obligation to pay a levy that will be triggered by operating in a future period as a result of the entity being economically compelled to continue to operate in that future period.
 10. The preparation of financial statements under the going concern assumption does not imply that an entity has a present obligation to pay a levy that will be triggered by operating in a future period.
 11. The liability to pay a levy is recognised progressively if the obligating event occurs over a period of time (i.e. if the activity that triggers the payment of the levy, as identified by the legislation, occurs over a period of time). For example, if the obligating event is the generation of revenue over a period of time, the corresponding liability is recognised as the entity generates that revenue.
 12. If an obligation to pay a levy is triggered when a minimum threshold is reached, the accounting for the liability that arises from that obligation shall be consistent with the principles established in paragraphs 8-14 of this Interpretation (in particular, paragraphs 8 and 11). For example, if the obligating event is the reaching of a minimum activity threshold (such as a minimum amount of revenue or sales generated or outputs produced), the corresponding liability is recognised when that minimum activity threshold is reached.
 13. An entity shall apply the same recognition principles in the interim financial report that it applies in the annual financial statements. As a result, in the interim financial report, a liability to pay a levy:
 - (a) shall not be recognised if there is no present obligation to pay the levy at the end of the interim reporting period; and
 - (b) shall be recognised if a present obligation to pay the levy exists at the end of the interim reporting period.
 14. An entity shall recognise an asset if it has prepaid a levy but does not yet have a present obligation to pay that levy.
-

Appendix A

Effective date and transition

This appendix is an integral part of the Interpretation and has the same authority as the other parts of the Interpretation.

- A1 An entity shall apply this Interpretation for annual periods beginning on or after 1 January 2014. Earlier application is permitted. If an entity applies this Interpretation for an earlier period, it shall disclose that fact.
- A2 Changes in accounting policies resulting from the initial application of this Interpretation shall be accounted for retrospectively in accordance with IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*.
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COMMISSION IMPLEMENTING REGULATION (EU) No 635/2014**of 13 June 2014****opening a tariff quota for the import of industrial sugar until the end of 2016/2017 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 1308/2013 of 17 December 2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 193 thereof,

Whereas:

- (1) Article 139(1)(a) of Regulation (EU) No 1308/2013 provides that the products referred to in Article 140(2) of that Regulation may be manufactured by using sugar produced in excess of the quotas referred to in Article 136 of that Regulation. However, those products may also be manufactured by using sugar imported in the Union. To guarantee the supply necessary for this production it is appropriate to suspend import duties for certain quantities of industrial sugar.
- (2) The experience of recent marketing years shows that the suspension of import duties on a quantity of 400 000 tonnes of sugar per marketing year intended for the production of products referred to in Article 140(2) of Regulation (EU) No 1308/2013 has been sufficient to guarantee the supply necessary for the manufacture of such products in the Union during the marketing year in question.
- (3) In order to give the stakeholders the certainty that supply necessary for the manufacturing of products referred to in Article 140(2) of Regulation (EU) No 1308/2013 will be constantly available each marketing year until the end of the quota system, it is appropriate to provide for the suspension of import duties for a certain quantity of sugar for each of the three following marketing years, from 2014/2015 until 2016/2017.
- (4) Furthermore, Article 11 of Commission Regulation (EC) No 891/2009 ⁽²⁾ provides for the administration of the tariff quota for industrial import sugar with order number 09.4390.
- (5) It is therefore necessary to determine the quantity of industrial sugar for which no import duties should apply for the 2014/2015 until 2016/2017 marketing year.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties for industrial sugar falling within CN 1701 and with order number 09.4390 shall be suspended for a quantity of 400 000 tonnes for each of the three marketing years from 1 October 2014 to 30 September 2017.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009, p. 82).

Article 2

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

It shall apply from 1 October 2014 until 30 September 2017.

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

Done at Brussels, 13 June 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 636/2014
of 13 June 2014
on a model certificate for the trade of unskinned large wild game
(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 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular Article 7(2)(a) thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 lays down specific hygiene rules for food of animal origin. It provides, inter alia, requirements for the production and placing on the market of meat from wild game. Food business operators are to ensure that such meat is placed on the market only if it is produced in compliance with Section IV of Annex III to that Regulation.
- (2) Regulation (EC) No 853/2004 also provides for the establishments of model certificates accompanying consignments of products of animal origin.
- (3) Commission Regulation (EU) No 633/2014 ⁽²⁾ amending Annex III to Regulation (EC) No 853/2004 lays down that unskinned large wild game may be sent to a game handling establishment in another Member State if, during transport to that game-handling establishment, it is accompanied by a certificate ensuring compliance with Section IV of Annex III to Regulation (EC) No 853/2004.
- (4) In order to facilitate trade in unskinned large wild game, it is appropriate to provide a model certificate for trade between Member States.
- (5) Because unskinned bodies of large wild game may carry pathogens causing diseases in animals, the large game should not have been harvested in areas which for health reasons are subject to prohibition or restriction affecting the species involved in accordance with Union or national legislation. Trade in unskinned wild boar bodies may only take place without prejudice to Commission Implementing Decision 2013/764/EU ⁽³⁾.
- (6) The measures provided for in this Regulation are in accordance with the opinion of Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ Commission Regulation (EU) No 633/2014 of 13 June 2014 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council and Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council as regards the specific requirements for handling large wild game and for the post-mortem inspection of wild game (see page 6 of this Official Journal).

⁽³⁾ Commission Implementing Decision 2013/764/EU of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States (OJ L 338, 17.12.2013, p. 102).

HAS ADOPTED THIS REGULATION:

Article 1

Consignments of unskinned large wild game dispatched to Member States shall be accompanied by a certificate in accordance with the model set out in the Annex.

The certificate shall attest that a written declaration on the examination by a trained person, when relevant, and the relevant parts of the bodies accompany the consignment in accordance with point 4 respectively of Chapter II of Section IV of Annex III to Regulation (EC) No 853/2004.

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, 13 June 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

A model health certificate for the trade of unskinned large wild game

EUROPEAN UNION

Intra trade certificate

Part I: Details of consignment presented	I.1. Consignor Name Address Country				I.2. Certificate reference No		I.2.a. Local reference No	
					I.3. Central competent authority			
					I.4. Local competent authority			
	I.5. Consignee Name Address Country							
	I.8. Country of origin		ISO code		I.9. Region of origin		Code	
	I.10. Country of destination		ISO code		I.11. Region of destination		Code	
	I.12. Place of origin Establishment ☐ Name Approval Address Postal code/Region				I.13. Place of destination Establishment ☐ Name Approval number Address Postal code/Region			
					I.15. Date and time of departure			
	I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Number(s):							
I.18. Description of commodity						I.19. Commodity code (CN code)		
						I.20. Quantity		
I.21. Temperature of products Ambient ☐ Chilled ☐						I.22. Number of packages		
						I.24. Type of packaging		
I.25. Commodities certified for: Human consumption ☐								
						I.27. Transit through Member States ☐		
						Member State ISO code Member State ISO code Member State ISO code		
I.31. Identification of the commodities Species (Scientific name) Identification marking Quantity								

EUROPEAN UNION

Unskinned large wild game

II. Health information

II.a. Certificate reference number

II.b. Local reference number

I, the undersigned, hereby certify, that:

- All the relevant parts of the bodies of the animals and the declaration satisfied the requirements laid down in point 4, Chapter II, Section IV, Annex III to Regulation (EC) No 853/2004.
- The large wild game has not been harvested in an area which for health reasons is subject to prohibition or restriction affecting the species involved in accordance with Union or national legislation.

