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⁽¹⁾ Text with EEA relevance.

EN

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

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ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

- ★ **Decision No 1/2017 of the EU-Switzerland Joint Committee of 8 February 2017 amending Tables II, III and IV(b) of Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products [2017/362] 16**

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force of the Protocol amending the Marrakesh Agreement establishing the World Trade Organization

The Protocol amending the Marrakesh Agreement establishing the World Trade Organization ⁽¹⁾ has entered into force on 22 February 2017.

⁽¹⁾ OJ L 284, 30.10.2015, p. 3.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/356

of 15 February 2017

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Rheinisches Zuckerrübenkraut/Rheinischer Zuckerrübensirup/Rheinisches Rübenkraut (PGI)]

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Germany's application for the approval of amendments to the specification for the protected geographical indications 'Rheinisches Zuckerrübenkraut'/'Rheinischer Zuckerrübensirup'/'Rheinisches Rübenkraut', registered under Commission Implementing Regulation (EU) No 628/2012 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Rheinisches Zuckerrübenkraut'/'Rheinischer Zuckerrübensirup'/'Rheinisches Rübenkraut' (PGI) are hereby approved.

Article 2

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 628/2012 of 6 July 2012 entering a name in the register of protected designations of origin and protected geographical indications [Rheinisches Zuckerrübenkraut/Rheinischer Zuckerrübensirup/Rheinisches Rübenkraut (PGI)] (OJ L 182, 13.7.2012, p. 10).

⁽³⁾ OJ C 403, 1.11.2016, p. 9.

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

Done at Brussels, 15 February 2017.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2017/357**of 28 February 2017****concerning the non-approval of the active substance cyclaniliprole, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) In accordance with Article 7(1) of Regulation (EC) No 1107/2009 Austria received on 19 December 2013 an application from ISK Biosciences Europe N.V. for the approval of the active substance cyclaniliprole.
- (2) In accordance with Article 9(3) of that Regulation, the rapporteur Member State notified the applicant, the other Member States, the Commission and the European Food Safety Authority (hereinafter 'the Authority') of the admissibility of the application on 17 January 2014.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 11(2) and (3) of that Regulation, for the uses proposed by the applicant. The rapporteur Member State submitted a draft assessment report on 1 April 2015.
- (4) The draft assessment report was reviewed by the Member States and the Authority. The Authority presented to the Commission its conclusion on the pesticide risk assessment of the active substance cyclaniliprole ⁽²⁾ on 6 April 2016.
- (5) By letter of 28 September 2016 ISK Biosciences Europe N.V. withdrew its application for the approval of cyclaniliprole. Due to the withdrawal of the application, cyclaniliprole should not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.
- (6) This Regulation does not prejudice the submission of a further application for cyclaniliprole pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (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***Non-approval of active substance**

The active substance cyclaniliprole is not approved.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.⁽²⁾ EFSA Journal 2016;14(4):4452. Available online: www.efsa.europa.eu

*Article 2***Entry into force**

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

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

Done at Brussels, 28 February 2017.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/358**of 28 February 2017****confirming the conditions of approval of the active substance acrinathrin, as set out in
Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2)(c) thereof,

Whereas:

- (1) The active substance acrinathrin was approved in accordance with Regulation (EC) No 1107/2009 by Commission Implementing Regulation (EU) No 974/2011 ⁽²⁾ and is listed in Part B of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽³⁾. In accordance with row 19 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, 'only uses as insecticide and acaricide may be authorised at rates not exceeding 22,5 g/ha per application'.
- (2) On 8 May 2012, Cheminova A/S, at whose request acrinathrin had been approved, submitted an application for an amendment to the conditions of approval of the active substance acrinathrin in order to allow uses as insecticide and acaricide to be authorised without rate restriction. That application was accompanied by information relating to the requested extension of uses. It was submitted to France, which had been designated rapporteur Member State by Commission Regulation (EC) No 1490/2002 ⁽⁴⁾.
- (3) France assessed the information submitted by the applicant and prepared an addendum to the draft assessment report. It submitted that addendum to the Commission, with a copy to the European Food Safety Authority, hereinafter 'the Authority', on 5 November 2012.
- (4) The Authority circulated the addendum to the applicant and the Member States and made it available to the public, granting a period of 60 days for the submission of written comments.
- (5) Taking into account the addendum to the draft assessment report, the Authority adopted its conclusion on acrinathrin on 21 November 2013 ⁽⁵⁾, as regards its unrestricted use as an insecticide and an acaricide.
- (6) The Authority communicated its conclusion to the applicant, the Member States and the Commission and made it available to the public. Taking into account the addendum to the draft assessment report by the rapporteur Member State and the conclusion of the Authority, the Commission presented a review report and a draft Regulation to the Standing Committee on Plants, Animals, Food and Feed.
- (7) The applicant was given the possibility to submit comments on the review report for acrinathrin including the addendum. The applicant submitted its comments, which have been carefully examined. However, despite the arguments put forward by the applicant, the concerns referred to in recital 8 could not be eliminated.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 974/2011 of 29 September 2011 approving the active substance acrinathrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Directive 2008/934/EC (OJ L 255, 1.10.2011, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 1490/2002 of 14 August 2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and amending Regulation (EC) No 451/2000 (OJ L 224, 21.8.2002, p. 23).

⁽⁵⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance acrinathrin. *EFSA Journal* 2013;11(12):3469. Available online: www.efsa.europa.eu/efsajournal.htm

- (8) On the basis of the review report and other factors legitimate to the matter under consideration, it is to be considered that the additional information submitted by the applicant does not permit elimination of the specific concerns that led to the restriction of the use of acrinathrin at rates not exceeding 22,5 g/ha per application. In particular, acrinathrin is very toxic to fish and aquatic invertebrates and its acceptability on the basis of the current rates already require extensive risk mitigation. The new data provided by the applicant failed to demonstrate that the envisaged significant increase of rates, and consequently, of exposure, would still result in an acceptable risk for the concerned aquatic organisms. Finally, on the basis of confirmatory information submitted by the notifier, EFSA concludes that the higher rates would induce a high risk to non-target arthropods which further confirms that these rates cannot be increased.
- (9) Consequently, it has not been demonstrated that it may be expected that plant protection products containing acrinathrin satisfy in general the requirements laid down in Article 4(3) of Regulation (EC) No 1107/2009 when used as an insecticide or an acaricide without rate restrictions.
- (10) The conditions of approval of the active substance acrinathrin, as set out in row 19 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, should, therefore, be confirmed.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Confirmation of the conditions of approval

The conditions of approval of the active substance acrinathrin, as set out in row 19 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, are confirmed.

Article 2

Entry into force

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

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

Done at Brussels, 28 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/359**of 28 February 2017****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance oxyfluorfen****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the second alternative of Article 21(3) and Article 78(2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 798/2011 ⁽²⁾ approved oxyfluorfen as an active substance in accordance with Regulation (EC) No 1107/2009, under the condition that the Member States concerned ensure that the applicant at whose request oxyfluorfen was approved provides further confirmatory information on five specific aspects, one of which concerned the potential risk to aquatic organisms for the active substance and for the metabolites RH-45469, MW 306, MW 347, MW 274 and the unidentified metabolite Deg 27.
- (2) On 29 June and 15 December 2012 the applicant submitted additional information to address the confirmatory data requirements to the rapporteur Member State Spain within the time period provided for its submission.
- (3) Spain assessed the additional information submitted by the applicant. It submitted its assessment, in the form of an addendum to the draft assessment report, to the other Member States, the Commission and the European Food Safety Authority, hereinafter 'the Authority', on 14 July 2014.
- (4) The Member States, the applicant and the Authority were consulted and asked to provide comments on the assessment of the rapporteur Member State. The Authority published a Technical Report summarising the outcome of this consultation for oxyfluorfen on 6 November 2014 ⁽³⁾.
- (5) The Commission consulted the Authority in relation to certain areas of the assessment. The Authority presented its conclusion on the risk assessment of oxyfluorfen on 28 July 2015 ⁽⁴⁾. The draft assessment report, the addendum and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on Plants, Animals, Food and Feed and finalised on 24 January 2017 in the format of the Commission review report for oxyfluorfen.
- (6) The Commission invited the applicant to submit its comments on the review report for oxyfluorfen.
- (7) The Commission has considered that the additional information provided showed that parent substance and metabolites MW 347 and Deg 27 represent a high risk for aquatic organisms.
- (8) The Commission has concluded that the further confirmatory information required has not been fully provided and that a high risk for aquatic organisms resulting from exposure to oxyfluorfen and metabolites MW 347 and Deg 27 cannot be excluded except by imposing further restrictions.
- (9) In order to minimise the exposure of aquatic organisms, it is, therefore, appropriate to further restrict the conditions of use of this active substance and to provide for specific risk mitigation measures for the protection of those species.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 798/2011 of 9 August 2011 approving the active substance oxyfluorfen, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/934/EC (OJ L 205, 10.8.2011, p. 9).

