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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 8 October 2014

on the signing, on behalf of the European Union and its Member States, of the Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part, to take account of the accession of the Republic of Croatia to the European Union

(2014/717/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(5) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 6 (2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia ('the Act of Accession'), the accession of the Republic of Croatia to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part ('the Agreement') is to be agreed by the conclusion of a protocol to the Agreement ('the Protocol'). In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such an accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned. The negotiations were successfully concluded with the Socialist Republic of Vietnam by the initialling of the Protocol on 21 May 2014.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the European Union and its Member States of the Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised, subject to the conclusion of the Protocol.

The text of the Protocol will be published together with the Decision on its conclusion.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

Article 3

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

Done at Luxembourg, 8 October 2014.

For the Council
The President
M. LUPI

COUNCIL DECISION**of 8 October 2014**

on the signing, on behalf of the European Union and its Member States, of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part, to take account of the accession of the Republic of Croatia to the European Union

(2014/718/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 207 and 209, in conjunction with Article 218(5) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 6 (2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia ('the Act of Accession'), the accession of the Republic of Croatia to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part ('the Agreement') is to be agreed by the conclusion of a protocol to the Agreement ('the Protocol'). In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such an accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned. The negotiations with the Republic of the Philippines were successfully concluded by the initialling of the Protocol on 16 January 2014.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union and its Member States of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised, subject to the conclusion of the Protocol.

The text of the Protocol will be published together with the decision on its conclusion.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union and its Member States.

Article 3

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

Done at Luxembourg, 8 October 2014.

For the Council
The President
M. LUPI

REGULATIONS

COMMISSION REGULATION (EU) No 1096/2014

of 15 October 2014

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for carbaryl, procymidone and profenofos in or on certain products

(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a), Article 16(1)(d), Article 18(1)(b) and Article 49(2) thereof,

Whereas:

- (1) For carbaryl, procymidone and profenofos maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.
- (2) As regards the three substances, Regulation (EC) No 396/2005, as amended by Commission Regulation (EU) No 899/2012 ⁽²⁾, establishes temporary MRLs for fresh herbs and herbal infusions, pending the submission of monitoring data on the occurrence of those substances in the concerned products. Such data was submitted by the European Herbal Infusions Association (EHIA) to the Commission, which shows that residues of those substances no longer occur in those products, except for profenofos in fresh herbs and rose petals. It is therefore appropriate to extend the validity of the temporary MRLs for profenofos in fresh herbs and rose petals, pending the submission of further monitoring data, and to lower the temporary MRLs for all other pesticide and product combinations, within the groups of fresh herbs and herbal infusions, to the relevant LODs.
- (3) Taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (4) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.
- (5) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (6) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been lawfully produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EU) No 899/2012 of 21 September 2012 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acephate, alachlor, anilazine, azocyclotin, benfuracarb, butylate, captafol, carbaryl, carbofuran, carbosulfan, chlorfenapyr, chlorthal-dimethyl, chlorthiamid, cyhexatin, diazinon, dichlobenil, dicofol, dimethipin, diniconazole, disulfoton, fenitrothion, flufenzin, furathiocarb, hexaconazole, lactofen, mepronil, methamidophos, methoprene, monocrotophos, monuron, oxycarboxin, oxydemeton-methyl, parathion-methyl, phorate, phosalone, procymidone, profenofos, propachlor, quinclorac, quintozone, tolylfluamid, trichlorfon, tridemorph and trifluralin in or on certain products and amending that Regulation by establishing Annex V listing default values (OJ L 273, 6.10.2012, p. 1).

- (7) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (8) 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

Annexes II, III and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were lawfully produced before 7 May 2015.

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 7 May 2015.

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

Done at Brussels, 15 October 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annexes II, III and V to Regulation (EC) No 396/2005 are amended as follows:

(1) Annex II is amended as follows:

(a) the columns for carbaryl and profenofos are replaced by the following:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0100000	1. FRUIT FRESH OR FROZEN NUTS		
0110000	(i) Citrus fruit	0,01 (*)	0,01 (*)
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)		
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)		
0110030	Lemons (Citron, lemon, Buddha's hand (<i>Citrus medica</i> var. <i>sarcodactylis</i>))		
0110040	Limes		
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids tangor (<i>Citrus reticulata</i> × <i>sinensis</i>))		
0110990	Others		
0120000	(ii) Tree nuts	0,02 (*)	0,02 (*)
0120010	Almonds		
0120020	Brazil nuts		
0120030	Cashew nuts		
0120040	Chestnuts		
0120050	Coconuts		
0120060	Hazelnuts (Filbert)		
0120070	Macadamia		
0120080	Pecans		
0120090	Pine nuts		
0120100	Pistachios		
0120110	Walnuts		
0120990	Others		
0130000	(iii) Pome fruit	0,01 (*)	0,01 (*)
0130010	Apples (Crab apple)		

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0130020	Pears (Oriental pear)		
0130030	Quinces		
0130040	Medlar	(**)	(**)
0130050	Loquat	(**)	(**)
0130990	Others		
0140000	(iv) Stone fruit	0,01 (*)	0,01 (*)
0140010	Apricots		
0140020	Cherries (Sweet cherries, sour cherries)		
0140030	Peaches (Nectarines and similar hybrids)		
0140040	Plums (Damson, greengage, mirabelle, sloe, red date/Chinese date/ Chinese jujube (<i>Ziziphus zizyphus</i>))		
0140990	Others		
0150000	(v) Berries & small fruit	0,01 (*)	0,01 (*)
0151000	(a) <i>Table and wine grapes</i>		
0151010	Table grapes		
0151020	Wine grapes		
0152000	(b) <i>Strawberries</i>		
0153000	(c) <i>Cane fruit</i>		
0153010	Blackberries		
0153020	Dewberries (Loganberries, tayberries, boysenberries, cloudberrries and other <i>Rubus</i> hybrids)		
0153030	Raspberries (Wineberries, arctic bramble/raspberry, (<i>Rubus arcticus</i>), nectar raspberries (<i>Rubus arcticus</i> × <i>Rubus idaeus</i>))		
0153990	Others		
0154000	(d) <i>Other small fruit & berries</i>		
0154010	Blueberries (Bilberries)		
0154020	Cranberries (Cowberries/red bilberries (<i>V. vitis-idaea</i>))		
0154030	Currants (red, black and white)		
0154040	Gooseberries (Including hybrids with other <i>Ribes</i> species)		
0154050	Rose hips	(**)	(**)
0154060	Mulberries (Arbutus berry)	(**)	(**)
0154070	Azarole (mediteranean medlar) (Kiwiberry (<i>Actinidia arguta</i>))	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0154080	Elderberries (Black chokeberry/appleberry, mountain ash, buckthorn/sea sawallowthorn, hawthorn, serviceberries, and other treeberries)	(**)	(**)
0154990	Others		
0160000	(vi) Miscellaneous fruit	0,01 (*)	
0161000	(a) <i>Edible peel</i>		0,01 (*)
0161010	Dates		
0161020	Figs		
0161030	Table olives		
0161040	Kumquats (Marumi kumquats, nagami kumquats, limequats (<i>Citrus aurantifolia</i> × <i>Fortunella</i> spp.))		
0161050	Carambola (Bilimbi)	(**)	(**)
0161060	Persimmon	(**)	(**)
0161070	Jambolan (java plum) (Java apple/water apple, pommerac, rose apple, Brazilian cherry, Surinam cherry/grumichama (<i>Eugenia uniflora</i>))	(**)	(**)
0161990	Others		
0162000	(b) <i>Inedible peel, small</i>		0,01 (*)
0162010	Kiwi		
0162020	Lychee (Litchi) (Pulasan, rambutan/hairy litchi, longan, mangosteen, langsung, salak)		
0162030	Passion fruit		
0162040	Prickly pear (cactus fruit)	(**)	(**)
0162050	Star apple	(**)	(**)
0162060	American persimmon (Virginia kaki) (Black sapote, white sapote, green sapote, canistel/yellow sapote, mammey sapote)	(**)	(**)
0162990	Others		
0163000	(c) <i>Inedible peel, large</i>		
0163010	Avocados		0,01 (*)
0163020	Bananas (Dwarf banana, plantain, apple banana)		0,01 (*)
0163030	Mangoes		0,2
0163040	Papaya		0,01 (*)
0163050	Pomegranate		0,01 (*)
0163060	Cherimoya (Custard apple, sugar apple/sweetsop, ilama (<i>Annona diversifolia</i>) and other medium sized <i>Annonaceae</i> fruits)	(**)	(**)
0163070	Guava (Red pitaya/dragon fruit (<i>Hylocereus undatus</i>))	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0163080	Pineapples		0,01 (*)
0163090	Bread fruit (Jackfruit)	(**)	(**)
0163100	Durian	(**)	(**)
0163110	Soursop (guanabana)	(**)	(**)
0163990	Others		0,01 (*)
0200000	2. VEGETABLES FRESH OR FROZEN		
0210000	(i) Root and tuber vegetables		0,01 (*)
0211000	(a) <i>Potatoes</i>	0,01 (*)	
0212000	(b) <i>Tropical root and tuber vegetables</i>		
0212010	Cassava (Dasheen, eddoe/Japanese taro, tannia)	0,01 (*)	
0212020	Sweet potatoes	0,02	
0212030	Yams (Potato bean/yam bean, Mexican yam bean)	0,01 (*)	
0212040	Arrowroot	(**)	(**)
0212990	Others	0,01 (*)	
0213000	(c) <i>Other root and tuber vegetables except sugar beet</i>	0,01 (*)	
0213010	Beetroot		
0213020	Carrots		
0213030	Celeriac		
0213040	Horseradish (Angelica roots, lovage roots, gentiana roots)		
0213050	Jerusalem artichokes (Crosne)		
0213060	Parsnips		
0213070	Parsley root		
0213080	Radishes (Black radish, Japanese radish, small radish and similar varieties, tiger nut (<i>Cyperus esculentus</i>))		
0213090	Salsify (Scorzonera, Spanish salsify/Spanish oysterplant, edible burdock)		
0213100	Swedes		
0213110	Turnips		
0213990	Others		
0220000	(ii) Bulb vegetables	0,02 (*)	0,02 (*)
0220010	Garlic		

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0220020	Onions (Other bulb onions, silverskin onions)		
0220030	Shallots		
0220040	Spring onions and welsh onions (Other green onions and similar varieties)		
0220990	Others		
0230000	(iii) Fruiting vegetables	0,01 (*)	
0231000	(a) Solanacea		
0231010	Tomatoes (Cherry tomatoes, <i>Physalis</i> spp., gojiberry, wolfberry (<i>Lycium barbarum</i> and <i>L. chinense</i>), tree tomato)		10
0231020	Peppers (Chilli peppers)		0,01 (*) (+)
0231030	Aubergines (egg plants) (Pepino, antroewa/white eggplant (<i>S. macrocarpon</i>))		0,01 (*)
0231040	Okra (lady's fingers)		0,01 (*)
0231990	Others		0,01 (*)
0232000	(b) Cucurbits — <i>edible peel</i>		0,01 (*)
0232010	Cucumbers		
0232020	Gherkins		
0232030	Courgettes (Summer squash, marrow (patisson), lauki (<i>Lagenaria siceraria</i>), chayote, sopropo/bitter melon, snake gourd, angled luffa/teroi)		
0232990	Others		
0233000	(c) Cucurbits-inedible peel		0,01 (*)
0233010	Melons (Kiwano)		
0233020	Pumpkins (Winter squash, marrow (late variety))		
0233030	Watermelons		
0233990	Others		
0234000	(d) Sweet corn (Baby corn)		0,01 (*)
0239000	(e) Other fruiting vegetables		0,01 (*)
0240000	(iv) Brassica vegetables	0,01 (*)	0,01 (*)
0241000	(a) Flowering brassica		
0241010	Broccoli (Calabrese, Broccoli raab, Chinese broccoli)		
0241020	Cauliflower		
0241990	Others		

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0242000	(b) <i>Head brassica</i>		
0242010	Brussels sprouts		
0242020	Head cabbage (Pointed head cabbage, red cabbage, savoy cabbage, white cabbage)		
0242990	Others		
0243000	(c) <i>Leafy brassica</i>		
0243010	Chinese cabbage (Indian or Chinese) mustard, pak choi, Chinese flat cabbage/ai goo choi, choi sum, Peking cabbage/pe-tsai)		
0243020	Kale (Borecole/curly kale, collards, Portuguese Kale, Portuguese cabbage, cow cabbage)		
0243990	Others		
0244000	(d) <i>Kohlrabi</i>		
0250000	(v) Leaf vegetables & fresh herbs		
0251000	(a) <i>Lettuce and other salad plants including Brassicacea</i>	0,01 (*)	0,01 (*)
0251010	Lamb's lettuce (Italian corn salad)		
0251020	Lettuce (Head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce)		
0251030	Scarole (broad-leaf endive) (Wild chicory, red-leaved chicory, radicchio, curly leaf endive, sugar loaf (<i>C. endivia</i> var. <i>crispum</i> / <i>C. intybus</i> var. <i>foliosum</i>), dandelion greens)		
0251040	Cress (Mung bean sprouts, alfalfa sprouts)		
0251050	Land cress	(**)	(**)
0251060	Rocket, Rucola (Wild rocket (<i>Diplotaxis</i> spp.))		
0251070	Red mustard	(**)	(**)
0251080	Leaves and sprouts of <i>Brassica</i> spp, including turnip greens (Mizuna, leaves of peas and radish and other babyleaf crops, including brassica crops (crops harvested up to 8 true leaf stage), kohlrabi leaves)		
0251990	Others		
0252000	(b) <i>Spinach & similar (leaves)</i>	0,01 (*)	0,01 (*)
0252010	Spinach (New Zealand spinach, amaranthus spinach (pak-khom, tampara), tajar leaves, bitterblad/bitawiri)		
0252020	Purslane (Winter purslane/miner's lettuce, garden purslane, common purslane, sorrel, glassworth, agretti (<i>Salsola soda</i>))	(**)	(**)
0252030	Beet leaves (chard) (Leaves of beetroot)		
0252990	Others		