Notes**Part I:**

- Box reference 1.12: Give a registration number or any other identification number. If not applicable, put 'XXX'.
- Box reference 1.13: indicate the details of the game-handling establishment.
- Box reference 1.19: Use the appropriate CN code amongst 0203 11 90, 0203 21 90, 0208 90 30, 0208 90 60 and 0208 90 98.
- Box reference 1.2.: the certification for human consumption is subject to a favourable official inspection at the game handling establishment.

Part II:

The colour of the signature and stamp shall be different to that of the printing.

Official veterinarian

Name (in Capital):

Local Veterinary Unit:

Date:

Stamp:

Qualification and title:

LVU no.:

Signature:

Part II: Certification

COMMISSION IMPLEMENTING REGULATION (EU) No 637/2014**of 13 June 2014****amending Regulation (EC) No 1979/2006 as regards the import tariff quota for preserved mushrooms originating in China**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/01 and (EC) No 1234/07 ⁽¹⁾, and in particular point (a) of Article 187 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1979/2006 ⁽²⁾ opens and provides for the administration of tariff quotas for preserved mushrooms imported from third countries.
- (2) The Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China concluded pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽³⁾, approved by Council Decision 2014/116/EU ⁽⁴⁾, provides for an increase of 800 tonnes (drained net weight) to the allocation for People's Republic of China under the EU tariff rate quota for preserved mushrooms of the genus *Agaricus* falling within CN codes 0711 51 00, 2003 10 20 and 2003 10 30.
- (3) The increase in the tariff rate quota should be reflected in Annex I to Regulation (EC) No 1979/2006.
- (4) Regulation (EC) No 1979/2006 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Regulation (EC) No 1979/2006**

Annex I to Regulation (EC) No 1979/2006 is replaced by the text in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1979/2006 of 22 December 2006 opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries (OJ L 368, 23.12.2006, p. 91).

⁽³⁾ OJ L 64, 4.3.2014, p. 2.

⁽⁴⁾ Council Decision 2014/116/EU of 28 January 2014 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (OJ L 64, 4.3.2014, p. 1).

*Article 2***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 1 July 2014.

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

Done at Brussels, 13 June 2014.

For the Commission

The President

José Manuel BARROSO

*ANNEX**'ANNEX I***Volume, order numbers and period of application of the tariff quotas referred to in Article 1(1) in tonnes (drained net weight)**

Country of origin	Order Numbers	1 January to 31 December of each year
China	Traditional importers: 09.4157 New importers: 09.4193	29 750
Other third countries	Traditional importers: 09.4158 New importers: 09.4194	5 030'

COMMISSION IMPLEMENTING REGULATION (EU) No 638/2014**of 13 June 2014****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 multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 13 June 2014.

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

Jerzy PLEWA
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	62,3
	TR	59,5
	ZZ	60,9
0707 00 05	MK	27,9
	TR	97,7
	ZZ	62,8
0709 93 10	TR	111,5
	ZA	27,3
	ZZ	69,4
0805 50 10	AR	103,3
	TR	120,8
	ZA	116,3
	ZZ	113,5
0808 10 80	AR	102,2
	BR	85,3
	CL	99,7
	CN	98,7
	NZ	133,8
	US	183,9
	UY	168,2
	ZA	128,5
	ZZ	125,0
	TR	254,4
0809 10 00	ZZ	254,4
	TR	363,9
0809 29 00	ZZ	363,9
	MA	135,6
0809 30	ZZ	135,6

⁽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'.

DECISIONS

COUNCIL DECISION

of 13 May 2014

on the conclusion of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

(2014/351/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with point (a) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 15 November 2007, the Council adopted Regulation (EC) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar ⁽¹⁾ ('the Partnership Agreement').
- (2) The Union has negotiated a new Protocol with the Republic of Madagascar granting EU vessels fishing opportunities in waters in which Madagascar exercises its sovereignty or jurisdiction as regards fishing ('the new Protocol').
- (3) The new Protocol was signed on the basis of Council Decision 2012/826/EU ⁽²⁾, and has been applied provisionally from 28 November 2012.
- (4) The new Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force ('the Protocol') ⁽³⁾ is hereby approved on behalf of the Union.

Article 2

The President of the Council shall proceed, on behalf of the Union, to the notification provided for in Article 16 of the Protocol ⁽⁴⁾.

⁽¹⁾ OJ L 15, 18.1.2008, p. 1.

⁽²⁾ Council Decision 2012/826/EU of 28 November 2012 on the signing, on behalf of the European Union, and on the provisional application of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (OJ L 361, 31.12.2012, p. 11).

⁽³⁾ The text of the Protocol has been published in OJ L 361, 31.12.2012, p. 12, together with the decision on the signature.

⁽⁴⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 13 May 2014.

For the Council
The President
E. VENIZELOS

COUNCIL DECISION
of 21 May 2014
designating the European Capital of Culture for the year 2018 in the Netherlands
(2014/352/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Decision No 1622/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community action for the European Capital of Culture event for the years 2007 to 2019 ⁽¹⁾, and in particular to Article 9(3) thereof,

Having regard to the recommendation from the European Commission,

Having regard to the selection panel's report of September 2013 regarding the selection process of the European Capital of Culture in the Netherlands,

Whereas:

Considering that the criteria referred to in Article 4 of Decision No 1622/2006/EC are entirely fulfilled,

HAS ADOPTED THIS DECISION:

Article 1

Leeuwarden is designated as 'European Capital of Culture 2018' in the Netherlands.

Article 2

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

Done at Brussels, 21 May 2014.

For the Council
The President
A. KYRIAZIS

⁽¹⁾ OJ L 304, 3.11.2006, p. 1.