⁽³⁾ EFSA (European Food Safety Authority), 2014. Technical report on the outcome of the consultation with Member States, the applicant and EFSA on the pesticide risk assessment of confirmatory data for oxyfluorfen. EFSA supporting publication 2014:EN-686. 40 pp.

⁽⁴⁾ Conclusion on the peer review of the pesticide risk assessment for the active substance oxyfluorfen in light of confirmatory data. *EFSA Journal* 2015; 13(8): 4205, 45 pp. doi: 10.2903/j.efsa.2015/4205.

- (10) The Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾ should therefore be amended accordingly.
- (11) Member States should be provided with time to amend or withdraw authorisations for plant protection products containing oxyfluorfen.
- (12) For plant protection products containing oxyfluorfen, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should, at the latest, expire on 21 June 2018.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) No 540/2011

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

Article 2

Transitional measures

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary amend or withdraw existing authorisations for plant protection products containing oxyfluorfen as active substance by 21 June 2017 at the latest.

Article 3

Grace period

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire by 21 June 2018 at the latest.

Article 4

Entry into force

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

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

Done at Brussels, 28 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

ANNEX

The column 'Specific provisions' of row 11, oxyfluorfen, of Part B of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

PART A

Only uses as herbicide for banded applications close to ground from autumn to early spring may be authorised, at a rate not exceeding 150 g active substance per hectare, per year.

PART B

For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on oxyfluorfen, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plants, Animals, Food and Feed, shall be taken into account.

In this overall assessment, Member States must pay particular attention to:

- operator safety and ensure that conditions of use impose the application of adequate personal protective equipment where appropriate,
- the risks to aquatic organisms, earthworm-eating mammals, soil-living macro-organisms, non-target arthropods and non-target plants.

Conditions of authorisation shall include risk mitigation measures such as no-spray buffer zones and drift reducing nozzles and shall provide for respective labelling of plant protection products. Those conditions shall include further risk mitigation measures, where appropriate.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/360**of 28 February 2017****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance buprofezin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the second alternative of Article 21(3) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2011/6/EU ⁽²⁾ included buprofezin as active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾, under the condition that the Member States concerned ensure that the notifier, at whose request buprofezin was included in that Annex, provides further confirmatory information as regards the processing and conversion factors for consumer risk assessment.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) On 30 January 2013, the applicant submitted additional information concerning the processing and conversion factors to the rapporteur Member State United Kingdom within the time period provided for its submission.
- (4) The United Kingdom assessed the additional information submitted by the applicant. It submitted its assessment, in the form of an addendum to the draft assessment report, to the other Member States, the Commission and the European Food Safety Authority, hereinafter 'the Authority', on 9 September 2014.
- (5) The Commission consulted the Authority which presented its conclusion on the risk assessment of buprofezin on 28 July 2015 ⁽⁵⁾. The draft assessment report, the addendum and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on Plants, Animals, Food and Feed and finalised on 24 January 2017 in the format of the Commission review report for buprofezin.
- (6) The Commission invited the applicant to submit its comments on the review report for buprofezin.
- (7) The Commission has considered that the additional information provided showed that under high-temperature processing conditions buprofezin is degraded into several metabolites, including aniline. Aniline is a carcinogen for which a genotoxic mechanism cannot be excluded and therefore no threshold for acceptable exposure can be assumed.
- (8) The Commission has concluded that the further confirmatory information required has not been fully provided and that exposure of consumers to aniline via consumption of processed crops cannot be excluded except by imposing further restrictions. In particular, the use of buprofezin should be limited to non-edible crops only.
- (9) It is confirmed that the active substance buprofezin is to be deemed to have been approved under Regulation (EC) No 1107/2009. In order to minimise the exposure of consumers to aniline, it is, however, appropriate to amend the conditions of use of this active substance.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2011/6/EU of 20 January 2011 amending Council Directive 91/414/EEC to include buprofezin as active substance (OJ L 18, 21.1.2011, p. 38).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Conclusion on the peer review of the pesticide risk assessment for the active substance buprofezin in light of confirmatory data. EFSA Journal 2015; 13(8): 4207, 24 pp. doi: 10.2903/j.efsa.2015/4207.