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0253000	(c) <i>Vine leaves (grape leaves) (Malabar nightshade, banana leaves, climbing wattle (Acacia pennata))</i>	(**)	(**)
0254000	(d) <i>Water cress (Morning glory/Chinese convolvulus/water convolvulus/water spinach/kangkung (Ipomea aquatica), water clover, water mimosa)</i>	0,01 (*)	0,01 (*)
0255000	(e) <i>Witloof</i>	0,01 (*)	0,01 (*)
0256000	(f) <i>Herbs</i>	0,02 (*)	0,05 (+)
0256010	Chervil	(**)	(**)
0256020	Chives		
0256030	Celery leaves (Fennel leaves, coriander leaves, dill leaves, caraway leaves, lovage, angelica, sweet cicely and other <i>Apiacea</i> leaves, culantro/stinking/long coriander/stink weed (<i>Eryngium foetidum</i>))		
0256040	Parsley (leaves of root parsley)		
0256050	Sage (Winter savory, summer savory, <i>Borago officinalis</i> leaves)		
0256060	Rosemary		
0256070	Thyme (Marjoram, oregano)		
0256080	Basil (Balm leaves, mint, peppermint, holy basil, sweet basil, hairy basil, edible flowers (marigold flower and others), pennywort, wild betel leaf, curry leaves)		
0256090	Bay leaves (laurel) (Lemon grass)		
0256100	Tarragon (Hyssop)		
0256990	Others		
0260000	(vi) Legume vegetables (fresh)	0,01 (*)	0,01 (*)
0260010	Beans (with pods) (Green bean/French beans/snap beans, scarlet runner bean, slicing bean, yard long beans, guar beans, soya beans)	(**)	(**)
0260020	Beans (without pods) (Broad beans, flageolets, jack bean, lima bean, cowpea)		
0260030	Peas (with pods) (Mangetout/sugar peas/snow peas)		
0260040	Peas (without pods) (Garden pea, green pea, chickpea)		
0260050	Lentils		
0260990	Others		
0270000	(vii) Stem vegetables (fresh)	0,01 (*)	0,01 (*)
0270010	Asparagus	(**)	(**)
0270020	Cardoons (<i>Borago officinalis</i> stems)		
0270030	Celery		
0270040	Fennel		

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0270050	Globe artichokes (Banana flower)		
0270060	Leek		
0270070	Rhubarb		
0270080	Bamboo shoots	(**)	(**)
0270090	Palm hearts	(**)	(**)
0270990	Others		
0280000	(viii) Fungi	0,01 (*)	0,01 (*)
0280010	Cultivated fungi (Common mushroom, oyster mushroom, shiitake, <i>fungus mycelium</i> (vegetative parts))		
0280020	Wild fungi (Chanterelle, truffle, morel, cep)		
0280990	Others		
0290000	(ix) Sea weeds	(**)	(**)
0300000	3. PULSES, DRY	0,05 (*)	0,01 (*)
0300010	Beans (Broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas)		
0300020	Lentils		
0300030	Peas (Chickpeas, field peas, chickling vetch)		
0300040	Lupins		
0300990	Others		
0400000	4. OILSEEDS AND OILFRUITS		
0401000	(i) Oilseeds	0,05 (*)	
0401010	Linseed		0,02 (*)
0401020	Peanuts		0,02 (*)
0401030	Poppy seed		0,02 (*)
0401040	Sesame seed		0,02 (*)
0401050	Sunflower seed		0,02 (*)
0401060	Rape seed (Bird rapeseed, turnip rape)		0,02 (*)
0401070	Soya bean		0,02 (*)
0401080	Mustard seed		0,02 (*)
0401090	Cotton seed		3
0401100	Pumpkin seeds (Other seeds of <i>Cucurbitaceae</i>)		0,02 (*)
0401110	Safflower	(**)	(**)
0401120	Borage (Purple viper's bugloss/Canary flower (<i>Echium plantagineum</i>), Corn Gromwell (<i>Buglossoides arvensis</i>))	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0401130	Gold of pleasure	(**)	(**)
0401140	Hempseed		0,02 (*)
0401150	Castor bean	(**)	(**)
0401990	Others		0,02 (*)
0402000	(ii) Oilfruits	0,02 (*)	0,02 (*)
0402010	Olives for oil production		
0402020	Palm nuts (palmoil kernels)	(**)	(**)
0402030	Palmfruit	(**)	(**)
0402040	Kapok	(**)	(**)
0402990	Others		
0500000	5. CEREALS		0,01 (*)
0500010	Barley	0,5	
0500020	Buckwheat (Amaranthus, quinoa)	0,5	
0500030	Maize	0,5	
0500040	Millet (Foxtail millet, teff, finger millet, pearl millet)	0,5	
0500050	Oats	0,5	
0500060	Rice (Indian/wild rice (<i>Zizania aquatica</i>))	0,01 (*)	
0500070	Rye	0,5	
0500080	Sorghum	0,5	
0500090	Wheat (Spelt, triticale)	0,5	
0500990	Others (Canary grass seeds (<i>Phalaris canariensis</i>))	0,5	
0600000	6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA	0,05 (*)	
0610000	(i) Tea		0,05 (*)
0620000	(ii) Coffee beans	(**)	(**)
0630000	(iii) Herbal infusions (dried)	(**)	(**)
0631000	(a) <i>Flowers</i>	(**)	(**)
0631010	Camomille flowers	(**)	(**)
0631020	Hybiscus flowers	(**)	(**)
0631030	Rose petals	(**)	(**)
0631040	Jasmine flowers (Elderflowers (<i>Sambucus nigra</i>))	(**)	(**)
0631050	Lime (linden)	(**)	(**)
0631990	Others	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0632000	(b) <i>Leaves</i>	(**)	(**)
0632010	Strawberry leaves	(**)	(**)
0632020	Rooibos leaves (Ginkgo leaves)	(**)	(**)
0632030	Maté	(**)	(**)
0632990	Others	(**)	(**)
0633000	(c) <i>Roots</i>	(**)	(**)
0633010	Valerian root	(**)	(**)
0633020	Ginseng root	(**)	(**)
0633990	Others	(**)	(**)
0639000	(d) <i>Other herbal infusions</i>	(**)	(**)
0640000	(iv) Cocoabeans (fermented or dried)	(**)	(**)
0650000	(v) Carob (st johns bread)	(**)	(**)
0700000	7. HOPS (dried)	0,05 (*)	0,05 (*)
0800000	8. SPICES	(**)	(**)
0810000	(i) Seeds	(**)	(**)
0810010	Anise	(**)	(**)
0810020	Black caraway	(**)	(**)
0810030	Celery seed (Lovage seed)	(**)	(**)
0810040	Coriander seed	(**)	(**)
0810050	Cumin seed	(**)	(**)
0810060	Dill seed	(**)	(**)
0810070	Fennel seed	(**)	(**)
0810080	Fenugreek	(**)	(**)
0810090	Nutmeg	(**)	(**)
0810990	Others	(**)	(**)
0820000	(ii) Fruits and berries	(**)	(**)
0820010	Allspice	(**)	(**)
0820020	Sichuan pepper (Anise pepper, Japan pepper)	(**)	(**)
0820030	Caraway	(**)	(**)
0820040	Cardamom	(**)	(**)
0820050	Juniper berries	(**)	(**)
0820060	Pepper, black, green and white (Long pepper, pink pepper)	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0820070	Vanilla pods	(**)	(**)
0820080	Tamarind	(**)	(**)
0820990	Others	(**)	(**)
0830000	(iii) Bark	(**)	(**)
0830010	Cinnamon (Cassia)	(**)	(**)
0830990	Others	(**)	(**)
0840000	(iv) Roots or rhizome	(**)	(**)
0840010	Liquorice	(**)	(**)
0840020	Ginger	(**)	(**)
0840030	Turmeric (Curcuma)	(**)	(**)
0840040	Horseradish	(**)	(**)
0840990	Others	(**)	(**)
0850000	(v) Buds	(**)	(**)
0850010	Cloves	(**)	(**)
0850020	Capers	(**)	(**)
0850990	Others	(**)	(**)
0860000	(vi) Flower stigma	(**)	(**)
0860010	Saffron	(**)	(**)
0860990	Others	(**)	(**)
0870000	(vii) Aril	(**)	(**)
0870010	Mace	(**)	(**)
0870990	Others	(**)	(**)
0900000	9. SUGAR PLANTS	(**)	(**)
0900010	Sugar beet (root)	(**)	(**)
0900020	Sugar cane	(**)	(**)
0900030	Chicory roots	(**)	(**)
0900990	Others	(**)	(**)
1000000	10. PRODUCTS OF ANIMAL ORIGIN-TERRESTRIAL ANIMALS	0,05 (*)	
1010000	(i) Tissue		0,05
1011000	(a) <i>Swine</i>		
1011010	Muscle		

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
1011020	Fat		
1011030	Liver		
1011040	Kidney		
1011050	Edible offal		
1011990	Others		
1012000	(b) <i>Bovine</i>		
1012010	Muscle		
1012020	Fat		
1012030	Liver		
1012040	Kidney		
1012050	Edible offal		
1012990	Others		
1013000	(c) <i>Sheep</i>		
1013010	Muscle		
1013020	Fat		
1013030	Liver		
1013040	Kidney		
1013050	Edible offal		
1013990	Others		
1014000	(d) <i>Goat</i>		
1014010	Muscle		
1014020	Fat		
1014030	Liver		
1014040	Kidney		
1014050	Edible offal		
1014990	Others		
1015000	(e) <i>Horses, asses, mules or hinnies</i>	(**)	(**)
1015010	Muscle	(**)	(**)
1015020	Fat	(**)	(**)
1015030	Liver	(**)	(**)
1015040	Kidney	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
1015050	Edible offal	(**)	(**)
1015990	Others	(**)	(**)
1016000	(f) <i>Poultry -chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon</i>		
1016010	Muscle		
1016020	Fat		
1016030	Liver		
1016040	Kidney		
1016050	Edible offal		
1016990	Others		
1017000	(g) <i>Other farm animals (Rabbit, kangaroo, deer)</i>	(**)	(**)
1017010	Muscle	(**)	(**)
1017020	Fat	(**)	(**)
1017030	Liver	(**)	(**)
1017040	Kidney	(**)	(**)
1017050	Edible offal	(**)	(**)
1017990	Others	(**)	(**)
1020000	(ii) Milk		0,01 (*)
1020010	Cattle		
1020020	Sheep		
1020030	Goat		
1020040	Horse		
1020990	Others		
1030000	(iii) Bird eggs		0,02 (*)
1030010	Chicken		
1030020	Duck	(**)	(**)
1030030	Goose	(**)	(**)
1030040	Quail	(**)	(**)
1030990	Others	(**)	(**)
1040000	(iv) Honey (Royal jelly, pollen, honey comb with honey (comb honey))	(**)	(**)
1050000	(v) Amphibians and reptiles (Frog legs, crocodiles)	(**)	(**)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
1060000	(vi) Snails	(**)	(**)
1070000	(vii) Other terrestrial animal products (Wild game)	(**)	(**)

(*) Indicates lower limit of analytical determination

(**) Pesticide-code combination for which the MRL as set in Annex III Part B applies.

^(a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(F) Fat soluble

Profenofos (F)

(+) The following MRL applies to chilli peppers: 3 mg/kg.

0231020 Peppers (Chilli peppers)

(+) Monitoring data carried out in 2012, show that residues of profenofos occur in herbs. Further monitoring data is necessary to compare the evolution of the occurrence of profenofos in herbs. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 18 October 2016, or, if that information is not submitted by that date, the lack of it.

0256000 (f) Herbs

0256010 Chervil

0256020 Chives

0256030 Celery leaves (Fennel leaves, coriander leaves, dill leaves, caraway leaves, lovage, angelica, sweet cicely and other Apiacea leaves, culantro/stinking/long coriander/stink weed (*Eryngium foetidum*))

0256040 Parsley (leaves of root parsley)

0256990 Others'

(b) the column for procymidone is deleted.

(2) Part B of Annex III is amended as follows:

(a) the columns for carbaryl and profenofos are replaced by the following:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0130040	Medlar	0,01 (*)	0,01 (*)
0130050	Loquat	0,01 (*)	0,01 (*)
0154050	Rose hips	0,01 (*)	0,01 (*)
0154060	Mulberries (Arbutus berry)	0,01 (*)	0,01 (*)
0154070	Azarole (mediteranean medlar) (Kiwiberry (<i>Actinidia arguta</i>))	0,01 (*)	0,01 (*)
0154080	Elderberries (Black chokeberry/appleberry, mountain ash, buckthorn/sea sallowthorn, hawthorn, serviceberries, and other treeberries)	0,01 (*)	0,01 (*)
0161050	Carambola (Bilimbi)	0,01 (*)	0,01 (*)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0161060	Persimmon	0,01 (*)	0,01 (*)
0161070	Jambolan (java plum) (Java apple/water apple, pomarac, rose apple, Brazilian cherry, Surinam cherry/grumichama (<i>Eugenia uniflora</i>))	0,01 (*)	0,01 (*)
0162040	Prickly pear (cactus fruit)	0,01 (*)	0,01 (*)
0162050	Star apple	0,01 (*)	0,01 (*)
0162060	American persimmon (Virginia kaki) (Black sapote, white sapote, green sapote, canistel/yellow sapote, mammey sapote)	0,01 (*)	0,01 (*)
0163060	Cherimoya (Custard apple, sugar apple/sweetsop, ilama (<i>Annona diversifolia</i>) and other medium sized <i>Annonaceae</i> fruits)	0,01 (*)	0,01 (*)
0163070	Guava (Red pitaya/dragon fruit (<i>Hylocereus undatus</i>))	0,01 (*)	0,01 (*)
0163090	Bread fruit (Jackfruit)	0,01 (*)	0,01 (*)
0163100	Durian	0,01 (*)	0,01 (*)
0163110	Soursop (guanabana)	0,01 (*)	0,01 (*)
0212040	Arrowroot	0,01 (*)	0,01 (*)
0251050	Land cress	0,01 (*)	0,01 (*)
0251070	Red mustard	0,01 (*)	0,01 (*)
0252020	Purslane (Winter purslane/miner's lettuce, garden purslane, common purslane, sorrel, glasswort, agretti (<i>Salsola soda</i>))	0,01 (*)	0,01 (*)
0253000	(c) Vine leaves (grape leaves) (Malabar nightshade, banana leaves, climbing wattle (<i>Acacia pennata</i>))	0,01 (*)	0,01 (*)
0256050	Sage (Winter savory, summer savory, <i>Borago officinalis</i> leaves)	0,02 (*)	0,05(+)
0256060	Rosemary	0,02 (*)	0,05(+)
0256070	Thyme (Marjoram, oregano)	0,02 (*)	0,05(+)
0256080	Basil (Balm leaves, mint, peppermint, holy basil, sweet basil, hairy basil, edible flowers (marigold flower and others), pennywort, wild betel leaf, curry leaves)	0,02 (*)	0,05(+)
0256090	Bay leaves (laurel) (Lemon grass)	0,02 (*)	0,05(+)
0256100	Tarragon (Hyssop)	0,02 (*)	0,05(+)
0270080	Bamboo shoots	0,01 (*)	0,01 (*)
0270090	Palm hearts	0,01 (*)	0,01 (*)
0290000	(ix) Sea weeds	0,01 (*)	0,01 (*)
0401110	Safflower	0,05 (*)	0,02 (*)
0401120	Borage (Purple viper's bugloss/Canary flower (<i>Echium plantagineum</i>), Corn Gromwell (<i>Buglossoides arvensis</i>))	0,05 (*)	0,02 (*)
0401130	Gold of pleasure	0,05 (*)	0,02 (*)
0401150	Castor bean	0,05 (*)	0,02 (*)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0402020	Palm nuts (palmoil kernels)	0,02 (*)	0,02 (*)
0402030	Palmfruit	0,02 (*)	0,02 (*)
0402040	Kapok	0,02 (*)	0,02 (*)
0620000	(ii) Coffee beans	0,05 (*)	0,05 (*)
0630000	(iii) Herbal infusions (dried)	0,05 (*)	
0631000	(a) <i>Flowers</i>	0,05 (*)	
0631010	Camomille flowers	0,05 (*)	0,05 (*)
0631020	Hybiscus flowers	0,05 (*)	0,05 (*)
0631030	Rose petals	0,05 (*)	0,1(+)
0631040	Jasmine flowers (Elderflowers (<i>Sambucus nigra</i>))	0,05 (*)	0,05 (*)
0631050	Lime (linden)	0,05 (*)	0,05 (*)
0631990	Others	0,05 (*)	0,05 (*)
0632000	(b) <i>Leaves</i>	0,05 (*)	0,05 (*)
0632010	Strawberry leaves	0,05 (*)	0,05 (*)
0632020	Rooibos leaves (Ginkgo leaves)	0,05 (*)	0,05 (*)
0632030	Maté	0,05 (*)	0,05 (*)
0632990	Others	0,05 (*)	0,05 (*)
0633000	(c) <i>Roots</i>	0,05 (*)	0,05 (*)
0633010	Valerian root	0,05 (*)	0,05 (*)
0633020	Ginseng root	0,05 (*)	0,05 (*)
0633990	Others	0,05 (*)	0,05 (*)
0639000	(d) <i>Other herbal infusions</i>	0,05 (*)	0,05 (*)
0640000	(iv) Cocoabeans (fermented or dried)	0,05 (*)	0,05 (*)
0650000	(v) Carob (st johns bread)	0,05 (*)	0,05 (*)
0800000	8. SPICES		
0810000	(i) Seeds	0,05 (*)	0,05 (*)
0810010	Anise	0,05 (*)	0,05 (*)
0810020	Black caraway	0,05 (*)	0,05 (*)
0810030	Celery seed (Lovage seed)	0,05 (*)	0,05 (*)
0810040	Coriander seed	0,05 (*)	0,05 (*)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0810050	Cumin seed	0,05 (*)	0,05 (*)
0810060	Dill seed	0,05 (*)	0,05 (*)
0810070	Fennel seed	0,05 (*)	0,05 (*)
0810080	Fenugreek	0,05 (*)	0,05 (*)
0810090	Nutmeg	0,05 (*)	0,05 (*)
0810990	Others	0,05 (*)	0,05 (*)
0820000	(ii) Fruits and berries	0,8	0,07 (*)
0820010	Allspice	0,8	0,07 (*)
0820020	Sichuan pepper (Anise pepper, Japan pepper)	0,8	0,07 (*)
0820030	Caraway	0,8	0,07 (*)
0820040	Cardamom	0,8	0,07 (*)
0820050	Juniper berries	0,8	0,07 (*)
0820060	Pepper, black, green and white (Long pepper, pink pepper)	0,8	0,07 (*)
0820070	Vanilla pods	0,8	0,07 (*)
0820080	Tamarind	0,8	0,07 (*)
0820990	Others	0,8	0,07 (*)
0830000	(iii) Bark	0,05 (*)	0,05 (*)
0830010	Cinnamon (Cassia)	0,05 (*)	0,05 (*)
0830990	Others	0,05 (*)	0,05 (*)
0840000	(iv) Roots or rhizome		
0840010	Liquorice	0,1	0,05 (*)
0840020	Ginger	0,1	0,05 (*)
0840030	Turmeric (Curcuma)	0,1	0,05 (*)
0840040	Horseradish	(+)	(+)
0840990	Others	0,1	0,05 (*)
0850000	(v) Buds	0,05 (*)	0,05 (*)
0850010	Cloves	0,05 (*)	0,05 (*)
0850020	Capers	0,05 (*)	0,05 (*)
0850990	Others	0,05 (*)	0,05 (*)
0860000	(vi) Flower stigma	0,05 (*)	0,05 (*)
0860010	Saffron	0,05 (*)	0,05 (*)
0860990	Others	0,05 (*)	0,05 (*)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Carbaryl (F)	Profenofos (F)
0870000	(vii) Aril	0,05 (*)	0,05 (*)
0870010	Mace	0,05 (*)	0,05 (*)
0870990	Others	0,05 (*)	0,05 (*)
0900000	9. SUGAR PLANTS	0,01 (*)	0,01 (*)
0900010	Sugar beet (root)	0,01 (*)	0,01 (*)
0900020	Sugar cane	0,01 (*)	0,01 (*)
0900030	Chicory roots	0,01 (*)	0,01 (*)
0900990	Others	0,01 (*)	0,01 (*)
1015000	(e) <i>Horses, asses, mules or hinnies</i>	0,05 (*)	0,05
1015010	Muscle	0,05 (*)	0,05
1015020	Fat	0,05 (*)	0,05
1015030	Liver	0,05 (*)	0,05
1015040	Kidney	0,05 (*)	0,05
1015050	Edible offal	0,05 (*)	0,05
1015990	Others	0,05 (*)	0,05
1017000	(g) <i>Other farm animals (Rabbit, kangaroo, deer)</i>	0,05 (*)	0,05
1017010	Muscle	0,05 (*)	0,05
1017020	Fat	0,05 (*)	0,05
1017030	Liver	0,05 (*)	0,05
1017040	Kidney	0,05 (*)	0,05
1017050	Edible offal	0,05 (*)	0,05
1017990	Others	0,05 (*)	0,05
1030020	Duck	0,05 (*)	0,02 (*)
1030030	Goose	0,05 (*)	0,02 (*)
1030040	Quail	0,05 (*)	0,02 (*)
1030990	Others	0,05 (*)	0,02 (*)
1040000	(iv) Honey (Royal jelly, pollen, honey comb with honey (comb honey))	0,05 (*)	0,05 (*)
1050000	(v) Amphibians and reptiles (Frog legs, crocodiles)	0,05 (*)	0,01 (*)
1060000	(vi) Snails	0,05 (*)	0,01 (*)
1070000	(vii) Other terrestrial animal products (Wild game)	0,05 (*)	0,01 (*)

(*) Indicates lower limit of analytical determination

^(a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(F) Fat soluble

Carbaryl (F)

- (+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish**Profenofos (F)**

- (+) Monitoring data carried out in 2012, show that residues of profenofos occur in herbs. Further monitoring data is necessary to compare the evolution of the occurrence of profenofos in herbs. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 18 October 2016, or, if that information is not submitted by that date, the lack of it.

0256050 Sage (Winter savory, summer savory, *Borago officinalis* leaves)**0256060 Rosemary****0256070 Thyme (Marjoram, oregano)****0256080 Basil (Balm leaves, mint, peppermint, holy basil, sweet basil, hairy basil, edible flowers (marigold flower and others), pennywort, wild betel leaf, curry leaves)****0256090 Bay leaves (laurel) (Lemon grass)****0256100 Tarragon (Hyssop)**

- (+) Monitoring data carried out in 2012, show that residues of profenofos occur in rose petals. Further monitoring data is necessary to compare the evolution of the occurrence of profenofos in rose petals. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 18 October 2016, or, if that information is not submitted by that date, the lack of it.

0631030 Rose petals

- (+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish'

(b) the column for procymidone is deleted.

(3) In Annex V, the following column for procymidone is added:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Procymidone (R)
0100000	1. FRUIT FRESH OR FROZEN NUTS	
0110000	(i) Citrus fruit	0,01 (*)
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)	
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)	
0110030	Lemons (Citron, lemon, Buddha's hand (<i>Citrus medica</i> var. <i>sarcodactylis</i>))	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0110040	Limes	
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids tangor (<i>Citrus reticulata</i> x <i>sinensis</i>))	
0110990	Others	
0120000	(ii) Tree nuts	0,02 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts (Filbert)	
0120070	Macadamia	
0120080	Pecans	
0120090	Pine nuts	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	(iii) Pome fruit	0,01 (*)
0130010	Apples (Crab apple)	
0130020	Pears (Oriental pear)	
0130030	Quinces	
0130040	Medlar	
0130050	Loquat	
0130990	Others	
0140000	(iv) Stone fruit	0,01 (*)
0140010	Apricots	
0140020	Cherries (Sweet cherries, sour cherries)	
0140030	Peaches (Nectarines and similar hybrids)	
0140040	Plums (Damson, greengage, mirabelle, sloe, red date/Chinese date/Chinese jujube (<i>Ziziphus zizyphus</i>))	
0140990	Others	