COUNCIL IMPLEMENTING DECISION**of 21 May 2014****on the practical and procedural arrangements for the appointment by the Council of three experts of the selection and monitoring panel for the European Capitals of Culture action 2020-33**

(2014/353/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Decision No 445/2014/EU of the European Parliament and of the Council of 16 April 2014 establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and repealing Decision No 1622/2006/EC ⁽¹⁾, and in particular to Article 6 thereof,

Whereas:

- (1) According to Article 6 of Decision No 445/2014/EU, a panel of independent experts ('the panel') should be established to carry out the selection and monitoring procedures. The panel is to be composed of 10 experts appointed by the Union institutions and bodies, three of whom should be appointed by the Council for a period of three years. However, as regards the establishment of the first panel, the Council should appoint its experts for one year in order to allow for staggered replacement of experts and thus avoid the loss of experience and know-how.
- (2) Each institution and body is entitled to select the experts in accordance with its respective procedures. However, according to the first subparagraph of Article 6(3) of Decision No 445/2014/EU, the experts should be selected from a pool of potential European experts proposed by the Commission.
- (3) According to the fourth subparagraph of Article 6(3) of Decision No 445/2014/EU, when appointing its experts, Union institutions and bodies should ensure complementarity of the competences, a balanced geographical distribution and gender balance in the overall composition of the panel.
- (4) It is appropriate for the Council to decide on the practical and procedural arrangements for the appointment of its three experts to the panel.
- (5) These arrangements should be fair, non-discriminatory, transparent and easy to implement,

HAS DECIDED AS FOLLOWS:

Article 1

1. A draw shall be organised among Member States. The participation of Member States in the draw shall be voluntary. However, to minimise the risk of a conflict of interest, any Member State from which a city is to be selected or monitored during the term of office of the experts of the panel shall be excluded from the draw. A list of excluded Member States drawn up in accordance with this principle is set out in the Annex to this Decision.
2. To ensure a wide geographical coverage, Member States which have recommended experts for appointment by the Council for the previous term of office shall also be excluded from the draw.

Article 2

1. The first three Member States that are drawn shall be entitled to recommend one expert each.
2. For this purpose, each of the three Member States shall select one expert from the pool of potential European experts which has been established by the Commission and recommend that this expert be appointed to the panel.

⁽¹⁾ OJ L 132, 3.5.2014, p. 1.

3. On the basis of these recommendations and following due scrutiny of the recommended experts by the relevant preparatory body of the Council, the Council shall appoint the three experts who are to form part of the selection and monitoring panel for a period of three years.

4. By way of derogation from paragraph 3:

(a) the Council shall appoint its experts to the 2015 panel for a period of one year;

(b) the experts appointed for 2015 shall nevertheless be deemed to have also been appointed for the period 2016-2018.

Therefore, in accordance with Article 1(1), Member States from which cities are to be selected or monitored by the 2015 panel as well as by the 2016-2018 panel shall be excluded from the draw to appoint the experts to the 2015 panel.

5. In case of the resignation, death or permanent incapacity of a panel expert, the Member State that had recommended that expert shall recommend the appointment of a replacement for the remainder of the term of office of that expert. The procedure referred to in this Article shall apply.

Article 3

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

Done at Brussels, 21 May 2014.

For the Council

The President

A. KYRIAZIS

ANNEX

List of Member States excluded from the draw ⁽¹⁾ ⁽²⁾

Term of office of Council experts on the panel	Member States from which cities are subject to selection or monitoring procedure carried out by the panel of experts
PANEL 2015	Croatia (2020) Ireland (2020) Greece (2021) Romania (2021)
PANEL 2016-2018	Croatia (2020) Ireland (2020) Greece (2021) Romania (2021) Lithuania (2022) Luxembourg (2022) Hungary (2023) United Kingdom (2023) Estonia (2024) Austria (2024)
PANEL 2019-2021	Croatia (2020) Ireland (2020) Greece (2021) Romania (2021) Lithuania (2022) Luxembourg (2022) Hungary (2023) United Kingdom (2023) Estonia (2024) Austria (2024) Slovenia (2025) Germany (2025) Slovakia (2026) Finland (2026) Latvia (2027) Portugal (2027)
PANEL 2022-2024	Hungary (2023) United Kingdom (2023) Estonia (2024) Austria (2024) Slovenia (2025) Germany (2025) Slovakia (2026) Finland (2026) Latvia (2027) Portugal (2027) Czech Republic (2028) France (2028) Poland (2029) Sweden (2029) Cyprus (2030) Belgium (2030)

Term of office of Council experts on the panel	Member States from which cities are subject to selection or monitoring procedure carried out by the panel of experts
PANEL 2025-2027	Slovakia (2026) Finland (2026) Latvia (2027) Portugal (2027) Czech Republic (2028) France (2028) Poland (2029) Sweden (2029) Cyprus (2030) Belgium (2030) Malta (2031) Spain (2031) Bulgaria (2032) Denmark (2032) Netherlands (2033) Italy (2033)
PANEL 2028-2030	Poland (2029) Sweden (2029) Cyprus (2030) Belgium (2030) Malta (2031) Spain (2031) Bulgaria (2032) Denmark (2032) Netherlands (2033) Italy (2033)
PANEL 2031-2033	Bulgaria (2032) Denmark (2032) Netherlands (2033) Italy (2033)

⁽¹⁾ List based on the order of entitlement to host the title of the European Capital of Culture, which is established in the calendar annexed to Decision No 445/2014/EU.

⁽²⁾ In accordance with Article 1(2) of this Decision, Member States that have recommended experts for appointment by the Council for the previous term shall also be excluded from the draw.

COUNCIL DECISION
of 12 June 2014
appointing a member of the Scientific and Technical Committee
(2014/354/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 134 thereof;

Having regard to the opinion of the European Commission;

Whereas:

- (1) By Decision 2013/412/Euratom⁽¹⁾, the Council appointed the members of the Scientific and Technical Committee (the 'Committee') for the period 25 July 2013 to 24 July 2018,
- (2) Following the resignation of Mr Edouard SINNER, a seat on the Committee has become vacant. A new member should therefore be appointed for the remainder of Mr Edouard SINNER's term of office,

HAS ADOPTED THIS DECISION:

Article 1

Mr Roland ZEYEN is hereby appointed a member of the Scientific and Technical Committee until 24 July 2018.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Luxembourg, 12 June 2014.

For the Council
The President
Y. MANIATIS

⁽¹⁾ Council Decision 2013/412/Euratom of 22 July 2013 renewing the membership of the Scientific and Technical Committee and repealing the Decision of 13 November 2012 appointing the members of the Scientific and Technical Committee (OJ L 205, 1.8.2013, p. 11).