- (10) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (11) Member States should be provided with time to amend or withdraw authorisations for plant protection products containing buprofezin.
- (12) For plant protection products containing buprofezin, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should, at the latest, expire on 21 June 2018.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) No 540/2011

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

Article 2

Transitional measures

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary amend or withdraw existing authorisations for plant protection products containing buprofezin as active substance by 21 June 2017 at the latest.

Article 3

Grace period

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire by 21 June 2018 at the latest.

Article 4

Entry into force

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

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

Done at Brussels, 28 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

The column 'Specific provisions', of row 320, buprofezin, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

PART A

Only uses as insecticide and acaricide on non-edible crops may be authorised.

PART B

For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on buprofezin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plants, Animals, Food and Feed shall be taken into account.

In this overall assessment, Member States must pay particular attention to:

- the operators' and workers' safety and ensure that conditions of use impose the use of adequate personal protective equipment where appropriate,
- the application of an appropriate waiting period for rotational crops in greenhouses,
- the risk to aquatic organisms and ensure that conditions of use impose adequate risk mitigation measures, where appropriate.

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

COMMISSION IMPLEMENTING REGULATION (EU) 2017/361**of 28 February 2017****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, 28 February 2017.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	EG	232,7
	IL	243,7
	MA	100,2
	TR	94,5
	ZZ	167,8
0707 00 05	MA	64,9
	TR	204,0
	ZZ	134,5
0709 91 00	EG	113,1
	ZZ	113,1
0709 93 10	MA	54,1
	TR	161,7
	ZZ	107,9
0805 10 22, 0805 10 24, 0805 10 28	EG	54,7
	IL	77,6
	MA	45,7
	TN	49,3
	TR	74,6
	ZZ	60,4
	ZZ	60,4
0805 50 10	EG	82,4
	TR	71,7
	ZZ	77,1
0808 30 90	CL	102,0
	CN	100,4
	ZA	114,9
	ZZ	105,8

⁽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'.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2017 OF THE EU-SWITZERLAND JOINT COMMITTEE

of 8 February 2017

amending Tables II, III and IV(b) of Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products [2017/362]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation signed in Brussels on 22 July 1972 ⁽¹⁾ hereinafter referred to as 'the Agreement', as amended by the Agreement between the European Community and the Swiss Confederation amending the Agreement as regards the provisions applicable to processed agricultural products ⁽²⁾ signed in Luxembourg on 26 October 2004, and its Protocol No 2, and in particular Article 7 of that Protocol,

Recalling that the revised Protocol No 2 was concluded with the objective to improve reciprocal market access for processed agricultural products,

Referring to the concerns which were raised by the EU at the 61st meeting of the Joint Committee on 3 December 2015,

Considering it expedient to proceed to a technical adjustment for the setting of basic amounts listed in Table IV(b) of Protocol No 2 by increasing the rebate applied to the reference price differences to fix the basic amounts from 15 to 18,5 percent,

Considering that this technical adjustment brings a solution to the EU's concerns regarding the preservation of the relative preferential margins of the Contracting Parties as set out in article 5(3) of Protocol No 2 and is in line with the overall objective of the Agreement to harmoniously develop trade between the Contracting Parties,

Noting that the Contracting Parties intend to continue abiding by their respective obligations under Protocol No 2, notably to implement the review clause set out in paragraphs (2) and (3) of Article 5 at least once per year, in line with the objectives of the Protocol.