Code number	Groups and examples of individual products to which the MRLs apply (4)	Procymidone (R)
0150000	(v) Berries & small fruit	0,01 (*)
0151000	(a) <i>Table and wine grapes</i>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>Strawberries</i>	
0153000	(c) <i>Cane fruit</i>	
0153010	Blackberries	
0153020	Dewberries (Loganberries, tayberries, boysenberries, cloudberrries and other <i>Rubus</i> hybrids)	
0153030	Raspberries (Wineberries, arctic bramble/raspberry, (<i>Rubus arcticus</i>), nectar raspberries (<i>Rubus arcticus</i> x <i>Rubus idaeus</i>))	
0153990	Others	
0154000	(d) <i>Other small fruit & berries</i>	
0154010	Blueberries (Bilberries)	
0154020	Cranberries (Cowberries/red bilberries (<i>V. vitis-idaea</i>))	
0154030	Currants (red, black and white)	
0154040	Gooseberries (Including hybrids with other <i>Ribes</i> species)	
0154050	Rose hips	
0154060	Mulberries (Arbutus berry)	
0154070	Azarole (mediteranean medlar) (Kiwiberry (<i>Actinidia arguta</i>))	
0154080	Elderberries (Black chokeberry/appleberry, mountain ash, buckthorn/sea sallowthorn, hawthorn, serviceberries, and other treeberries)	
0154990	Others	
0160000	(vi) Miscellaneous fruit	0,01 (*)
0161000	(a) <i>Edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats (Marumi kumquats, nagami kumquats, limequats (<i>Citrus aurantifolia</i> x <i>Fortunella</i> spp.))	
0161050	Carambola (Bilimbi)	
0161060	Persimmon	
0161070	Jambolan (java plum) (Java apple/water apple, pomerac, rose apple, Brazilian cherry, Surinam cherry/grumichama (<i>Eugenia uniflora</i>))	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0161990	Others	
0162000	(b) <i>Inedible peel, small</i>	
0162010	Kiwi	
0162020	Lychee (Litchi) (Pulasan, rambutan/hairy litchi, longan, mangosteen, langsat, salak)	
0162030	Passion fruit	
0162040	Prickly pear (cactus fruit)	
0162050	Star apple	
0162060	American persimmon (Virginia kaki) (Black sapote, white sapote, green sapote, canistel/ yellow sapote, mammey sapote)	
0162990	Others	
0163000	(c) <i>Inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas (Dwarf banana, plantain, apple banana)	
0163030	Mangoes	
0163040	Papaya	
0163050	Pomegranate	
0163060	Cherimoya (Custard apple, sugar apple/sweetsop, ilama (<i>Annona diversifolia</i>) and other medium sized <i>Annonaceae</i> fruits)	
0163070	Guava (Red pitaya/dragon fruit (<i>Hylocereus undatus</i>))	
0163080	Pineapples	
0163090	Bread fruit (Jackfruit)	
0163100	Durian	
0163110	Soursop (guanabana)	
0163990	Others	
0200000	2. VEGETABLES FRESH OR FROZEN	
0210000	(i) Root and tuber vegetables	0,01 (*)
0211000	(a) <i>Potatoes</i>	
0212000	(b) <i>Tropical root and tuber vegetables</i>	
0212010	Cassava (Dasheen, eddoe/Japanese taro, tannia)	
0212020	Sweet potatoes	
0212030	Yams (Potato bean/yam bean, Mexican yam bean)	
0212040	Arrowroot	
0212990	Others	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0213000	(c) <i>Other root and tuber vegetables except sugar beet</i>	
0213010	Beetroot	
0213020	Carrots	
0213030	Celeriac	
0213040	Horseradish (Angelica roots, lovage roots, gentiana roots)	
0213050	Jerusalem artichokes (Crosne)	
0213060	Parsnips	
0213070	Parsley root	
0213080	Radishes (Black radish, Japanese radish, small radish and similar varieties, tiger nut (<i>Cyperus esculentus</i>))	
0213090	Salsify (Scorzonera, Spanish salsify/Spanish oysterplant, edible burdock)	
0213100	Swedes	
0213110	Turnips	
0213990	Others	
0220000	(ii) Bulb vegetables	0,02 (*)
0220010	Garlic	
0220020	Onions (Other bulb onions, silverskin onions)	
0220030	Shallots	
0220040	Spring onions and welsh onions (Other green onions and similar varieties)	
0220990	Others	
0230000	(iii) Fruiting vegetables	0,01 (*)
0231000	(a) Solanacea	
0231010	Tomatoes (Cherry tomatoes, <i>Physalis</i> spp., gojiberry, wolfberry (<i>Lycium barbarum</i> and <i>L. chinense</i>), tree tomato)	
0231020	Peppers (Chilli peppers)	
0231030	Aubergines (egg plants) (Pepino, antroewa/white eggplant (<i>S. macrocarpon</i>))	
0231040	Okra (lady's fingers)	
0231990	Others	
0232000	(b) <i>Cucurbits — edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes (Summer squash, marrow (patisson), lauki (<i>Lagenaria siceraria</i>), chayote, sopropo/bitter melon, snake gourd, angled luffa/teroi)	
0232990	Others	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0233000	(c) <i>Cucurbits-inedible peel</i>	
0233010	Melons (Kiwano)	
0233020	Pumpkins (Winter squash, marrow (late variety))	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>Sweet corn (Baby corn)</i>	
0239000	(e) <i>Other fruiting vegetables</i>	
0240000	(iv) Brassica vegetables	0,01 (*)
0241000	(a) <i>Flowering brassica</i>	
0241010	Broccoli (Calabrese, Broccoli raab, Chinese broccoli)	
0241020	Cauliflower	
0241990	Others	
0242000	(b) <i>Head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbage (Pointed head cabbage, red cabbage, savoy cabbage, white cabbage)	
0242990	Others	
0243000	(c) <i>Leafy brassica</i>	
0243010	Chinese cabbage (Indian or Chinese) mustard, pak choi, Chinese flat cabbage/ai goo choi, choi sum, Peking cabbage/pe-tsai)	
0243020	Kale (Borecole/curly kale, collards, Portuguese Kale, Portuguese cabbage, cow cabbage)	
0243990	Others	
0244000	(d) <i>Kohlrabi</i>	
0250000	(v) Leaf vegetables & fresh herbs	
0251000	(a) <i>Lettuce and other salad plants including Brassicacea</i>	0,01 (*)
0251010	Lamb's lettuce (Italian corn salad)	
0251020	Lettuce (Head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce)	
0251030	Scarole (broad-leaf endive) (Wild chicory, red-leaved chicory, radicchio, curly leaf endive, sugar loaf (<i>C. endivia</i> var. <i>crispum</i> / <i>C. intybus</i> var. <i>foliosum</i>), dandelion greens)	
0251040	Cress (Mung bean sprouts, alfalfa sprouts)	
0251050	Land cress	
0251060	Rocket, Rucola (Wild rocket (<i>Diplotaxis</i> spp.))	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0251070	Red mustard	
0251080	Leaves and sprouts of <i>Brassica</i> spp, including turnip greens (Mizuna, leaves of peas and radish and other babyleaf crops, including brassica crops (crops harvested up to 8 true leaf stage), kohlrabi leaves)	
0251990	Others	
0252000	(b) Spinach & similar (leaves)	0,01 (*)
0252010	Spinach (New Zealand spinach, amaranthus spinach (pak-khom, tampara), tajar leaves, bitterblad/bitawiri)	
0252020	Purslane (Winter purslane/miner's lettuce, garden purslane, common purslane, sorrel, glassworth, agretti (<i>Salsola soda</i>))	
0252030	Beet leaves (chard) (Leaves of beetroot)	
0252990	Others	
0253000	(c) <i>Vine leaves (grape leaves) (Malabar nightshade, banana leaves, climbing wattle (Acacia pennata))</i>	0,01 (*)
0254000	(d) <i>Water cress (Morning glory/Chinese convolvulus/water convolvulus/water spinach/kangkung (Ipomea aquatica), water clover, water mimosa)</i>	0,01 (*)
0255000	(e) <i>Witloof</i>	0,01 (*)
0256000	(f) <i>Herbs</i>	0,02 (*)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves (Fennel leaves, coriander leaves, dill leaves, caraway leaves, lovage, angelica, sweet cicely and other <i>Apiacea</i> leaves, culantro/stinking/long coriander/stink weed (<i>Eryngium foetidum</i>))	
0256040	Parsley (leaves of root parsley)	
0256050	Sage (Winter savory, summer savory, <i>Borago officinalis</i> leaves)	
0256060	Rosemary	
0256070	Thyme (Marjoram, oregano)	
0256080	Basil (Balm leaves, mint, peppermint, holy basil, sweet basil, hairy basil, edible flowers (marigold flower and others), pennywort, wild betel leaf, curry leaves)	
0256090	Bay leaves (laurel) (Lemon grass)	
0256100	Tarragon (Hyssop)	
0256990	Others	
0260000	(vi) Legume vegetables (fresh)	0,01 (*)
0260010	Beans (with pods) (Green bean/French beans/snap beans, scarlet runner bean, slicing bean, yard long beans, guar beans, soya beans)	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0260020	Beans (without pods) (Broad beans, flageolets, jack bean, lima bean, cowpea)	
0260030	Peas (with pods) (Mangetout/sugar peas/snow peas)	
0260040	Peas (without pods) (Garden pea, green pea, chickpea)	
0260050	Lentils	
0260990	Others	
0270000	(vii) Stem vegetables (fresh)	0,01 (*)
0270010	Asparagus	
0270020	Cardoons (<i>Borago officinalis</i> stems)	
0270030	Celery	
0270040	Fennel	
0270050	Globe artichokes (Banana flower)	
0270060	Leek	
0270070	Rhubarb	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others	
0280000	(viii) Fungi	0,01 (*)
0280010	Cultivated fungi (Common mushroom, oyster mushroom, shiitake, <i>fungus mycelium</i> (vegetative parts))	
0280020	Wild fungi (Chanterelle, truffle, morel, cep)	
0280990	Others	
0290000	(ix) Sea weeds	0,01 (*)
0300000	3. PULSES, DRY	0,01 (*)
0300010	Beans (Broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas)	
0300020	Lentils	
0300030	Peas (Chickpeas, field peas, chickling vetch)	
0300040	Lupins	
0300990	Others	
0400000	4. OILSEEDS AND OILFRUITS	0,02 (*)
0401000	(i) Oilseeds	
0401010	Linseed	
0401020	Peanuts	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0401030	Poppy seed	
0401040	Sesame seed	
0401050	Sunflower seed	
0401060	Rape seed (Bird rapeseed, turnip rape)	
0401070	Soya bean	
0401080	Mustard seed	
0401090	Cotton seed	
0401100	Pumpkin seeds (Other seeds of <i>Cucurbitaceae</i>)	
0401110	Safflower	
0401120	Borage (Purple viper's bugloss/Canary flower (<i>Echium plantagineum</i>), Corn Gromwell (<i>Buglossoides arvensis</i>))	
0401130	Gold of pleasure	
0401140	Hempseed	
0401150	Castor bean	
0401990	Others	
0402000	(ii) Oilfruits	
0402010	Olives for oil production	
0402020	Palm nuts (palmoil kernels)	
0402030	Palmfruit	
0402040	Kapok	
0402990	Others	
0500000	5. CEREALS	0,01 (*)
0500010	Barley	
0500020	Buckwheat (<i>Amaranthus</i> , quinoa)	
0500030	Maize	
0500040	Millet (Foxtail millet, teff, finger millet, pearl millet)	
0500050	Oats	
0500060	Rice (Indian/wild rice (<i>Zizania aquatica</i>))	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat (Spelt, triticale)	
0500990	Others (Canary grass seeds (<i>Phalaris canariensis</i>))	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0600000	6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA	0,05 (*)
0610000	(i) Tea	
0620000	(ii) Coffee beans	
0630000	(iii) Herbal infusions (dried)	
0631000	(a) <i>Flowers</i>	
0631010	Camomille flowers	
0631020	Hybiscus flowers	
0631030	Rose petals	
0631040	Jasmine flowers (Elderflowers (<i>Sambucus nigra</i>))	
0631050	Lime (linden)	
0631990	Others	
0632000	(b) <i>Leaves</i>	
0632010	Strawberry leaves	
0632020	Rooibos leaves (Ginkgo leaves)	
0632030	Maté	
0632990	Others	
0633000	(c) <i>Roots</i>	
0633010	Valerian root	
0633020	Ginseng root	
0633990	Others	
0639000	(d) <i>Other herbal infusions</i>	
0640000	(iv) Cocoabeans (fermented or dried)	
0650000	(v) Carob (st johns bread)	
0700000	7. HOPS (dried)	0,05 (*)
0800000	8. SPICES	
0810000	(i) Seeds	0,05 (*)
0810010	Anise	
0810020	Black caraway	
0810030	Celery seed (Lovage seed)	
0810040	Coriander seed	

Code number	Groups and examples of individual products to which the MRLs apply (+)	Procymidone (R)
0810050	Cumin seed	
0810060	Dill seed	
0810070	Fennel seed	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	(ii) Fruits and berries	0,05 (*)
0820010	Allspice	
0820020	Sichuan pepper (Anise pepper, Japan pepper)	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berries	
0820060	Pepper, black, green and white (Long pepper, pink pepper)	
0820070	Vanilla pods	
0820080	Tamarind	
0820990	Others	
0830000	(iii) Bark	0,05 (*)
0830010	Cinnamon (Cassia)	
0830990	Others	
0840000	(iv) Roots or rhizome	
0840010	Liquorice	0,05 (*)
0840020	Ginger	0,05 (*)
0840030	Turmeric (Curcuma)	0,05 (*)
0840040	Horseradish	(+)
0840990	Others	0,05 (*)
0850000	(v) Buds	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	(vi) Flower stigma	0,05 (*)
0860010	Saffron	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
0860990	Others	
0870000	(vii) Aril	0,05 (*)
0870010	Mace	
0870990	Others	
0900000	9. SUGAR PLANTS	0,01 (*)
0900010	Sugar beet (root)	
0900020	Sugar cane	
0900030	Chicory roots	
0900990	Others	
1000000	10. PRODUCTS OF ANIMAL ORIGIN-TERRESTRIAL ANIMALS	
1010000	(i) Tissue	0,01 (*)
1011000	(a) <i>Swine</i>	
1011010	Muscle	
1011020	Fat	
1011030	Liver	
1011040	Kidney	
1011050	Edible offal	
1011990	Others	
1012000	(b) <i>Bovine</i>	
1012010	Muscle	
1012020	Fat	
1012030	Liver	
1012040	Kidney	
1012050	Edible offal	
1012990	Others	
1013000	(c) <i>Sheep</i>	
1013010	Muscle	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offal	
1013990	Others	

Code number	Groups and examples of individual products to which the MRLs apply (*)	Procymidone (R)
1014000	(d) <i>Goat</i>	
1014010	Muscle	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offal	
1014990	Others	
1015000	(e) <i>Horses, asses, mules or hinnies</i>	
1015010	Muscle	
1015020	Fat	
1015030	Liver	
1015040	Kidney	
1015050	Edible offal	
1015990	Others	
1016000	(f) <i>Poultry -chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon</i>	
1016010	Muscle	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offal	
1016990	Others	
1017000	(g) <i>Other farm animals (Rabbit, kangaroo, deer)</i>	
1017010	Muscle	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offal	
1017990	Others	
1020000	(ii) Milk	0,01 (*)
1020010	Cattle	

Code number	Groups and examples of individual products to which the MRLs apply ^(*)	Procymidone (R)
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	(iii) Bird eggs	0,01 (*)
1030010	Chicken	
1030020	Duck	
1030030	Goose	
1030040	Quail	
1030990	Others	
1040000	(iv) Honey (Royal jelly, pollen, honey comb with honey (comb honey))	0,05 (*)
1050000	(v) Amphibians and reptiles (Frog legs, crocodiles)	0,01 (*)
1060000	(vi) Snails	0,01 (*)
1070000	(vii) Other terrestrial animal products (Wild game)	0,01 (*)

(*) Indicates lower limit of analytical determination

^(*) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

Procymidone (R)

(R) = The residue definition differs for the following combinations pesticide-code number:

Procymidone — code 1000000: Vinclozolin, iprodione, procymidone, sum of compounds and all metabolites containing the 3,5-dichloroaniline moiety expressed as 3,5 dichloroaniline

(+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish'

COMMISSION IMPLEMENTING REGULATION (EU) No 1097/2014
of 17 October 2014
amending Regulation (EU) No 479/2010 concerning Member States' notifications in the milk and milk product sector

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular the third subparagraph of Article 151 and Article 223(3) thereof,

Whereas:

- (1) Article 151 of Regulation (EU) No 1308/2013 establishes the obligation for first purchasers of raw milk to declare to the competent national authority, from 1 April 2015, the total quantity of raw milk that has been delivered to them each month, and for Member States to notify the Commission of this quantity. Rules on the timing of such declarations and notifications should therefore be established in Commission Regulation (EU) No 479/2010 ⁽²⁾.
- (2) The notifications referred to in Article 1 of Regulation (EU) No 479/2010 relate to aid schemes that are no longer applicable and should therefore be deleted.
- (3) Pursuant to Commission Regulation (EC) No 792/2009 ⁽³⁾ the obligation to use the information systems in accordance with that Regulation was introduced in Regulation (EU) No 479/2010 by Commission Implementing Regulation (EU) No 1333/2013 ⁽⁴⁾, except for the notifications referred to in Articles 2, 4 and 6 of Regulation (EU) No 479/2010. The information system adaptations necessary for treating these notifications will be accomplished by the end of 2014. Regulation (EU) No 479/2010 should therefore be amended accordingly.
- (4) 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

Regulation (EU) No 479/2010 is amended as follows:

- (1) Chapter I is deleted.
- (2) The following Chapter Ia is inserted:

‘CHAPTER Ia

DELIVERIES OF RAW MILK TO FIRST PURCHASERS

Article 1a

1. From 1 May 2015, Member States shall notify the Commission, no later than the 25th of each month, of the total quantity of raw cow's milk delivered in the preceding month to first purchasers established in their territory, pursuant to Article 151 of Regulation (EU) No 1308/2013. The total quantity of cow's raw milk delivered shall be expressed in kilograms and refer to milk at real fat content.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EU) No 479/2010 of 1 June 2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector (OJ L 135, 2.6.2010, p. 26).

⁽³⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1333/2013 of 13 December 2013 amending Regulations (EC) No 1709/2003, (EC) No 1345/2005, (EC) No 972/2006, (EC) No 341/2007, (EC) No 1454/2007, (EC) No 826/2008, (EC) No 1296/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets (OJ L 335, 14.12.2013, p. 8).

2. Member States shall take appropriate measures to ensure that all the first purchasers established in their territory declare to the competent national authority the quantity of raw cow's milk that has been delivered to them each month in a timely and accurate manner, so as to comply with the deadline set in paragraph 1.'

(3) In point (b) of Article 2(3), the words 'if available' are deleted.

(4) In Article 4, the reference to part K is replaced by a reference to part J.

(5) Article 8 is replaced by the following:

'Article 8

1. The notifications referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

2. By way of derogation from paragraph 1, until 31 December 2014, the notifications referred to in Articles 2, 4 and 6 shall be made by the Member States by electronic means using the methods made available to them by the Commission. The form and content of the notifications shall be defined on the basis of models or methods made available to the competent authorities by the Commission. Those models and methods shall be adapted and updated after the Committee referred to in Article 229 of Regulation (EU) No 1308/2013 and the competent authorities concerned, as appropriate, have been informed.

(*) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).'

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 November 2014.

However, Article 1(2) shall apply from 1 May 2015.