COMMISSION IMPLEMENTING DECISION**of 12 June 2014****amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC***(notified under document C(2014) 3772)***(Text with EEA relevance)****(2014/355/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular the fourth subparagraph of Article 29(1) and Article 29(2) thereof,

Whereas:

- (1) Directive 96/23/EC lays down measures to monitor the substances and groups of residues listed in Annex I thereto. That Directive requires that third countries from which Member States are authorised to import animals and animal products covered by that Directive submit a residue monitoring plan providing required guarantees. That plan should at least include the groups of residues and substances listed in that Annex I.
- (2) Commission Decision 2011/163/EU ⁽²⁾ approves the plans provided for in Article 29 of Directive 96/23/EC ('the plans') submitted by certain third countries listed in the Annex thereto for the animals and animal products indicated in that list.
- (3) In the light of the recent plans submitted by certain third countries and additional information obtained by the Commission, it is necessary to update the list of third countries from which Member States are authorised to import certain animals and animal products, as provided for in Directive 96/23/EC and currently listed in the Annex to Decision 2011/163/EU ('the list').
- (4) The Pitcairn Islands have submitted a plan for honey to the Commission. That plan provides sufficient guarantees and should be approved. An entry for the Pitcairn Islands for honey should therefore be included in the list.
- (5) Rwanda has submitted a plan for honey to the Commission. That plan provides sufficient guarantees and should be approved. An entry for Rwanda for honey should therefore be included in the list.
- (6) Ukraine has submitted a plan for bovine and porcine to the Commission. That plan provides sufficient guarantees and should be approved. Entries for Ukraine for bovine and porcine should therefore be included in the list.
- (7) The United Arab Emirates are currently included in the list for aquaculture and milk (camel milk only). However, the United Arab Emirates have not provided a plan as required by Article 29 of Directive 96/23/EC for aquaculture. The entry for the United Arab Emirates for aquaculture should therefore be removed from the list.
- (8) Decision 2011/163/EU should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 125, 23.5.1996, p. 10.

⁽²⁾ Commission Decision 2011/163/EU of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (OJ L 70, 17.3.2011, p. 40).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2011/163/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 June 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

‘ANNEX

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
AD	Andorra	X	X		X								
AE	United Arab Emirates							X ⁽¹⁾					
AL	Albania		X				X		X				
AM	Armenia												X
AR	Argentina	X	X		X	X	X	X	X	X	X	X	X
AU	Australia	X	X		X		X	X			X	X	X
BA	Bosnia and Herzegovina					X	X	X	X				X
BD	Bangladesh						X						
BN	Brunei						X						
BR	Brazil	X			X	X	X						X
BW	Botswana	X			X							X	
BY	Belarus				X ⁽²⁾		X	X	X				
BZ	Belize						X						
CA	Canada	X	X	X	X	X	X	X	X	X	X	X	X
CH	Switzerland	X	X	X	X	X	X	X	X	X	X	X	X
CL	Chile	X	X	X		X	X	X			X		X
CM	Cameroon												X
CN	China					X	X		X	X			X
CO	Colombia						X						
CR	Costa Rica						X						

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
CU	Cuba						X						X
EC	Ecuador						X						
ET	Ethiopia												X
FK	Falklands Islands	X	X										
FO	Faeroe Islands						X						
GH	Ghana												X
GM	Gambia						X						
GL	Greenland		X								X	X	
GT	Guatemala						X						X
HN	Honduras						X						
ID	Indonesia						X						
IL	Israel					X	X	X	X			X	X
IN	India						X		X				X
IR	Iran						X						
JM	Jamaica												X
JP	Japan	X					X						
KE	Kenya							X ⁽¹⁾					
KG	Kyrgyzstan												X
KR	South Korea						X						
LB	Lebanon												X
LK	Sri Lanka						X						
MA	Morocco						X						
MD	Moldova					X	X		X				X

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
ME	Montenegro	X	X	X		X	X		X				X
MG	Madagascar						X						X
MK	former Yugoslav Republic of Macedonia ⁽⁴⁾	X	X	X		X	X	X	X		X		X
MU	Mauritius						X						
MX	Mexico				X		X		X				X
MY	Malaysia					X ⁽³⁾	X						
MZ	Mozambique						X						
NA	Namibia	X	X								X		
NC	New Caledonia	X ⁽³⁾					X				X	X	X
NI	Nicaragua						X						X
NZ	New Zealand	X	X		X		X	X			X	X	X
PA	Panama						X						
PE	Peru					X	X						
PF	French Polynesia												X
PH	Philippines						X						
PN	Pitcairn Islands												X
PY	Paraguay	X											
RS	Serbia ⁽⁵⁾	X	X	X	X ⁽²⁾	X	X	X	X		X		X
RU	Russia	X	X	X		X		X	X			X ⁽⁶⁾	X
RW	Rwanda												X
SA	Saudi Arabia						X						
SG	Singapore	X ⁽³⁾	X ⁽³⁾	X ⁽³⁾		X ⁽³⁾	X	X ⁽³⁾					

Code ISO2	Country	Bovine	Ovine/ caprine	Porcine	Equine	Poultry	Aqua- culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
SM	San Marino	X		X ⁽³⁾									X
SR	Suriname						X						
SV	El Salvador												X
SZ	Swaziland	X											
TH	Thailand					X	X						X
TN	Tunisia					X	X				X		
TR	Turkey					X	X	X	X				X
TW	Taiwan						X						X
TZ	Tanzania						X						X
UA	Ukraine	X		X		X	X	X	X				X
UG	Uganda						X						X
US	United States	X	X	X		X	X	X	X	X	X	X	X
UY	Uruguay	X	X		X		X	X			X		X
VE	Venezuela						X						
VN	Vietnam						X						X
ZA	South Africa										X	X	
ZM	Zambia												X
ZW	Zimbabwe						X					X	

⁽¹⁾ Camel milk only.

⁽²⁾ Export to the Union of live equidae for slaughter (food producing animals only).

⁽³⁾ Third countries using only raw material either from Member States or from other third countries approved for imports of such raw material to the Union, in accordance with Article 2.

⁽⁴⁾ The former Yugoslav Republic of Macedonia; the definitive nomenclature for this country will be agreed following current negotiations at UN level.

⁽⁵⁾ Not including Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence).

⁽⁶⁾ Only for reindeer from the Murmansk and Yamalo-Nenets regions.'

COMMISSION IMPLEMENTING DECISION

of 12 June 2014

amending Implementing Decision 2012/138/EU as regards the conditions of introduction into and movement within the Union of specified plants to prevent the introduction and the spread of *Anoplophora chinensis* (Forster)

(notified under document C(2014) 3798)

(2014/356/EU)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Decision 2012/138/EU ⁽²⁾ allows the introduction into the Union of plants that have been grown during a period of at least two years prior to export in a place of production established as free from *Anoplophora chinensis* (Forster) (hereinafter: 'the specified organism').
- (2) It appears from information supplied by China that plants which are younger than two years and which have been grown throughout their life, in a place of production established as free from the specified organism, but not situated in a pest free area, do not cause any additional risk of the introduction of that organism. Therefore it is appropriate to also allow the import of such plants.
- (3) It is also appropriate to allow the introduction of such plants from other third countries and to allow movement within the Union.
- (4) Annex I to Implementing Decision 2012/138/EU should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Implementing Decision 2012/138/EU is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 June 2014.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Decision 2012/138/EU of 1 March 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster) (OJ L 64, 3.3.2012, p. 38).