Whereas:

- (1) Tables I and II of Protocol No 2 to the Agreement list the products to which that Protocol applies. All products of heading HS 2202 fall within the scope of Protocol No 2, except fruit juice or vegetable juice diluted with water or aerated. Diverging interpretations on the definition of fruit juice or vegetable juice diluted with water or aerated have resulted in an inconsistent classification practice.
- (2) The description of the products of heading HS 2202 excluded from the scope of the protocol should therefore be clarified in Table II.
- (3) For the implementation of Protocol No 2 to the Agreement, domestic reference prices have been fixed for the Contracting Parties.
- (4) Actual prices have changed on the domestic markets of the Contracting Parties as regards raw materials for which price compensation measures are applied.
- (5) It is therefore necessary to update the reference prices and amounts listed in Tables III and IV, point (b) of Protocol No 2 accordingly,

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ OJ L 23, 26.1.2005, p. 19.

HAS ADOPTED THIS DECISION:

Article 1

Protocol No 2 to the Agreement is amended as follows:

- (a) Table II is amended as set out in Annex I to this Decision;
- (b) Table III is replaced by the text set out in Annex II to this Decision;
- (c) in Table IV, point (b) is replaced by the text set out in Annex III to this Decision.

Article 2

This Decision shall enter into force on 1 March 2017 and shall apply from that date.

This decision shall be published in the *Official Journal of the European Union* on 1 March 2017.

Done at Brussels, 8 February 2017.

For the Joint Committee

The Chairman

Petros SOURMELIS

ANNEX I

In Table II, the entry for HS heading No 2202 is replaced by the entry below:

HS Heading No	Description of products
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009:
.10	— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
.91	— Non-alcoholic beer
.99	— Other:
ex.99	— — Other than vegetable or fruit juices of headings No 2002 and No 2009 and mixtures thereof, aerated or diluted with water or aqueous extracts of tea, herbs, coffee or maté, and other than containing milk components of headings No 0401 and No 0402'

ANNEX II

‘Table III

EU and Swiss domestic reference prices

Agricultural raw material	Swiss domestic reference price CHF per 100 kg net	EU domestic reference price CHF per 100 kg net	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price CHF per 100 kg net	Article 3(3) Applied on EU side Difference Swiss/EU reference price EUR per 100 kg net
Common wheat	52,10	18,37	33,75	0,00
Durum wheat	—	—	1,20	0,00
Rye	42,75	16,35	26,40	0,00
Barley	—	—	—	—
Maize	—	—	—	—
Common wheat flour	90,40	40,20	50,20	0,00
Whole-milk powder	585,00	261,37	323,65	0,00
Skimmed-milk powder	396,20	195,08	201,10	0,00
Butter	1 010,90	368,10	642,80	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	43,25	17,66	25,60	0,00
Vegetable fat	—	—	170,00	0,00

ANNEX III

Table IV

(b) The basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

Agricultural raw material	Applied basic amount on the Swiss side Art 3(2)	Applied basic amount on the EU side Art 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Common wheat	27,20	0,00
Durum wheat	1,00	0,00
Rye	20,95	0,00
Barley	—	—
Maize	—	—
Common wheat flour	40,90	0,00
Whole-milk powder	262,65	0,00
Skimmed-milk powder	163,90	0,00
Butter	523,90	0,00
White sugar	—	—
Eggs	30,95	0,00
Fresh potatoes	19,90	0,00
Vegetable fat	138,55	0,00'

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