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

Done at Brussels, 17 October 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 1098/2014**of 17 October 2014****amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances****(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 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC ⁽¹⁾, and in particular Article 11(3) thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials approved for use in and on foods and their conditions of use.
- (2) Part A of the Union list contains both evaluated flavouring substances, which are assigned no footnotes and flavouring substances under evaluation, which are identified by footnote references 1 to 4 in that list.
- (3) The European Food Safety Authority, hereinafter referred to as the 'Authority', has completed the assessment of 8 substances which are currently listed as flavouring substances under evaluation. These flavouring substances were assessed by EFSA in the following flavouring group evaluations: evaluation FGE.21rev4 ⁽³⁾ (substances FL-no 15.054, 15.055, 15.086 and 15.135), evaluation FGE.24rev2 ⁽⁴⁾ (substance 14.085), evaluation FGE.77rev1 ⁽⁵⁾ (substance FL-no 14.041), and evaluation FGE.93rev1 ⁽⁶⁾ (substances FL-no 15.010 and FL-15.128). EFSA concluded that these flavouring substances do not give rise to safety concerns at the estimated levels of dietary intake.
- (4) As part of its evaluation, the Authority has made comments on the specification of certain substances. The comments are related to names, purity or composition of the following substances: FL-no: 15.054 and 15.055. These comments should be introduced in the list.
- (5) The flavouring substances assessed in these flavouring group evaluations should be listed as evaluated substances by deleting footnote references 2, 3 or 4 in the relevant entries of the Union list.
- (6) Part A of Annex I to Regulation (EC) No 1334/2008 should therefore be amended and corrected accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of Annex I to Regulation (EC) No 1334/2008 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 354, 31.12.2008, p. 34.⁽²⁾ OJ L 354, 31.12.2008, p. 1.⁽³⁾ EFSA Journal 2013;11(11):3451.⁽⁴⁾ EFSA Journal 2013;11(11):3453.⁽⁵⁾ EFSA Journal 2014;12(2):3586.⁽⁶⁾ EFSA Journal 2013;11(11):3452.

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, 17 October 2014.

For the Commission

The President

José Manuel BARROSO

Part A of Annex I to Regulation (EC) No 1334/2008 is amended as follows:

(1) The entry concerning FL-no 14.041 is replaced by the following:

'14.041	Pyrrole	109-97-7	1314	2318				JECFA/EFSA'
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(2) The entry concerning FL-no 14.085 is replaced by the following:

'14.085	2-Acetyl-5-methylpyrrole	6982-72-5						EFSA'
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(3) The entry concerning FL-no 15.010 is replaced by the following:

'15.010	2-Acetyl-2-thiazoline	29926-41-8	1759	2335				EFSA'
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(4) The entry concerning FL-no 15.054 is replaced by the following:

'15.054	Dihydro-2,4,6-triethyl-1,3,5(4H)-dithiazine	54717-17-8			Mixture of diastereoisomers ((R/R), (R/S), (S/R) & (S/S))			EFSA'
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(5) The entry concerning FL-no 15.055 is replaced by the following:

'15.055	[2S-(2a,4a,8ab)] 2,4-Dimethyl(4H)pyrrolidino [1,2e]- 1,3,5-dithiazine	116505-60-3	1763					EFSA'
---------	--	-------------	------	--	--	--	--	-------

(6) The entry concerning FL-no 15.086 is replaced by the following:

'15.086	2-Methyl-2-thiazoline	2346-00-1						EFSA'
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(7) The entry concerning FL-no 15.128 is replaced by the following:

'15.128	2-Propionyl-2-thiazoline	29926-42-9	1760					EFSA'
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(8) The entry concerning FL-no 15.135 is replaced by the following:

'15.135	Ethyl thialdine	54717-14-5			At least 90 %, secondary components less than 5 % 3,5- diethyl-1,2,4-trithiolane, less than 2 % thialdine, less than 3 % other impurities			EFSA'
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COMMISSION IMPLEMENTING REGULATION (EU) No 1099/2014**of 17 October 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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

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, 17 October 2014.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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	AL	63,0
	MA	116,8
	MK	54,2
	ZZ	78,0
0707 00 05	AL	36,9
	TR	158,2
	ZZ	97,6
0709 93 10	TR	143,2
	ZZ	143,2
0805 50 10	AR	105,8
	CL	106,8
	TR	106,9
	UY	76,0
	ZA	96,2
	ZZ	98,3
0806 10 10	BR	203,9
	MK	34,4
	PE	341,9
	TR	147,3
	ZZ	181,9
0808 10 80	BA	34,8
	BR	53,2
	CL	85,1
	CN	117,9
	NZ	148,3
	US	192,1
	ZA	140,1
	ZZ	110,2
0808 30 90	CN	75,7
	TR	112,1
	ZZ	93,9

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 1100/2014**of 17 October 2014****fixing the allocation coefficient to be applied to applications for export licences for cheese to be exported to the United States of America in 2015 under the quotas referred to in Commission Regulation (EC) No 1187/2009**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188 thereof,

Whereas:

- (1) Chapter III, section 2 of Commission Regulation (EC) No 1187/2009 ⁽²⁾ opens the procedure for the allocation of export licences for cheese to be exported to the United States of America under the quotas referred to in Article 21 of that Regulation.
- (2) The quantities covered by the export licence applications for certain product groups and quotas exceed the quantities available for the 2015 quota year. The extent to which the export licences may be issued should therefore be determined by fixing the allocation coefficients to be applied to the quantities requested, calculated in accordance with Article 23(1) of Commission Regulation (EC) No 1187/2009.
- (3) The quantities covered by the export licence applications for certain product groups and quotas are less than the quantities available for the 2015 quota year. The remaining amounts should be divided between the applicants, in proportion to the amounts applied for, by applying an allocation coefficient, in accordance with Article 23(4) of Regulation (EC) No 1187/2009.
- (4) Given the deadline established in Article 23(1) of Regulation (EC) No 1187/2009 for fixing allocation coefficients, this Regulation should come into force the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by export licence applications lodged pursuant to Regulation (EC) No 1187/2009 in respect of the product groups and quotas identified by '16-Tokyo and 16-, 17-, 18-, 20-, 21-Uruguay' in column 3 of the Annex to this Regulation shall be multiplied by the allocation coefficients set out in column 5 of that Annex.

Article 2

Applications for export licences lodged pursuant to Regulation (EC) No 1187/2009 in respect of the product groups and quotas identified by '22-, 25-Tokyo and 22-, 25-Uruguay' in column 3 of the Annex to this Regulation shall be accepted for the quantities applied for.

Export licences may be issued for further quantities distributed amongst applicants in accordance with the allocation coefficients set out in column 6 of the Annex, after acceptance by the operator within one week of publication of this Regulation and subject to the lodging of the requisite security.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products (OJ L 318, 4.12.2009, p. 1).

Article 3

This Regulation shall enter into force on the 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, 17 October 2014.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

ANNEX

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States		Identification of group and quota	Quantity available for 2015 (in kg)	Allocation coefficient provided for in Article 1	Allocation coefficient provided for in Article 2
Note No	Group				
(1)	(2)	(3)	(4)	(5)	(6)
16	Not specifically provided for (NSPF)	16-Tokyo	908 877	0,3350820	
		16-Uruguay	3 446 000	0,1897723	
7	Blue Mould	17-Uruguay	350 000	0,0910273	
18	Cheddar	18-Uruguay	1 050 000	0,2367531	
20	Edam/Gouda	20-Uruguay	1 100 000	0,2110757	
21	Italian type	21-Uruguay	2 025 000	0,1326998	
22	Swiss or Emmentaler cheese other than with eye formation	22-Tokyo	393 006		4,9125750
		22-Uruguay	380 000		12,6666666
25	Swiss or Emmentaler cheese with eye formation	25-Tokyo	4 003 172		1,6433382
		25-Uruguay	2 420 000		2,0166666

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION EUTM MALI/3/2014

of 9 October 2014

on the appointment of the EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) and repealing Decision EUTM MALI/1/2014

(2014/719/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of Malian Armed Forces (EUTM Mali) ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Decision 2013/34/CFSP, the Council authorised the Political and Security Committee (PSC), in accordance with Article 38 of the Treaty on European Union, to take the relevant decisions concerning the political control and strategic direction of EUTM Mali, including the decisions to appoint the subsequent EU Mission Commanders.
- (2) On 18 March 2014, the PSC adopted Decision EUTM MALI/1/2014 ⁽²⁾ appointing Brigadier General Marc RUDKIEWICZ as EU Mission Commander for EUTM Mali.
- (3) On 26 September 2014, Spain proposed the appointment of Brigadier General Alfonso GARCÍA-VAQUERO PRADAL as the new EU Mission Commander for EUTM Mali to succeed Brigadier General Marc RUDKIEWICZ.
- (4) On 30 September 2014, the EU Military Committee recommended that the PSC appoint Brigadier General Alfonso GARCÍA-VAQUERO PRADAL as EU Mission Commander for EUTM Mali to succeed Brigadier General Marc RUDKIEWICZ.
- (5) Decision EUTM MALI/1/2014 should be repealed.
- (6) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Brigadier General Alfonso GARCÍA-VAQUERO PRADAL is hereby appointed EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) as from 24 October 2014.

⁽¹⁾ OJ L 14, 18.1.2013, p. 19.

⁽²⁾ Political and Security Committee Decision EUTM MALI/1/2014 of 18 March 2014 on the appointment of an EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (OJ L 95, 29.3.2014, p. 30).

Article 2

Decision EUTM MALI/1/2014 is hereby repealed.

Article 3

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

Done at Brussels, 9 October 2014.

For the Political and Security Committee

The Chairperson

W. STEVENS

COUNCIL DECISION**of 13 October 2014****establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement on the accession of Montenegro to the Revised Agreement on Government Procurement**

(2014/720/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 4 November 2013, Montenegro applied for accession to the Revised Agreement on Government Procurement ('the Revised GPA').
- (2) Montenegro's commitments on coverage are laid down in its final offer, as submitted to the Parties to the Revised GPA on 18 July 2014.
- (3) Montenegro's final offer mirrors the Union's coverage schedule in Appendix I to the Revised GPA. Therefore, it is satisfactory and acceptable. The terms of Montenegro's accession, as reflected in the Annex to this Decision, will be reflected in the decision adopted by the Committee on Government Procurement ('the GPA Committee') on Montenegro's accession.
- (4) Montenegro's accession to the Revised GPA is expected to make a positive contribution to further international opening of public procurement markets.
- (5) Article XXII(2) of the Revised GPA provides that any Member of the WTO may accede to the Revised GPA on terms to be agreed between that Member and the Parties, with such terms stated in a decision of the GPA Committee.
- (6) Accordingly, it is necessary to establish the position to be taken on the Union's behalf within the GPA Committee in relation to the accession of Montenegro,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee on Government Procurement shall be to approve the accession of Montenegro to the Revised Agreement on Government Procurement, subject to specific terms of accession set out in the Annex to this Decision.

Article 2

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

Done at Luxembourg, 13 October 2014.

For the Council
The President
M. MARTINA

*ANNEX***EU TERMS OF MONTENEGRO'S ACCESSION TO THE REVISED GPA ⁽¹⁾**

Upon Montenegro's accession to the Revised GPA, point 2 of section 2 (The Central Government contracting authorities of the EU Member States) of Annex 1 to Appendix I for the European Union shall read as follows:

- '2. For the goods, services, suppliers and service providers of Israel and Montenegro, procurement by the following central government contracting authorities.'

Upon Montenegro's accession to the Revised GPA, section 2 of Annex 6 shall read as follows:

- '2. Works concessions contracts, when awarded by Annex 1 and 2 entities, are included under the national treatment regime for the construction service providers of Iceland, Liechtenstein, Norway, the Netherlands on behalf of Aruba, Switzerland and Montenegro, provided their value equals or exceeds 5 000 000 SDR and for the construction service providers of Korea; provided their value equals or exceeds 15 000 000 SDR.'

⁽¹⁾ The numbering of the coverage Schedules of the Parties to the Revised GPA has been changed by the WTO secretariat in agreement with the Parties to the Revised GPA. The numbering used in this Annex corresponds to the numbering of the latest true certified copy of coverage schedules of the Parties to the Revised GPA, which has been transmitted by the WTO to the Parties to the Revised GPA by way of official notification and is available at http://www.wto.org/english/tratop_e/gproc_e/gp_app_agree_e.htm#revisedGPA. The numbering of the coverage schedules of the Parties to the Revised GPA published in OJ L 68, 7.3.2014, p. 2 is obsolete.

COUNCIL DECISION**of 13 October 2014****establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement on the accession of New Zealand to the Revised Agreement on Government Procurement**

(2014/721/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 28 September 2012, New Zealand applied for accession to the Revised Agreement on Government Procurement (the 'Revised GPA').
- (2) New Zealand's commitments on coverage are laid down in its final offer, as submitted to the Parties to the Revised GPA on 21 July 2014.
- (3) Although comprehensive, the offer by New Zealand does not provide full coverage. It is thus appropriate to introduce certain carve-outs specific to New Zealand to the Union coverage. These specific carve-outs, as reflected in the Annex to this Decision, will become part of the terms of accession to the Revised GPA for New Zealand and will be reflected in the decision adopted by the Committee on Government Procurement ('the GPA Committee') on New Zealand's accession.
- (4) New Zealand's accession to the Revised GPA is expected to make a positive contribution to further international opening of public procurement markets.
- (5) Article XXII(2) of the Revised GPA provides that any Member of the WTO may accede to the Revised GPA on terms to be agreed between that Member and the Parties, with such terms stated in a decision of the GPA Committee.
- (6) Accordingly, it is necessary to establish the position to be taken on the Union's behalf within the GPA Committee in relation to the accession of New Zealand,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee on Government Procurement shall be to approve the accession of New Zealand to the Revised Agreement on Government Procurement, subject to specific terms of accession set out in the Annex to this Decision.

Article 2

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

Done at Luxembourg, 13 October 2014.

For the Council
The President
M. MARTINA

ANNEX

EU TERMS OF NEW ZEALAND'S ACCESSION TO THE REVISED GPA ⁽¹⁾

Upon New Zealand's accession to the Revised Agreement on Government Procurement, point 3 of section 2 ('The Central Government contracting authorities of the EU Member States') of Annex 1 to Appendix I of the European Union shall read as follows:

- '3. For the goods, services, suppliers and service providers of the United States; Canada; Japan; Hong Kong, China; Singapore; Korea; Armenia; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu and New Zealand, procurement by the following central government contracting authorities, provided they are not marked by an asterisk.'