ANNEX

Annex I to Implementing Decision 2012/138/EU is amended as follows:

(1) Section 1 is amended as follows:

(a) in point (b) of paragraph 1 of Part A, the introductory phrase is replaced by the following:

‘(b) that the plants have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years have been grown throughout their life, in a place of production established as free from *Anoplophora chinensis* (Forster) in accordance with International Standards for Phytosanitary Measures’;

(b) in point (b) of paragraph 1 of Part B, the introductory phrase is replaced by the following:

‘(b) that the plants have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years have been grown throughout their life, in a place of production established as free from *Anoplophora chinensis* (Forster) in accordance with International Standards for Phytosanitary Measures’;

(2) the introductory phrase of paragraph 1 of Section 2 is replaced by the following:

‘1. Specified plants originating ⁽¹⁾ in demarcated areas within the Union may be moved within the Union only if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC ⁽²⁾ and have been grown during a period of at least two years prior to movement, or in the case of plants which are younger than two years have been grown throughout their life, in a place of production.’

COMMISSION IMPLEMENTING DECISION**of 13 June 2014**

on the compliance of European standards series EN 957 (parts 2 and 4-10) and EN ISO 20957 (part 1) for stationary training equipment and of ten European standards for gymnastic equipment with the general safety requirement of Directive 2001/95/EC of the European Parliament and of the Council and publication of the references of those standards in the *Official Journal of the European Union*

(Text with EEA relevance)**(2014/357/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) Article 3(1) of Directive 2001/95/EC requires producers to place only safe products on the market.
- (2) Under the second subparagraph of Article 3(2) of Directive 2001/95/EC, a product shall be presumed safe, as far as the risks and risk categories covered by the relevant national standards are concerned, when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Union*, in accordance with Article 4(2) of that Directive.
- (3) Pursuant to Article 4(1) of Directive 2001/95/EC, European standards are established by European standardisation organisations (ESOs) under mandates drawn up by the Commission.
- (4) Pursuant to Article 4(2) of Directive 2001/95/EC, the Commission is to publish the references of such standards.
- (5) On 27 July 2011, the Commission adopted Decision 2011/476/EU on the safety requirements to be met by European standards for stationary training equipment pursuant to Directive 2001/95/EC of the European Parliament and of the Council ⁽²⁾.
- (6) On 5 September 2012, the Commission issued standardisation mandate M/506 to the ESOs for developing European standards for stationary training equipment to address the main risks associated with such equipment following the principle that during normal reasonable and foreseeable conditions of use, risks of injury or damage to health and safety shall be minimised by its design or safeguards. The mandate requested that the following be taken into account: the stability of free-standing equipment, sharp edges and burrs, tube ends, squeeze, shear, rotating and reciprocating points within the accessible area, weights, equipment access and escape, adjustment and locking mechanisms, ropes, belts and chains, wire ropes and pulleys, rope and belt guides, pull-in points, gripping positions, integral, applied and rotating handgrips, electrical safety and the immobilisation unit for locking the power out.
- (7) The European Committee for Standardisation (CEN) adopted a series of European standards (EN 957 parts 2 and 4-10) and a European standard EN ISO 20957 (part 1) for stationary training equipment that fall within the scope of the Commission's mandate.
- (8) European standards series EN 957 parts 2 and 4-10 and a European standard EN ISO 20957 (part 1) for stationary training equipment fulfil the mandate M/506 and comply with the general safety requirement of Directive 2001/95/EC. Their references should accordingly be published in the *Official Journal of the European Union*.
- (9) On 27 July 2011, the Commission adopted Decision 2011/479/EU on the safety requirements to be met by European standards for gymnastic equipment pursuant to Directive 2001/95/EC of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ OJ L 196, 28.7.2011, p. 16.

⁽³⁾ OJ L 197, 29.7.2011, p. 13.

- (10) On 5 September 2012, the Commission issued standardisation mandate M/507 to the ESOs for developing European standards for gymnastic equipment to address the main risks associated with such equipment, namely risks resulting from insufficient load bearing capacity of the equipment, loss of stability of the equipment, the use of electrical energy and operating circuits, applied mechanical or water energy, use of the equipment itself, including falls, cuts, entrapment, suffocation, collisions and overloading of the body, the accessibility of the equipment, including accessibility in case of defects and emergency situations, possible interactions of the equipment and occasional bystanders (e.g. public audience), insufficient maintenance, the assembly, disassembly and handling of the equipment, and exposure to chemical substances.
- (11) The European Committee for Standardisation (CEN) adopted ten European standards for gymnastic equipment that fall within the scope of the Commission's mandate.
- (12) These ten European standards for gymnastic equipment fulfil the mandate M/507 and comply with the general safety requirement of Directive 2001/95/EC. Their references should accordingly be published in the *Official Journal of the European Union*.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

The following European standards meet the general safety requirement of Directive 2001/95/EC for the risks they cover:

- (a) EN ISO 20957-1:2013 'Stationary training equipment — Part 1: General safety requirements and test methods (ISO 20957-1:2013)',
- (b) EN 957-2:2003 'Stationary training equipment — Part 2: Strength training equipment, additional specific safety requirements and test methods',
- (c) EN 957-4:2006+A1:2010 'Stationary training equipment — Part 4: Strength training benches, additional specific safety requirements and test methods',
- (d) EN 957-5:2009 'Stationary training equipment — Part 5: Stationary exercise bicycles and upper body crank training equipment, additional specific safety requirements and test methods',
- (e) EN 957-6:2010 'Stationary training equipment — Part 6: Treadmills, additional specific safety requirements and test methods',
- (f) EN 957-7:1998 'Stationary training equipment — Part 7: Rowing machines, additional specific safety requirements and test methods',
- (g) EN 957-8:1998 'Stationary training equipment — Part 8: Steppers, stairclimbers and climbers — Additional specific safety requirements and test methods',
- (h) EN 957-9:2003 'Stationary training equipment — Part 9: Elliptical trainers, additional specific safety requirements and test methods',
- (i) EN 957-10:2005 'Stationary training equipment — Part 10: Exercise bicycles with a fixed wheel or without free-wheel, additional specific safety requirements and test methods',
- (j) EN 913:2008 'Gymnastic equipment — General safety requirements and test methods',
- (k) EN 914:2008 'Gymnastic equipment — Parallel bars and combination asymmetric/parallel bars — Requirements and test methods including safety',
- (l) EN 915:2008 'Gymnastic equipment — Asymmetric bars — Requirements and test methods including safety',
- (m) EN 916:2003 'Gymnastic equipment — Vaulting boxes — Requirements and test methods including safety',

- (n) EN 12196:2003 'Gymnastic equipment — Horses and bucks — Functional and safety requirements, test methods',
- (o) EN 12197:1997 'Gymnastic equipment — Horizontal bars — Safety requirements and test methods',
- (p) EN 12346:1998 'Gymnastic equipment — Wall bars, lattice ladders and climbing frames — Safety requirements and test methods',
- (q) EN 12432:1998 'Gymnastic equipment — Balancing beams — Functional and safety requirements, test methods',
- (r) EN 12655:1998 'Gymnastic equipment — Hanging rings — Functional and safety requirements, test methods',
- (s) EN 13219:2008 'Gymnastic equipment — Trampolines — Functional and safety requirements, test methods'.

Article 2

The references of standards EN ISO 20957-1:2013, EN 957-2:2003, EN 957-4:2006+A1:2010, EN 957-5:2009, EN 957-6:2010, EN 957-7:1998, EN 957-8:1998, EN 957-9:2003, EN 957-10:2005, EN 913:2008, EN 914:2008, EN 915:2008, EN 916:2003, EN 12196:2003, EN 12197:1997, EN 12346:1998, EN 12432:1998, EN 12655:1998 and EN 13219:2008 shall be published in part C of the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 13 June 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION**of 13 June 2014**

on the compliance of European standard EN 16281:2013 for consumer fitted child resistant locking devices for windows and balcony doors with the general safety requirement of Directive 2001/95/EC of the European Parliament and of the Council and publication of the reference of that standard in the *Official Journal of the European Union*

(Text with EEA relevance)

(2014/358/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular the first subparagraph of Article 4(2) thereof,

Whereas:

- (1) Article 3(1) of Directive 2001/95/EC requires producers to place only safe products on the market.
- (2) Under the second subparagraph of Article 3(2) of Directive 2001/95/EC, a product shall be presumed safe, as far as the risks and risk categories covered by the relevant national standards are concerned, when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Union*, in accordance with Article 4(2) of that Directive.
- (3) Pursuant to Article 4(1) of Directive 2001/95/EC, European standards are established by European standardisation organisations (ESOs) under mandates drawn up by the Commission.
- (4) Pursuant to Article 4(2) of Directive 2001/95/EC, the Commission is to publish the references of such standards.
- (5) On 7 January 2010, the Commission adopted Decision 2010/11/EU on the safety requirements to be met by European standards for consumer-mounted childproof locking devices for windows and balcony doors pursuant to Directive 2001/95/EC ⁽²⁾.
- (6) On 10 May 2010, the Commission issued mandate M/465 to the ESOs for drawing up a European standard for consumer fitted child resistant locking devices for windows and balcony doors in order to address the risk of choking due to small parts, the risk of any physical injury due to sharp edges and projecting parts and the risk of entrapment of fingers. Furthermore, the mandate requested that suitable tests be identified for the child-resistance of the locks, to ensure their structural integrity throughout the expected lifetime as well as to ensure their resistance to ageing and exposure to weather conditions.
- (7) The European Committee for Standardisation (CEN) adopted the European standard EN 16281:2013 for consumer fitted child resistant locking devices for windows and balcony doors in response to the Commission's mandate.
- (8) European standard EN 16281:2013 fulfils the mandate M/465 and complies with the general safety requirement of Directive 2001/95/EC. Its reference should accordingly be published in the *Official Journal of the European Union*.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Directive 2001/95/EC,

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.⁽²⁾ OJ L 4, 8.1.2010, p. 91.

HAS ADOPTED THIS DECISION:

Article 1

The European standard EN 16281:2013 'Child protective products — Consumer fitted child resistant locking devices for windows and balcony doors — Safety requirements and test methods' meets the general safety requirement of Directive 2001/95/EC for the risks it covers.

Article 2

The reference of standard EN 16281:2013 shall be published in part C of the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 13 June 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION**of 13 June 2014**

on the compliance of European standards EN 15649-1:2009+A2:2013 and EN 15649-6:2009+A1:2013 for floating leisure articles for use on and in the water with the general safety requirement of Directive 2001/95/EC of the European Parliament and of the Council and publication of the references of those standards in the *Official Journal of the European Union*

(Text with EEA relevance)**(2014/359/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular the first subparagraph of Article 4(2) thereof,

Whereas:

- (1) Article 3(1) of Directive 2001/95/EC requires producers to place only safe products on the market.
- (2) Under the second subparagraph of Article 3(2) of Directive 2001/95/EC, a product shall be presumed safe, as far as the risks and risk categories covered by the relevant national standards are concerned, when it conforms to voluntary national standards transposing European standards, the references of which have been published by the Commission in the *Official Journal of the European Union*, in accordance with Article 4(2) of that Directive.
- (3) Pursuant to Article 4(1) of Directive 2001/95/EC, European standards are established by European standardisation organisations (ESOs) under mandates drawn up by the Commission.
- (4) Pursuant to Article 4(2) of Directive 2001/95/EC, the Commission is to publish the references of such standards.
- (5) On 21 April 2005, the Commission adopted Decision 2005/323/EC on the safety requirements to be met by the European standards for floating leisure articles for use on or in the water pursuant to Directive 2001/95/EC of the European Parliament and of the Council ⁽²⁾.
- (6) On 6 September 2005, the Commission issued mandate M/372 to the ESOs for drawing up European standards to address the main risks associated with floating leisure articles for use on and in the water, namely drowning and near-drowning accidents as well as other risks related to the product design, such as drifting away, losing hold, falling from high height, entrapment or entanglement above or below the water surface, sudden loss of buoyancy, capsizing, cold shock, as well as the risks inherent to their use, such as collision and impact, and risks linked to winds, currents and tides.
- (7) The European Committee for Standardisation (CEN) adopted a series of European standards (EN 15649 parts 1–7) for floating leisure articles in response to the Commission's mandate; on 18 July 2013 the Commission adopted Implementing Decision 2013/390/EU ⁽³⁾ stating that European standards EN 15649 (parts 1–7) for floating leisure articles meet the general safety requirement of Directive 2001/95/EC for the risks they cover, and published their references in part C of the *Official Journal of the European Union*.
- (8) Since then CEN has revised the following European standards for floating leisure articles for use on and in the water: EN 15649-1:2009+A2:2013 and EN 15649-6:2009+A1:2013.
- (9) European standards EN 15649-1:2009+A2:2013 and EN 15649-6:2009+A1:2013 fulfil the mandate M/372 and comply with the general safety requirement of Directive 2001/95/EC. Their references should accordingly be published in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.⁽²⁾ OJ L 104, 23.4.2005, p. 39.⁽³⁾ OJ L 196, 19.7.2013, p. 22.

- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

The following European standards meet the general safety requirement of Directive 2001/95/EC for the risks they cover:

- (a) EN 15649-1:2009+A2:2013 'Floating leisure articles for use on and in the water — Part 1: Classification, materials, general requirements and test methods';
- (b) EN 15649-6:2009+A1:2013 'Floating leisure articles for use on and in the water — Part 6: Additional specific safety requirements and test methods for Class D devices'.

Article 2

The references of standards EN 15649-1:2009+A2:2013 and EN 15649-6:2009+A1:2013 shall be published in part C of the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 13 June 2014.