Upon New Zealand's accession to the Revised Agreement on Government Procurement, Note 1 of the Notes to Annex 2 to Appendix I of the European Union shall include the following points after the point e:

- 'f. procurement by local contracting authorities (contracting authorities of administrative units listed under NUTS 3 and smaller administrative units, as referred to in Regulation (EC) No 1059/2003 of the European Parliament and of the Council ⁽²⁾ (as amended) in regard of goods, services, suppliers and service providers from New Zealand;
- g. procurement by contracting authorities of administrative units listed under NUTS 1 and 2 as referred to in Regulation (EC) No 1059/2003 (as amended), in regard of goods, services, suppliers and service providers from New Zealand, unless their procurement is covered under the EU Annex 3.'

Upon New Zealand's accession to the Revised Agreement on Government Procurement Note 6 of the Notes to Annex 3 to Appendix I of the European Union shall include the following points after the point n:

- 'o. procurement by procuring entities operating in the field of production, transport or distribution of drinking water covered under this Annex in regard of supplies, services and service providers from New Zealand;
- p. procurement by procuring entities operating in the field of airport facilities covered under this Annex in regard of supplies, services, and service providers from New Zealand;
- q. procurement by procuring entities operating in the field of the provision of maritime or inland port or other terminal facilities covered under this Annex in regard of supplies, services, and service providers from New Zealand;
- r. procurement by regional or local contracting authorities operating in the fields covered by this Annex, in regard of supplies, services, and service providers from New Zealand, with the exception of procurement by contracting authorities of administrative units listed under NUTS 1 and 2 (as referred to in Regulation (EC) No 1059/2003, as amended) operating in the field of transport by urban railway, automatic systems, tramway, trolley bus, bus and cable.'

⁽¹⁾ The numbering of the coverage schedules of the Parties to the Revised GPA has been changed by the WTO secretariat in agreement with the Parties to the Revised GPA. The numbering used in this Annex corresponds to the numbering of the latest true certified copy of coverage schedules of the Parties to the Revised GPA, which has been transmitted by the WTO to the Parties to the Revised GPA by way of official notification and is available at http://www.wto.org/english/tratop_e/gproc_e/gp_app_agree_e.htm#revisedGPA. The numbering of the coverage schedules of the Parties to the Revised GPA published in OJ L 68, 7.3.2014, p. 2 is obsolete.

⁽²⁾ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

COUNCIL IMPLEMENTING DECISION**of 14 October 2014****authorising Germany to apply a reduced rate of taxation on electricity directly provided to vessels at berth in a port in accordance with Article 19 of Directive 2003/96/EC**

(2014/722/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 19 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Implementing Decision 2011/445/EU ⁽²⁾ Germany was authorised to apply a reduced rate of taxation to electricity directly provided to vessels at berth in a port ('shore-side electricity') in accordance with Article 19 of Directive 2003/96/EC until 16 July 2014.
- (2) By letter dated 26 February 2014, Germany sought the authorisation to continue to apply a reduced rate of electricity tax to shore-side electricity pursuant to Article 19 of Directive 2003/96/EC.
- (3) With the tax reduction it intends to apply, Germany aims at continuing the promotion of a more widespread use of shore-side electricity as an environmentally less harmful way for ships to satisfy their electricity needs while lying at berth in ports as compared to the burning of bunker fuels on board the vessels.
- (4) In so far as the use of shore-side electricity avoids emissions of air pollutants associated with the burning of bunker fuels on board the vessels at berth, it contributes to an improvement of local air quality in port cities. The measure is therefore expected to contribute to the environmental, health and climate policy objectives of the Union.
- (5) Allowing Germany to apply a reduced rate of electricity taxation to shore-side electricity does not go beyond what is necessary to increase the use of shore-side electricity, since on-board generation will remain the more competitive alternative in most cases. For the same reason, and because of the current relatively low degree of market penetration of the technology, the measure is unlikely to lead to significant distortions in competition during the time it is applied and will thus not negatively affect the proper functioning of the internal market.
- (6) It follows from Article 19(2) of Directive 2003/96/EC that each authorisation granted under that provision must be strictly limited in time. Given the need for a period long enough to allow for the proper evaluation of the measure, but also the need not to undermine future developments of the existing legal framework, it is appropriate to grant the authorisation requested for a period of six years.
- (7) In order to provide legal certainty to port and ship operators and to avoid a potential increase in the administrative burden for the distributors and redistributors of electricity which could result from changes to the rate of excise duty levied on shore-side electricity, it should be ensured that Germany can apply the existing specific tax reduction to which this Decision relates without interruption. The authorisation requested should therefore be granted with effect from 17 July 2014, in order to follow seamlessly on from the prior arrangements under Council Implementing Decision 2011/445/EU.
- (8) This Decision should cease to apply on the date on which general rules on tax advantages for shore-side electricity become applicable by way of a future legislative act of the Union.

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.⁽²⁾ Council Implementing Decision 2011/445/EU of 12 July 2011 authorising Germany to apply a reduced rate of electricity tax to electricity directly provided to vessels at berth in a port ('shore-side electricity') in accordance with Article 19 of Directive 2003/96/EC (OJ L 191, 22.7.2011, p. 22).

(9) This decision is without prejudice to the application of the Union rules regarding State aid,

HAS ADOPTED THIS DECISION:

Article 1

Germany is hereby authorised to apply a reduced rate of electricity taxation to electricity directly supplied to vessels, other than private pleasure craft, berthed in ports ('shore-side electricity'), provided that the minimum levels of taxation pursuant to Article 10 of Directive 2003/96/EC are respected.

Article 2

This Decision shall apply from 17 July 2014 until 16 July 2020.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Luxembourg, 14 October 2014.

For the Council
The President
P. C. PADOAN

DECISION OF THE EUROPEAN CENTRAL BANK
of 17 September 2014
on the implementation of separation between the monetary policy and supervision functions of
the European Central Bank
(ECB/2014/39)
(2014/723/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 25(1), (2) and (3) thereof,

Whereas:

- (1) Regulation (EU) No 1024/2013 (hereinafter the 'SSM Regulation') establishes the Single Supervisory Mechanism (SSM) composed of the European Central Bank (ECB) and the national competent authorities (NCAs) of participating Member States.
- (2) Article 25(2) of the SSM Regulation requires the ECB to carry out its supervisory tasks without prejudice to and separately from its tasks relating to monetary policy and any other tasks. The ECB's supervisory tasks should neither interfere with, nor be determined by, its tasks relating to monetary policy. Moreover, these supervisory tasks should not interfere with the ECB's tasks in relation to the European Systemic Risk Board (ESRB) or any other tasks. The ECB is required to report to the European Parliament and to the Council as to how it has complied with this provision. The ECB's supervisory tasks may not alter the ongoing monitoring of the solvency of its monetary policy counterparties. Furthermore, the staff involved in carrying out supervisory tasks should be organisationally separate from the staff involved in carrying out other tasks conferred on the ECB and subject to separate reporting lines.
- (3) Article 25(3) of the SSM Regulation requires the ECB, for the purposes of Article 25(1) and (2), to adopt and make public any necessary internal rules, including rules regarding professional secrecy and information exchange between the two functional areas.
- (4) Article 25(4) of the SSM Regulation requires the ECB to ensure that the operation of the Governing Council is completely differentiated as regards monetary and supervisory functions. Such differentiation shall include strict separation of meetings and agendas.
- (5) In order to ensure separation between monetary policy and supervisory tasks, Article 25(5) of the SSM Regulation requires the ECB to set up a mediation panel to resolve differences of views expressed by the competent authorities of participating Member States concerned regarding an objection of the Governing Council to a draft decision by the Supervisory Board. It will include one member per participating Member State, chosen by each Member State among the members of the Governing Council and the Supervisory Board. Its decisions are to be made by a simple majority, with each member having one vote. The ECB is obliged to adopt and make public a regulation setting up the mediation panel and its rules of procedure; in that context, the ECB adopted Regulation (EU) No 673/2014 of the European Central Bank (ECB/2014/26) ⁽²⁾.
- (6) The ECB's Rules of Procedure have been amended ⁽³⁾ in order to adjust the internal organisation of the ECB and its decision-making bodies to the new requirements arising from the SSM Regulation and clarify the interaction of the bodies involved in the process of preparing and adopting supervisory decisions.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ Regulation (EU) No 673/2014 of the European Central Bank of 2 June 2014 concerning the establishment of a Mediation Panel and its Rules of Procedure (ECB/2014/26) (OJ L 179, 19.6.2014, p. 72).

⁽³⁾ Decision ECB/2014/1 of 22 January 2014 amending Decision ECB/2004/2 adopting the Rules of Procedure of the European Central Bank (OJ L 95, 29.3.2014, p. 56).

- (7) Articles 13g to 13j of the ECB's Rules of Procedure provide details on the adoption of decisions by the Governing Council regarding matters related to the SSM Regulation. In particular, Article 13g concerns the adoption of decisions for the purpose of carrying out the tasks referred to in Article 4 of the SSM Regulation, and Article 13h concerns the adoption of decisions for the purpose of carrying out the tasks referred to in Article 5 of the SSM Regulation, implementing the requirements laid down in Article 26(8) of the SSM Regulation.
- (8) Article 13k of the ECB's Rules of Procedure provides that the ECB must carry out supervisory tasks without prejudice to and separately from its tasks relating to monetary policy and from any other tasks. In this respect, the ECB is required to take all necessary measures to ensure separation between its monetary policy and supervisory functions. At the same time, the separation of the monetary policy and the supervisory functions should not preclude the exchange between these two functional areas of information necessary for the achievement of ECB and European System of Central Banks (ESCB) tasks.
- (9) Article 13l of the ECB's Rules of Procedure provides that Governing Council meetings regarding supervisory tasks must take place separately from regular Governing Council meetings and have separate agendas.
- (10) According to Article 13m of the ECB's Rules of Procedure on the ECB's internal structure in relation to supervisory tasks, the competence of the Executive Board in respect of the ECB's internal structure and staff encompasses supervisory tasks. The Executive Board is to consult the Chair and the Vice Chair of the Supervisory Board on this internal structure. The Supervisory Board, in agreement with the Executive Board, may establish and dissolve substructures of a temporary nature, such as working groups or task forces. These are to assist in work regarding supervisory tasks and report to the Supervisory Board. Article 13m also provides for the appointment of the Secretary of the Supervisory Board and the Steering Committee by the President of the ECB, after having consulted the Chair of the Supervisory Board. The Secretary is to liaise with the Secretary of the Governing Council when preparing the meetings of the Governing Council regarding supervisory tasks and be responsible for drafting the proceedings of these meetings.
- (11) Recital 66 of the SSM Regulation states that organisational separation of staff should concern all services needed for independent monetary policy purposes and should ensure that the exercise of the supervisory tasks is fully subject to democratic accountability and oversight as provided for by the SSM Regulation. The staff involved in carrying out supervisory tasks should report to the Chair of the Supervisory Board. Within this framework, in order to fulfil the requirements contained in Article 25(2) of the SSM Regulation ⁽¹⁾, the ECB has established a structure of four Directorates-General for the performance of supervisory tasks and a Secretariat to the Supervisory Board, functionally reporting to the Chair and Vice Chair of the Supervisory Board. The ECB has further identified several business areas to provide support to both the monetary policy and supervisory functions of the ECB as shared services, where such support will not lead to conflicts of interest between the ECB's supervisory and monetary policy objectives. Divisions dedicated to supervisory tasks have been established within several 'shared service' business areas.
- (12) Article 37 of the Statute of the European System of Central Banks and of the European Central Bank lays down the obligation of professional secrecy for members of the governing bodies and the staff of the ECB and the national central banks. Recital 74 of the SSM Regulation states that the Supervisory Board, the steering committee and staff of the ECB carrying out supervisory duties should be subject to appropriate professional secrecy requirements. Article 27 of the SSM Regulation extends the obligation of professional secrecy to members of the Supervisory Board, and staff seconded by participating Member States carrying out supervisory duties.
- (13) The exchange of information between the ECB's monetary policy and supervisory functions should be organised in strict compliance with the limits established by Union law ⁽²⁾, taking into account the principle of separation. Obligations protecting confidential information, as provided for in applicable laws and regulations, such as

⁽¹⁾ See also recital O of the Interinstitutional Agreement between the European Parliament and the European Central Bank on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the ECB within the framework of the Single Supervisory Mechanism (2013/694/EU) (OJ L 320, 30.11.2013, p. 1); and recital G of the Memorandum of Understanding between the Council of the European Union and the European Central Bank on the cooperation on procedures related to the Single Supervisory Mechanism (SSM).

⁽²⁾ See recital H of the Interinstitutional Agreement. According to Recital 74 of the SSM Regulation, the requirements for the exchange of information with the staff not involved in supervisory activities should not prevent the ECB from exchanging information within the limits and under the conditions set out in the relevant Union legislation, including with the Commission for the purposes of its tasks under Articles 107 and 108 TFEU and under Union law on enhanced economic and budgetary surveillance.

Council Regulation (EC) No 2533/98 ⁽¹⁾ on the collection of confidential statistical data and the provisions of Directive 2013/36/EU of the European Parliament and of the Council ⁽²⁾ relating to the sharing of supervisory information, will apply. Subject to the conditions set forth in this Decision, the principle of separation applies to the exchange of confidential information from both the monetary policy to the supervisory function as well as from the supervisory to the monetary policy function of the ECB.

- (14) According to recital 65 of the SSM Regulation, the ECB is responsible for carrying out monetary policy functions with a view to maintaining price stability in accordance with Article 127(1) of the Treaty on the Functioning of the European Union (TFEU). The objective of its supervisory tasks is to protect the safety and soundness of credit institutions and the stability of the financial system. They should therefore be carried out in full separation from the monetary policy function in order to avoid conflicts of interest and to ensure that each of these policy functions is exercised in accordance with its particular objectives. At the same time, effective separation between the monetary policy and supervisory functions should not prevent the reaping, wherever possible and desirable, of all the benefits to be expected as a result of combining these two policy functions in the same institution, including drawing on the ECB's extensive expertise in macroeconomic and financial stability issues and reducing double work when gathering information. It is therefore necessary to put in place mechanisms that allow an adequate flow of data and other confidential information between the two policy functions,

HAS ADOPTED THIS DECISION:

Article 1

Scope and objectives

1. This Decision sets out the arrangements complying with the requirement to separate the ECB's monetary policy function from its supervisory function (together referred to as 'the policy functions'), in particular with respect to professional secrecy and the exchange of information between the two policy functions.
2. The ECB shall carry out its supervisory tasks without prejudice to and separately from its tasks relating to monetary policy and any other tasks. The ECB's supervisory tasks shall neither interfere with, nor be determined by, its tasks relating to monetary policy. The ECB's supervisory tasks shall moreover not interfere with its tasks in relation to the ESRB or any other tasks. The ECB's supervisory tasks and the ongoing monitoring of the financial soundness and solvency of the Eurosystem's monetary policy counterparties shall be articulated in a way which does not lead to distorting the finality of either of these functions.
3. The ECB shall ensure that the operation of the Governing Council is completely differentiated as regards monetary and supervisory functions. Such differentiation shall include strict separation of meetings and agendas.