For the Commission
The President
José Manuel BARROSO

DECISION OF THE EUROPEAN CENTRAL BANK
of 14 April 2014
concerning the establishment of an Administrative Board of Review and its Operating Rules
(ECB/2014/16)
(2014/360/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 24 thereof,

Whereas:

- (1) Pursuant to Article 24(1) of Regulation (EU) No 1024/2013, the Administrative Board of Review carries out an internal administrative review of the decisions taken by the European Central Bank (ECB) in the exercise of the powers conferred upon it under Regulation (EU) No 1024/2013 after a request for review submitted in accordance with Article 24(5).
- (2) Pursuant to Article 24(10) of Regulation (EU) No 1024/2013, the ECB will adopt the Operating Rules of the Administrative Board of Review, which will be made public.
- (3) Pursuant to Article 24(11) of Regulation (EU) No 1024/2013, the establishment of the Administrative Board of Review is without prejudice to the right to bring proceedings before the Court of Justice of the European Union in accordance with the Treaties.
- (4) A review by the Administrative Board of Review is an optional review for persons to whom a decision of the ECB under Regulation (EU) No 1024/2013 is addressed, or to whom such decision is of direct and individual concern, before bringing proceedings before the Court of Justice,

HAS ADOPTED THIS DECISION:

PRELIMINARY CHAPTER

Article 1

Supplementary nature

This Decision shall supplement the Rules of Procedure of the European Central Bank. The terms used in this Decision shall have the same meaning as the terms defined in the Rules of Procedure of the European Central Bank.

CHAPTER I

THE ADMINISTRATIVE BOARD OF REVIEW

Article 2

Establishment

The Administrative Board of Review (hereinafter the 'Administrative Board') is hereby established.

Article 3

Composition

1. The Administrative Board shall be composed of five members who shall be replaced by two alternates under the conditions laid down in paragraph 3.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

2. The members of the Administrative Board and the two alternates shall be individuals of high repute who are Member State nationals and have a proven record of relevant knowledge and professional experience, including supervisory experience, to a sufficiently high level in the fields of banking or other financial services. They may not be current staff members of the ECB, of national competent authorities or other national or Union institutions, bodies, offices and agencies that are involved in the tasks carried out by the ECB under Regulation (EU) No 1024/2013.

3. The two alternates shall temporarily replace the members of the Administrative Board in case of temporary incapacity, death, resignation or removal from office or if, in the context of a particular request for review, there are justified reasons for serious concern as to the existence of a conflict of interest. A conflict of interest arises where a member of the Administrative Board has a private or personal interest which may influence, or appear to influence, the impartial and objective performance of their duties.

Article 4

Appointment

1. The members of the Administrative Board and the two alternates shall be appointed by the Governing Council ensuring, to the extent possible, an appropriate geographical and gender balance across the Member States.

2. Following a public call for expressions of interest published in the *Official Journal of the European Union*, the Executive Board, after hearing the Supervisory Board, shall submit nominations for the members of the Administrative Board and the two alternates to the Governing Council no later than one month before the start of the Governing Council meeting at which the decision regarding the appointment shall be adopted.

3. The term of office of the members of the Administrative Board and of the two alternates shall be five years, renewable once.

4. The members of the Administrative Board and the two alternates shall act independently and in the public interest. They shall not be subject to any instructions and shall make a public declaration of commitments and a public declaration of interests indicating any direct or indirect interest which might be considered prejudicial to their independence or the absence of any such interest.

5. The terms and conditions of appointment of the members of the Administrative Board and the two alternates shall be laid down by the Governing Council.

Article 5

Chair and Vice-Chair

1. The Administrative Board shall designate its Chair and its Vice-Chair.

2. The Chair shall ensure the functioning of the Administrative Board, the efficient examination of reviews and adherence to the Operating Rules.

3. The Vice-Chair shall assist the Chair in the performance of their duties and shall take their place when the latter is prevented from acting or at the request of the Chair, to ensure the functioning of the Administrative Board.

Article 6

Secretary of the Administrative Board

1. The Secretary of the Supervisory Board shall act as Secretary of the Administrative Board (hereinafter the 'Secretary').

2. The Secretary shall be responsible for preparing the efficient examination of reviews, organising the Administrative Board's pre-hearings and hearings, drafting the respective proceedings, maintaining a register of reviews and otherwise providing assistance in relation to the reviews.

3. The ECB shall provide the Administrative Board with appropriate support including legal expertise to assist in the assessment of the exercise of the powers of the ECB under Regulation (EU) No 1024/2013.

CHAPTER II

REQUEST FOR REVIEW*Article 7***Notice of review**

1. Any natural or legal person to whom a decision of the ECB under Regulation (EU) No 1024/2013 is addressed, or to whom such decision is of direct and individual concern, who wishes to request an internal administrative review (hereinafter the 'applicant') shall do so by filing a written notice of review with the Secretary, identifying the contested decision. The notice of review shall be submitted in one of the official languages of the Union.
2. The Secretary shall confirm receipt of the notice of review to the applicant without delay.
3. The notice of review shall be filed within one month of the notification of the decision to the applicant or, in the absence of such notification, of the day on which it came to the applicant's knowledge.
4. The contested decision shall be annexed to the notice of review, which shall: (a) state the grounds on which it is based; (b) if an application is made for the review to have suspensory effect, state the grounds of such application; (c) have attached to it copies of any documents on which the applicant intends to rely; and (d) if the notice of review exceeds 10 pages, include a summary of items (a) to (c).
5. The notice of review shall clearly indicate the applicant's full contact details so that the Secretary may send communications to the applicant or its representative as the case may be. The Secretary shall send a confirmation of receipt to the applicant stating whether the notice of review is complete.
6. The applicant may at any time withdraw a notice of review by giving notice of withdrawal to the Secretary.
7. Once filed with the Secretary, the notice of review, together with the attached documents, shall be transmitted internally without delay to allow the ECB to be represented in the proceedings.

*Article 8***Rapporteur**

On receipt of a notice of review, the Chair shall designate a rapporteur for the review from the members of the Administrative Board, including the Chair. In designating the rapporteur, the Chair shall take into account the specific expertise of each member of the Administrative Board.

*Article 9***Suspensory effect**

1. Submission of the notice of review shall not have suspensory effect on the application of the contested decision, subject to paragraph 2.
2. Without prejudice to paragraph 1, the Governing Council, upon a proposal by the Administrative Board, may decide to suspend the application of the contested decision provided the request for review is admissible and not obviously unfounded and it considers that the immediate application of the contested decision may cause irreparable damage. The Governing Council shall take such decision to suspend the application of the contested decision after having heard the opinion of the Supervisory Board as appropriate.
3. The procedures laid down in these Operating Rules, including those set out in Articles 12 and 14 in respect of directions and hearings, shall apply as necessary to the determination of any question of suspension.

CHAPTER III

REVIEW*Article 10***Scope of the review of the Administrative Board**

1. In accordance with Article 24(1) of Regulation (EU) No 1024/2013, the scope of the internal administrative review shall cover the relevant decision's procedural and substantive conformity with Regulation (EU) No 1024/2013.
2. The Administrative Board's review shall be limited to examination of the grounds relied on by the applicant as set out in the notice of review.