Article 2

Definitions

For the purposes of this Decision:

- (1) 'confidential information' means information classified as 'ECB-CONFIDENTIAL' or 'ECB-SECRET' under the ECB's confidentiality regime; other confidential information, including information covered by data protection rules or by the obligation of professional secrecy, created within the ECB or forwarded to it by other bodies or individuals; any confidential information falling under the professional secrecy rules of Directive 2013/36/EU; as well as confidential statistical information in accordance with Regulation (EC) No 2533/98;
- (2) 'need to know' means the need to have access to confidential information necessary for the fulfilment of a statutory function or task of the ECB, which in case of information labelled as 'ECB-CONFIDENTIAL' shall be broad enough to enable staff to access information relevant to their tasks and take over tasks from colleagues with minimal delays;

⁽¹⁾ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).

⁽²⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

- (3) 'raw data' means data transmitted by reporting agents, after statistical processing and validation, or data generated by the ECB through the execution of its functions;
- (4) 'ECB Confidentiality Regime' means the regime of the ECB which defines how to classify, handle and protect confidential ECB information.

Article 3

Organisational separation

1. The ECB shall maintain autonomous decision-making procedures for its supervisory and monetary policy functions.
2. All work units of the ECB shall be placed under the managing direction of the Executive Board. The competence of the Executive Board in respect of the ECB's internal structure and the staff of the ECB shall encompass the supervisory tasks. The Executive Board shall consult the Chair and the Vice Chair of the Supervisory Board on such internal structure.
3. ECB staff involved in carrying out supervisory tasks shall be organisationally separated from the staff involved in carrying out other tasks conferred on the ECB. Staff involved in carrying out supervisory tasks shall report to the Executive Board in respect of organisational, human resources and administrative issues, but shall be subject to functional reporting to the Chair and the Vice Chair of the Supervisory Board, subject to the exception in paragraph 4.
4. The ECB may establish shared services providing support to both the monetary policy and the supervisory function in order to ensure that these support functions are not duplicated, thus helping to guarantee the efficient and effective delivery of services. Such services shall not be subject to Article 6 as regards any information exchanges by them with the relevant policy functions.

Article 4

Professional secrecy

1. Members of the Supervisory Board, of the Steering Committee and of any substructures established by the Supervisory Board, staff of the ECB and staff seconded by participating Member States carrying out supervisory duties shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.
2. Persons having access to data covered by Union legislation imposing an obligation of secrecy shall be subject to such legislation.
3. The ECB shall subject individuals who provide any service, directly or indirectly, permanently or occasionally, related to the discharge of supervisory duties to equivalent professional secrecy requirements by means of contractual arrangements.
4. The rules on professional secrecy contained in Directive 2013/36/EU shall apply to the persons specified in paragraphs 1 to 3. In particular, confidential information that such persons receive in the course of their duties may be disclosed only in summary or aggregate form in such a way that individual credit institutions cannot be identified, without prejudice to cases covered by criminal law.
5. Nevertheless, where a credit institution has been declared bankrupt or is being compulsorily wound up, confidential information which does not concern third parties involved in attempts to rescue that credit institution may be disclosed in civil or commercial proceedings.
6. This Article shall not prevent the ECB's supervisory function from exchanging information with other Union or national authorities in line with applicable Union law. Information so exchanged shall be subject to paragraphs 1 to 5.
7. The ECB's confidentiality regime shall apply to the ECB's members of the Supervisory Board, ECB staff and staff seconded by participating Member States carrying out supervisory duties, even after their duties are ceased.

*Article 5***General principles for the access to information between policy functions and classification**

1. Notwithstanding Article 4, information may be exchanged between the policy functions provided that this is permitted under relevant Union law.
2. Information except raw data shall be classified in accordance with the ECB's confidentiality regime by the ECB policy function owning the information. Raw data shall be classified separately. The exchange of confidential information between the two policy functions shall be subject to the governance and procedural rules set out for this purpose, and to a need to know requirement, which shall be demonstrated by the requesting ECB policy function.
3. Access to confidential information by the supervisory or monetary policy function from the respective other policy function shall be determined by the ECB policy function that owns the information in accordance with the ECB's confidentiality regime, unless stated otherwise in this Decision. In the event of conflict between the two policy functions of the ECB regarding access to confidential information, the access to confidential information shall be determined by the Executive Board in compliance with the principle of separation. Consistency of decisions on access rights and adequate recording of such decisions shall be ensured.

*Article 6***Exchange of confidential information between policy functions**

1. The ECB's policy functions shall disclose confidential information in the form of non-anonymised common reporting (COREP) and financial reporting (FINREP) ⁽¹⁾ data as well as other raw data to the respective other policy function of the ECB upon request on a need to know basis, subject to Executive Board approval, except where Union law provides otherwise. The ECB's supervisory function shall disclose confidential information in the form of anonymised COREP and FINREP data to the monetary policy function of the ECB upon request on a need to know basis, except where Union law provides otherwise.
2. The ECB's policy functions shall not disclose confidential information containing assessments or policy recommendations to the respective other policy function, except upon request on a need to know basis, and ensuring that each policy function is exercised in accordance with the applicable objectives, and where such disclosure has been expressly authorised by the Executive Board.

The ECB's policy functions may disclose confidential aggregated information containing neither individual banking information nor policy-sensitive information related to the preparation of decisions to the respective other policy function upon request on a need to know basis, and ensuring that each policy function is exercised in accordance with the applicable objectives.

3. Analysis of the confidential information received under this Article shall be conducted autonomously by the receiving policy function in accordance with its objective. Any subsequent decision shall be taken solely on this basis.

*Article 7***Exchange of confidential information involving personal data**

The exchange of information involving personal data shall be subject to applicable Union law on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

*Article 8***Exchange of confidential information in emergency situations**

Notwithstanding Article 6, in an emergency situation as defined in Article 114 of Directive 2013/36/EU, the ECB's policy functions shall communicate, without delay, confidential information to the respective other policy function of the ECB, where that information is relevant for the exercise of its tasks in respect of the particular emergency at hand.

⁽¹⁾ See Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council, (OJ L 191, 28.6.2014, p. 1.)

*Article 9***Final provision**

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

Done at Frankfurt am Main, 17 September 2014.

The President of the ECB
Mario DRAGHI

ANNEX**EXCERPT FROM THE ECB CONFIDENTIALITY REGIME**

All documents created by the ECB must be assigned one of the five security classifications below.

Documents received from parties outside the ECB are to be handled in accordance with the classification label on the document. If that document does not have a classification label, or the classification is assessed by the recipient as being too low, the document must be relabelled, with an appropriate ECB classification level clearly indicated at least on the first page. The classification should only be downgraded with the written permission of the originating organisation.

The ECB's five security classifications with their access rights are listed below.

- ECB-SECRET: Access within the ECB limited to those with a strict 'need to know', approved by an ECB senior manager of the originating business area, or above.
- ECB-CONFIDENTIAL: Access within the ECB limited to those with a 'need to know' broad enough to enable staff to access information relevant to their tasks and take over tasks from colleagues with minimal delay.
- ECB-RESTRICTED: Can be made accessible to ECB staff and, if appropriate, ESCB staff with a legitimate interest.
- ECB-UNRESTRICTED: Can be made accessible to all ECB staff and, if appropriate, ESCB staff.
- ECB-PUBLIC: Authorised to be made available to the general public.
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RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 10 October 2014

on the Data Protection Impact Assessment Template for Smart Grid and Smart Metering Systems

(2014/724/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Smart grids are an enabler for implementing key energy policies. In the 2030 policy framework context, smart grids, as the backbone of the future decarbonised power system, are recognised as a facilitator for the energy infrastructure's transformation in order to accommodate higher shares of variable renewable energy, improve energy efficiency and ensure security of supply. Smart grids provide an opportunity to boost EU technology providers' competitiveness, as well as a platform for traditional energy companies and new market entrants to develop innovative energy services and products in grid infrastructure and related information and communications technology (ICT), home automation and appliances.
- (2) Smart metering systems are a stepping stone towards smart grids. They provide the tools to empower consumers' active participation in the energy market, and enable system flexibility through demand response schemes and other innovative services. In accordance with Directive 2009/72/EC of the European Parliament and of the Council ⁽¹⁾ and Directive 2009/73/EC of the European Parliament and of the Council ⁽²⁾, Member States are required to ensure the implementation of smart metering systems that assist the active participation of consumers in the electricity and gas supply markets.
- (3) The operation of smart metering systems — and a fortiori any further developments of smart grids and appliances — hold the potential to process data relating to an individual, i.e. personal data as defined by Article 2 of Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾.
- (4) Opinion 12/2011 ⁽⁴⁾ of the Working Party on the protection of individuals with regard to the processing of personal data set up in accordance with Article 29 of Directive 95/46/EC states that smart metering systems and smart grids hold the potential to process increasing amounts of personal data and to make that personal data available to a wider circle of recipients than at present, thus creating new risks for data subjects that were previously unknown to the energy sector.
- (5) Opinion 04/2013 ⁽⁵⁾ of the Working Party states that smart metering systems and smart grids foreshadow the impending 'Internet of Things', and that the potential risks associated with the collection of detailed consumption data are likely to increase in the future when combined with data from other sources, such as geo-location data, tracking and profiling on the internet, video surveillance systems, and radio frequency identification (RFID) systems ⁽⁶⁾.

⁽¹⁾ Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

⁽²⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽⁴⁾ Article 29 Data Protection Working Party, *Opinion 12/2011 on smart metering*, 00671/11/EN, WP183, 4 April 2011.

⁽⁵⁾ Article 29 Data Protection Working Party, *Opinion 04/2013 on the Data Protection Impact Assessment Template for Smart Grid and Smart Metering Systems ('DPIA Template') prepared by Expert Group 2 of the Commission's Smart Grid Task Force*, 00678/13/EN, WP205, 22 April 2013.

⁽⁶⁾ *Ibid.* and Recommendation CM/Rec(2010)13 of 23 November 2010 of the Council of Europe Committee of Ministers to Member States on the protection of individuals with regard to automatic processing of personal data in the context of profiling.

- (6) Raising awareness about the features and substantial benefits of smart grids should help this technology fulfil its full potential, while at the same time mitigating the risks of it being used to the detriment of the public interest, thus enhancing its acceptability.
- (7) The rights and obligations provided for by Directive 95/46/EC and by Directive 2002/58/EC of the European Parliament and of the Council ⁽⁷⁾ are fully applicable to smart metering systems and smart grid environments when personal data are processed.
- (8) The package adopted by the Commission for reforming Directive 95/46/EC includes a 'Proposed Data Protection Regulation' ⁽⁸⁾, which, when adopted, would apply to smart metering systems and smart grid environments when personal data are processed.
- (9) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 12 April 2011 on 'Smart Grids: from innovation to deployment' ⁽⁹⁾ highlighted data protection and security as one of the five challenges for smart grid deployment and identified a number of measures to accelerate this deployment, including the 'privacy by design' approach and assessment of network and information security and resilience.
- (10) The Digital Agenda for Europe lists a set of appropriate measures, in particular on data protection in the Union, on network and information security and on cyber-attacks. The 'Cybersecurity Strategy for the European Union: An Open, Safe and Secure Cyberspace' ⁽¹⁰⁾ and the Commission proposal for a Directive concerning measures to ensure a high common level of network and information security across the Union of 7 February 2013 ⁽¹¹⁾ put forward legal measures and set incentives to foster investments, transparency and user awareness, aiming at making the EU's online environment more secure. Member States, in collaboration with industry, the Commission and other stakeholders, should take appropriate measures to ensure a coherent approach in security and personal data protection.
- (11) The opinions of the Working Party on the protection of individuals with regard to the processing of personal data set up in accordance with Article 29 of Directive 95/46/EC, and the European Data Protection Supervisor's opinion of 8 June 2012 ⁽¹²⁾ provide guidance to safeguard personal data and guarantee data security when data are processed in smart metering systems and smart grids. Opinion 12/2011 of the Working Party on smart metering recommends Member States to proceed with implementation plans which require a Privacy Impact Assessment.
- (12) In order to leverage the benefits generated by smart metering systems, one of the key preconditions for the use of this technology is to find appropriate technical and legal solutions which safeguard privacy of the individual and protection of personal data as fundamental rights under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union and Article 16 of the Treaty on the Functioning of the European Union. The Commission Recommendation 2012/148/EU ⁽¹³⁾ sets out specific guidance on data protection and security measures for smart metering systems and invites Member States and stakeholders to ensure that smart metering systems and smart grid applications are monitored and that fundamental rights and freedoms of individuals are respected.
- (13) The Recommendation 2012/148/EU states that data protection impact assessments should make it possible to identify data protection risks in smart grid developments from the start, following the principle of data protection by design. It announces the development by the Commission of a Data Protection Impact Assessment Template for Smart Grid and Smart Metering Systems, to be submitted for opinion to the Working Party on the protection of individuals with regard to the processing of personal data.

⁽⁷⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

⁽⁸⁾ COM(2012)111 final.

⁽⁹⁾ COM(2011) 202 final.

⁽¹⁰⁾ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Cybersecurity Strategy for the European Union: An Open, Safe and Secure Cyberspace', 7 February 2013, JOIN(2013) 1 final.

⁽¹¹⁾ COM(2013) 48 final.

⁽¹²⁾ European Data Protection Supervisor's Opinion of 8 June 2012 on the Commission Recommendation on preparations for smart metering roll-out: https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2012/12-06-08_Smart_metering_EN.pdf

⁽¹³⁾ Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems (OJ L 73, 13.3.2012, p. 9).

- (14) The Recommendation 2012/148/EU further indicates that the Data Protection Impact Assessment Template should guide data controllers in conducting a thorough data protection impact assessment which describes the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address the risks, safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with Directive 95/46/EC, taking into account the rights and legitimate interests of data subjects concerned.
- (15) The 'Proposed Data Protection Regulation' replacing Directive 95/46/EC would render Data Protection Impact Assessments mandatory under certain conditions, as a key instrument to enhance data controllers' accountability. In this respect, the Data Protection Impact Assessment Template for Smart Grid and Smart Metering Systems, albeit itself non-compulsory, will serve the purpose, as an evaluation and decision-making tool, of supporting data controllers in the smart grids sector to comply with a future legal obligation under the 'Proposed Data Protection Regulation'.
- (16) A Template developed at Union level for conducting data protection impact assessments aims at ensuring that the provisions of Directive 95/46/EC and Recommendation 2012/148/EU are followed coherently across Member States and that a common methodology for data controllers guaranteeing adequate and harmonized processing of personal data throughout the EU is promoted.
- (17) Such a Template should facilitate the application of the principle of data protection by design by encouraging data controllers to carry out an impact assessment of data protection as soon as possible, hence allowing them to anticipate potential impacts on the rights and freedoms of data subjects and implement stringent safeguards. Such measures should be monitored and reviewed by the data controller throughout the lifecycle of the application or system.
- (18) The report produced from the Template's implementation should also contribute to national Data Protection Authorities activities regarding the monitoring and oversight of the compliance of processing and, in particular, the risks for the protection of personal data.
- (19) The Template should not only facilitate the resolution of emerging data protection, privacy and security issues in the smart grid environment, but also contribute to addressing data handling challenges linked to the development of the retail energy market. Indeed, an important part of value in the future retail market will stem from data and wider integration of ICT into the energy system. The collection and organisation of access to this data are key to the creation of business opportunities for newcomers, especially aggregators, energy service companies or the ICT branch. Data protection, privacy and security will therefore become increasingly important issues for utilities to handle. The Template will help ensure, especially in the initial phase of the roll-out of smart meters, that smart metering system applications are monitored and that fundamental rights and freedoms of individuals are respected, by identifying data protection risks in smart grid developments from the start.
- (20) Following submission of the Template — as formulated by the smart grid sector's main stakeholders through a process monitored by the Commission — to the Working Party for formal consultation, Opinion 04/2013 was issued. Subsequent to the submission of a revised Template based on Opinion 04/2013, the Working Party issued Opinion 07/2013 of 4 December 2013 ⁽¹⁴⁾. The recommendations formulated in these two opinions were taken into account by the stakeholders.
- (21) Opinion 07/2013 of the Working Party recommends the organisation of a test phase for the implementation of the Template, in which individual Data Protection Authorities may consider offering support. This test phase should contribute to ensure that the Template provides improved data protection to individuals in the context of the deployment of smart grids.
- (22) In light of the benefits generated by the Template for industry, consumers and for national Data Protection Authorities, Member States should cooperate with industry, civil society stakeholders and national data protection authorities to stimulate and support the use and deployment of the Data Protection Impact Assessment Template at an early stage in the deployment of smart grids and the roll-out of smart metering systems.

⁽¹⁴⁾ Article 29 Data Protection Working Party, *Opinion 07/2013 on the Data Protection Impact Assessment Template for Smart Grid and Smart Metering Systems ('DPIA Template') prepared by Expert Group 2 of the Commission's Smart Grid Task Force*, 2064/13/EN, WP209, 4 December 2013.

- (23) The Commission should contribute to the implementation of this Recommendation directly and indirectly by facilitating dialogue and cooperation amongst stakeholders, in particular through the centralisation and dissemination of information feedback during the test phase between industry and national data protection authorities.
- (24) In light of the test phase's conclusions and subsequent to the revision of Directive 95/46/EC, the Commission should assess the need to review and refine the methodology promoted in the Template.
- (25) This Recommendation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the EU. In particular, this Recommendation seeks to ensure full respect for private and family life (Article 7 of the Charter) and the protection of personal data (Article 8 of the Charter).
- (26) After consulting the European Data Protection Supervisor,

HAS ADOPTED THIS RECOMMENDATION:

I. SCOPE

- 1. This Recommendation provides guidance to Member States on measures to be taken for the positive and wide-ranging dissemination, recognition and use of the Data Protection Impact Assessment Template for Smart Grid and Smart Metering Systems (hereinafter referred to as 'DPIA Template'), to help ensure the fundamental rights to protection of personal data and to privacy in the deployment of smart grid applications and systems and smart metering roll-out.

The DPIA Template is available on the website of the Smart Grid Task Force (http://ec.europa.eu/energy/gas_electricity/smartgrids/smartgrids_en.htm).

II. DEFINITIONS

- 2. Member States are invited to take note of the following definitions:
 - (a) 'smart grid' ⁽¹⁵⁾ means an upgraded energy network to which two-way digital communication between the supplier and consumer, smart metering and monitoring and control systems have been added;
 - (b) 'smart metering system' means an electronic system that can measure energy consumption and production, adding more information than a conventional meter, and can transmit and receive data using a form of electronic communication ⁽¹⁶⁾;
 - (c) 'data protection impact assessment' means a systematic process for evaluating the potential impact of risks where processing operations are likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes to be carried out by the controller or processor or the processor acting on the controller's behalf;
 - (d) 'data protection by design' requires to implement, having regard to the state of the art and the cost of implementation, both at the time of the determination of the means for processing and at the time of the processing itself, appropriate technical and organisational measures and procedures in such a way that the processing will meet the requirements of Directive 95/46/EC and ensure the protection of the rights of the data subject;
 - (e) 'data protection by default' requires to implement mechanisms for ensuring that, by default, only those personal data are processed which are necessary for each specific purpose of the processing and are especially not collected or retained beyond the minimum necessary for those purposes, both in terms of the amount of the data and the time of their storage;

⁽¹⁵⁾ The DPIA Template, developed by the Smart Grid Task Force, defines smart grids as energy networks that can cost-efficiently integrate the behaviour of all users connected to them in order to ensure an economically efficient, sustainable power system with low losses and high quality and security of supply and safety: http://ec.europa.eu/energy/gas_electricity/smartgrids/doc/expert_group1.pdf

⁽¹⁶⁾ Interpretative note on Directive 2009/72/EC concerning common rules for the internal market in electricity and Directive 2009/73/EC concerning common rules for the internal market in natural gas — Retail markets, p. 7.

- (f) 'best available techniques' means the most effective and advanced stage in the development of activities and their methods of operation, which indicate the practical suitability of particular techniques for providing in principle the basis for complying with the EU data protection framework. They are designed to prevent or mitigate risks on privacy, personal data and security.
- (g) The Article 29 Data Protection Working Party was set up under the Directive 95/46/EC.

III. IMPLEMENTATION

3. In order to guarantee protection of personal data throughout the Union, Member States should encourage data controllers to apply the DPIA Template for Smart Grid and Smart Metering Systems, and in doing so, encourage them to take into account the advice of the Working Party on the protection of individuals with regard to the processing of personal data, in particular its Opinion 07/2013 ⁽¹⁷⁾. The opinions of the Working Party are available on the Smart Grid Task Force's webpage (http://ec.europa.eu/energy/gas_electricity/smartgrids/smartgrids_en.htm).
4. Member States should cooperate with industry, civil society stakeholders and national data protection authorities to stimulate and support the dissemination and use of the DPIA Template at an early stage in the deployment of smart grids and the roll-out of smart metering systems.
5. Member States should encourage data controllers to consider as a complementary element to the Data Protection Impact Assessment, the Best Available Techniques to be determined by Member States in collaboration with the industry, Commission and other stakeholders for each of the common minimum functional requirements for electricity smart metering as listed in point 42 of Recommendation 2012/148/EU.
6. Member States should support data controllers in developing and adopting Data Protection by Design and Data Protection by Default solutions enabling effective data protection.
7. Member States should ensure that the data controllers consult their respective national data protection authorities on the data protection impact assessment, prior to processing.
8. Member States should ensure that data controllers, following the conduct of a data protection impact assessment, and in line with their other obligations under Directive 95/46/EC, take the appropriate technical and organisational measures to ensure protection of personal data, and review the assessment and continued appropriateness of the identified measures throughout the lifecycle of the application or system.

IV. TEST PHASE

9. Member States should support the organisation of a test phase ⁽¹⁸⁾ with deployment of real cases, including by seeking and encouraging testers from the smart grid and smart metering industries to engage in this test phase.
10. Member States should ensure, during this test phase, that all relevant applications or systems apply the Template, the advice ⁽¹⁹⁾ of the Working Party on the protection of individuals with regard to the processing of personal data, as well as the provisions contained in Section III of this Recommendation, in order to have the best impact on data protection and to provide as much input as possible for the Template's subsequent review.
11. Member States should encourage and support national authorities competent for data protection to offer their support and guidance to data controllers throughout the test phase ⁽²⁰⁾.
12. The Commission intends to directly contribute to the implementation and monitoring of the test phase by facilitating dialogue and cooperation amongst stakeholders, in particular by providing the stakeholder platform ⁽²¹⁾ for the organisation of stakeholder meetings involving the testers, industry and civil society representatives, national data protection authorities and energy regulators.

⁽¹⁷⁾ See footnotes 4, 5 and 14.

⁽¹⁸⁾ See footnote 14.

⁽¹⁹⁾ See footnotes 4, 5 and 14.

⁽²⁰⁾ See footnote 14.

⁽²¹⁾ The Stakeholder Platform will be the Smart Grid Task Force, which was created by the European Commission in 2009 as a policy platform to discuss and advise the Commission on policy/regulatory directions and coordinate the first steps towards smart grid deployment: http://ec.europa.eu/energy/gas_electricity/smartgrids/taskforce_en.htm

13. Member States should encourage the testers to communicate and share the results of the test phase with the national authorities competent for data protection and with the other relevant stakeholders in the framework of the stakeholder platform based on three categories of evaluation criteria:
 - (a) efficiency of the Template in assessing the impact of individual smart grid applications on data protection;
 - (b) usefulness of the Template in guiding the data controller in the conduct of the impact assessment according to the concrete circumstances of the application or system; and
 - (c) user-friendliness of the Template from the data controller's perspective.

The reporting on these evaluation criteria should focus on providing information relevant to the application of the Commission Recommendation and of the Template across all relevant applications or systems.

14. The Commission intends to ensure the compilation of an inventory of data protection impact assessments conducted during the test phase. The inventory of data protection impact assessments will be made available on the Smart Grid Task Force's webpage throughout the test phase and will be regularly updated in order to foster continuous and prompt improvement in the Template's application.

V. REVIEW

15. Within two years of publication of this Recommendation in the *Official Journal of the European Union*, Member States should provide the Commission with an assessment report highlighting the relevant conclusions stemming from the test phase.
16. Two years after the publication of this Recommendation in the *Official Journal of the European Union*, the Commission intends to assess the need for revision of the DPIA Template based on the test phase reports provided by Member States and in light of the abovementioned evaluation criteria. The Commission will consider organising a dedicated stakeholder event to exchange views on this assessment prior to undertaking a revision.
17. This revision should contribute to ensure that the DPIA Template provides improved data protection to individuals in the context of the deployment of smart grids and adequately reflects the provisions of the revised Directive 95/46/EC and the Working Party's Opinion 07/2013.

Done at Brussels, 10 October 2014.

For the Commission
Günther OETTINGER
Member of the Commission

CORRIGENDA

Corrigendum to Commission Decision 2014/313/EU of 28 May 2014 amending Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU, 2011/383/EU, 2012/720/EU and 2012/721/EU in order to take account of developments in the classification of substances

(Official Journal of the European Union L 164 of 3 June 2014)

On page 77, Annex I, point (1) relating to the Annex to Decision 2011/263/EU:

for: '(1) In Criterion 2, point (b), fifth paragraph, the table of derogations is replaced by the following table:

Surfactants in total concentrations < 25 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product (*)	H412: Harmful to aquatic life with long-lasting effects	R52-53
Biocides used for preservation purposes (**)	H410: Very toxic to aquatic life with long-lasting effects	R50-53
	H411: Toxic to aquatic life with long-lasting effects	R51-53
	H412: Harmful to aquatic life with long-lasting effects	R52-53
Fragrances	H412: Harmful to aquatic life with long-lasting effects	R52-53
Enzymes (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40

(*) This derogation is applicable provided that they are ready degradable and anaerobically degradable.

(**) Referred to in Criterion 2(e). This derogation is applicable provided that biocides' bioaccumulation potentials are characterised by log Pow (log octanol/water partition coefficient) < 3,0 or an experimentally determined bioconcentration factor (BCF) ≤ 100.

(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %;

read: '(1) In Criterion 2, point (b), fifth paragraph, the table of derogations is replaced by the following table:

Subtilisin	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product (*)	H412: Harmful to aquatic life with long-lasting effects	R52-53

Biocides used for preservation purposes (**)	H410: Very toxic to aquatic life with long-lasting effects	R50-53
	H411: Toxic to aquatic life with long-lasting effects	R51-53
	H412: Harmful to aquatic life with long-lasting effects	R52-53
Fragrances	H412: Harmful to aquatic life with long-lasting effects	R52-53
Enzymes (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40

(*) This derogation is applicable provided that they are ready degradable and anaerobically degradable.

(**) Referred to in Criterion 2(e). This derogation is applicable provided that biocides' bioaccumulation potentials are characterised by log Pow (log octanol/water partition coefficient) < 3,0 or an experimentally determined bioconcentration factor (BCF) ≤ 100.

(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %;

on page 78, Annex II, point (1) relating to the Annex to Decision 2011/264/EU:

for: '(1) In Criterion 4, point (b), fifth paragraph, the table of derogations is replaced by the following table:

Surfactants in total concentrations < 25 % in the final product	H400: Very toxic to aquatic life	R50
Surfactants in total concentrations < 25 % in the final product (*)	H412: Harmful to aquatic life with long-lasting effects	R52-53
Biocides used for preservation purposes (**)	H410: Very toxic to aquatic life with long-lasting effects	R50-53
	H411: Toxic to aquatic life with long-lasting effects	R51-53
	H412: Harmful to aquatic life with long-lasting effects	R52-53
Fragrances	H412: Harmful to aquatic life with long-lasting effects	R52-53
Enzymes (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43

Bleach catalysts (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
	H317: May cause allergic skin reaction	R43
NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40
Optical brighteners (only for heavy duty laundry detergent)	H413: May cause long lasting effects to aquatic life	R53

(*) This derogation is applicable provided that they are ready degradable and anaerobically degradable.

(**) Referred to in Criterion 4(e). This derogation is applicable provided that biocides' bioaccumulation potentials are characterised by log Pow (log octanol/water partition coefficient) < 3,0 or an experimentally determined bioconcentration factor (BCF) ≤ 100.

(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %;

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Bleach catalysts (***)	H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled	R42
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NTA as an impurity in MGDA and GLDA (****)	H351: Suspected of causing cancer	R40
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(*) This derogation is applicable provided that they are ready degradable and anaerobically degradable.

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(***) Including stabilisers and other auxiliary substances in the preparations.

(****) In concentrations lower than 1,0 % in the raw material as long as the total concentration in the final product is lower than 0,10 %;.