*Article 11***Admissibility of the request for review**

1. The Administrative Board shall determine whether and to what extent the request for review is admissible before examining whether it is legally founded. If the Administrative Board deems the request for review inadmissible wholly or in part, this assessment shall be recorded in the Administrative Board's opinion pursuant to Article 17.
2. A notice of review filed in respect of a new decision of the Governing Council as referred to in Article 24(7) of Regulation (EU) No 1024/2013 shall not be admissible.

*Article 12***Directions**

The Chair, on behalf of the Administrative Board, may give directions for the efficient conduct of the review, including directions to produce documents or provide information. The Secretary shall send such directions to the relevant parties. The Chair may consult with the other members for such purposes.

*Article 13***Failure to comply**

1. Where the applicant has, without reasonable justification, failed to comply with a direction of the Administrative Board or a provision of these Operating Rules, the Administrative Board may order it to pay any costs of the proceedings arising from the delay.
2. Before issuing an order in accordance with paragraph 1, the Administrative Board shall give notice to the applicant, to provide it with the opportunity to make representations against the issuance of such an order.

*Article 14***Hearing**

1. The Administrative Board may call for an oral hearing where it considers this necessary for the fair evaluation of the review. Both the applicant and the ECB shall be requested to make oral representations at such hearing.
2. The Chair shall give directions as to the order, form and date of the hearing.
3. The hearing shall take place at the ECB's premises. The Secretary shall be present. The hearing shall not be open to third parties.
4. In exceptional cases, the Chair may adjourn the hearing on the application of the applicant or of the ECB, or on its own initiative.
5. Where the party has been notified of an oral hearing and fails to appear, the Administrative Board may proceed in their absence.

*Article 15***Evidence**

1. The applicant may request the Administrative Board's permission to adduce, in the form of a written statement, witness or expert evidence.
2. The applicant may request the Administrative Board's permission to call a witness or expert who has given a written statement to give oral evidence at the hearing. Also the ECB may request the Administrative Board's permission to call a witness or expert to give oral evidence at the hearing.
3. Permission shall only be given if the Administrative Board considers it necessary for the just determination of the review.
4. Witnesses or experts shall be examined by the Administrative Board. Such evidence shall be served within the time permitted. The applicant shall have the right to cross-examine witnesses or experts called on by the ECB where this is necessary for the just determination of the review.

CHAPTER IV

DECISION-MAKING PROCESS*Article 16***Opinion on the review**

1. The Administrative Board shall, within a time period appropriate to the urgency of the matter and not later than two months from the date of receipt of the notice of review, adopt an opinion on the review.
2. The opinion shall propose whether the initial decision should be either abrogated, replaced with a decision of identical content or replaced with an amended one. In the latter case, the opinion shall contain proposals for the necessary amendments.
3. The opinion shall be adopted by a majority of at least three members of the Administrative Board.
4. The opinion shall be in writing and contain reasons, and shall be sent to the Supervisory Board without delay.
5. The opinion shall not be binding on the Supervisory Board or the Governing Council.

*Article 17***Preparation of a new draft decision**

1. The Supervisory Board shall assess the Administrative Board's opinion and propose a new draft decision to the Governing Council. The Supervisory Board's assessment shall not be limited to examination of the grounds relied upon by the applicant as set forth in the notice of review, but may also take other elements into account in its proposal for a new draft decision.
2. The Supervisory Board's new draft decision replacing the initial decision with a decision of identical content shall be submitted to the Governing Council within 10 working days of receipt of the Administrative Board's opinion. A new draft decision by the Supervisory Board abrogating or amending the initial decision shall be submitted to the Governing Council within 20 working days of receipt of the Administrative Board's opinion.

*Article 18***Notification**

The Administrative Board's opinion, the new draft decision submitted by the Supervisory Board and the new decision adopted by the Governing Council shall be notified to the parties by the Secretary of the Governing Council including the relevant reasoning.

CHAPTER V

RECOURSE TO THE COURT*Article 19***Recourse to the Court of Justice**

This Decision is without prejudice to the right to bring proceedings before the Court of Justice in accordance with the Treaties.

CHAPTER VI

GENERAL PROVISIONS*Article 20***Access to files**

1. The rights of defence of the applicant shall be fully respected. For this purpose, and after the applicant has filed a written notice of review, the applicant shall be entitled to have access to the ECB's file, subject to the legitimate interest of legal and natural persons other than the applicant, in the protection of their business secrets.
2. The files consist of all documents obtained, produced or assembled by the ECB during the ECB supervisory procedure, irrespective of the storage medium.
3. The right of access to the file shall not extend to confidential information.
4. For the purposes of this Article, confidential information may include internal documents of the ECB or a national competent authority and correspondence between the ECB and a national competent authority or between national competent authorities.
5. Nothing in this Article shall prevent the ECB from disclosing and using information necessary to prove an infringement.
6. The ECB may determine that access to a file shall be granted in one or more of the following ways, taking due account of the technical capabilities of the parties: (a) by means of CD-ROM(s) or any other electronic data storage device including any that may become available in future; (b) through copies of the accessible file in paper form sent to them by mail; (c) by inviting them to examine the accessible file in the offices of the ECB.

*Article 21***Costs orders**

1. The costs of the review shall comprise the reasonable costs incurred for the review.
2. After notification of the new decision by the Governing Council or after the applicant has withdrawn the notice of review, the Supervisory Board shall propose the proportion of costs to be borne by the applicant. The applicant shall be entitled to make representations in this regard.
3. Any disproportionate costs incurred by the applicant in submitting written or oral evidence and in respect of legal representation shall be borne by the applicant.
4. No cost shall be borne by the applicant in cases in which the Governing Council abrogates or amends the initial decision as a consequence of the notice of review. This shall not apply to any disproportionate costs incurred by the applicant in submitting written or oral evidence and in respect of legal representation, which shall be borne by the applicant.
5. The Governing Council shall decide on the apportionment of costs in accordance with the procedure laid down in Article 13g.2 of the Rules of Procedure of the European Central Bank.
6. Costs, if ordered, must be paid within 20 working days.

*Article 22***Confidentiality and professional secrecy**

1. The members of the Administrative Board and the alternates shall be subject to the professional secrecy requirements laid down in Article 37 of the Statute of the European System of Central Banks and of the European Central Bank even after their duties have ceased.
2. The proceedings of the Administrative Board shall be confidential unless the Governing Council authorises the President of the ECB to make the outcome of such proceedings public.
3. Documents drawn up or held by the Administrative Board shall be ECB documents and shall therefore be classified and handled in accordance with Article 23.3 of the Rules of Procedure of the European Central Bank ⁽¹⁾.

*Article 23***Supplementary rules**

1. The Administrative Board may adopt supplementary rules to regulate its proceedings and activities.
2. The Administrative Board may issue forms and guides.
3. Supplementary rules, forms and guides adopted by the Administrative Board shall be reported to the Supervisory Board and published on the ECB's website.

*Article 24***Entry into force**

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

Done at Frankfurt am Main, 14 April 2014.

The President of the ECB
Mario DRAGHI

⁽¹⁾ OJ L 80, 18.3.2004, p. 33.

