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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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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2015/537

of 31 March 2015

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of aluminium lakes of cochineal, carminic acid, carmines (E 120) in dietary foods for special medical purposes

(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3),

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) The Union list of food additives may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽²⁾ either on the initiative of the Commission or following an application.
- (3) The European Food Safety Authority ('the Authority'), in its opinion of 22 May 2008 ⁽³⁾ recommended lowering the tolerable weekly intake (TWI) for aluminium to 1 mg/kg body weight/week. In addition, the Authority considered that the revised TWI was generally exceeded for high consumers, especially children, in a significant part of the Union. In order to ensure that the revised TWI is not exceeded, the conditions of use and the use levels for food additives containing aluminium, including aluminium lakes were amended by Commission Regulation (EU) No 380/2012 ⁽⁴⁾.
- (4) Regulation (EU) No 380/2012 provides that aluminium lakes prepared from all colours listed in Table 1 of Part B of Annex II to Regulation (EC) No 1333/2008 are authorised until 31 July 2014. From 1 August 2014 only aluminium lakes prepared from the colours listed in Table 3 of Part A of Annex II to Regulation (EC) No 1333/2008 are authorised and only in those food categories where provisions on maximum limits on aluminium coming from lakes are explicitly stated in Part E of that Annex.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ 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 (OJ L 354, 31.12.2008, p. 1.).

⁽³⁾ Scientific Opinion of the Panel on Food Additives, Flavourings, Processing Aids and Food Contact Materials (AFC) on Safety of aluminium from dietary intake, (EFSA Journal (2008) 754, p. 1).

⁽⁴⁾ Commission Regulation (EU) No 380/2012 of 3 May 2012 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the conditions of use and the use levels for aluminium-containing food additives (OJ L 119, 4.5.2012, p. 14).

- (5) An application for the extension of use of aluminium lakes of cochineal, carminic acid, carmines (E 120) in dietary foods for special medical purposes was submitted on 30 October 2013 and has been made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008. This application requested to set the maximum level of aluminium coming from aluminium lakes of cochineal, carminic acid, carmines in those foods. The extension of use was requested for dietary foods for special medical purposes which are not intended for infants and young children. While considering the application a special attention was paid to a possible exposure to aluminium in order not to undermine Regulation (EU) No 380/2012.
- (6) In aluminium lakes of colours the dye is rendered insoluble and functions differently to its dye equivalent (e.g. improved light, pH and heat stability, preventing colour bleed and providing a different colour shade to dye colours) making the lake form suitable for certain specific technical applications. Aluminium lakes of cochineal, carminic acid, carmines are suitable to meet the technological need of liquid heat-treated dietary foods for special medical purposes.
- (7) Dietary foods for special medical purposes are defined by Commission Directive 1999/21/EC ⁽¹⁾ as a category of foods for particular nutritional uses specially processed or formulated and intended for the dietary management of patients and to be used under medical supervision. They are intended for the exclusive or partial feeding of patients with a limited, impaired or disturbed capacity to take, digest, absorb, metabolise or excrete ordinary foodstuffs or certain nutrients contained therein or metabolites, or with other medically-determined nutrient requirements, whose dietary management cannot be achieved only by modification of the normal diet, by other foods for particular nutritional uses, or by a combination of the two.
- (8) Taking into account the consumption data for dietary foods for special medical purposes from the EFSA Comprehensive European Food Consumption Database ⁽²⁾ and assuming that they would contain aluminium at the maximum level of 3 mg/kg, the exposure to aluminium from those foods remains well below the TWI — 1 mg/kg body weight/week for both adults and children. Therefore, considering that the exposure to aluminium from other dietary sources would be limited especially in case of the exclusive feeding it is not expected that the TWI would be exceeded for patients consuming dietary foods for special medical purposes.
- (9) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where such update is not liable to have an effect on human health. Since the extension of use of aluminium lakes of cochineal, carminic acid, carmines constitute an update of that list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the Authority.
- (10) Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ Commission Directive 1999/21/EC of 25 March 1999 on dietary foods for special medical purposes (OJ L 91, 7.4.1999, p. 29).

⁽²⁾ <http://www.efsa.europa.eu/en/datexfoodcdb/datexfooddb.htm>

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, 31 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Part E of Annex II to Regulation (EC) No 1333/2008 is amended as follows:

- (1) in food category 13.2. Dietary foods for special medical purposes defined in Directive 1999/21/EC (excluding products from food category 13.1.5) the entry for Group III is replaced by the following:

'Group III	Colours with combined maximum limit	50	(88)
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- (2) in food category 13.2. Dietary foods for special medical purposes defined in Directive 1999/21/EC (excluding products from food category 13.1.5) the following footnote is added:

	'(88): Maximum limit for aluminium coming from aluminium lakes of E 120 cochineal, carminic acid, carmines 3 mg/kg only in liquid heat-treated products. No other aluminium lakes may be used. For the purposes of Article 22(1)(g) of Regulation (EC) No 1333/2008 that limit shall apply from 1 February 2013'.
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COMMISSION REGULATION (EU) 2015/538**of 31 March 2015****amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of benzoic acid — benzoates (E 210-213) in cooked shrimps in brine****(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3),

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽²⁾, either on the initiative of the Commission or following an application.
- (3) A request to amend the Union list of food additives has been submitted by the Danish Seafood Association in order to increase the maximum permitted level of benzoic acid — benzoates (E 210-213) in cooked shrimps in brine.
- (4) Annex II to Regulation (EC) No 1333/2008 sets maximum limits for the use of sorbic acid — sorbates; benzoic acid — benzoates (E 200-213) of 2 000 mg/kg in semi-preserved fish and fisheries products including crustaceans, molluscs, surimi and fish/crustacean paste; cooked crustaceans and molluscs. In cooked crustaceans and molluscs the total maximum permitted level of benzoic acid — benzoates (E 210-213) is furthermore 1 000 mg/kg.
- (5) These maximum permitted levels in cooked and brined shrimps with pH of 5,6 to 5,7 should be sufficient to inhibit the growth of *Listeria monocytogenes* at cooling temperatures between 5 and 8 °C. However, small changes in the preserving parameters can result in growth of *Listeria monocytogenes*. A mathematical predictive method has been developed at the Technological University of Denmark, to determine which level of benzoic acid benzoate (E 210-213) is needed ⁽³⁾. According to that model the level of 1 000 mg/kg of E 210-213 is not sufficient to prevent growth of *Listeria monocytogenes* in shrimps in brine at pH 5,8. In order to prevent growth of *Listeria monocytogenes* in these shrimps, both the model and tests show that the optimal combination of benzoic acid — benzoates (E 210-213) and sorbic acid — sorbates (E 200-203) is 1 500 mg/kg and 500 mg/kg respectively.
- (6) In its report trends and sources of zoonoses, zoonotic agents and food-borne outbreaks in 2012 ⁽⁴⁾, the European Food Safety Authority (the Authority) concluded that the number of listeriosis cases in humans increased slightly compared with 2011, and 1 642 confirmed human cases were reported in 2012. A statistically significant increasing trend in the Union was observed over the period 2008-2012, though only slowly increasing, along with a seasonal pattern. As in previous years, a high fatality rate (17,8 %) was reported among the cases. A total of 198 deaths due to listeriosis were reported by 18 Member States in 2012, which was the highest number of fatal cases reported since 2006. *Listeria monocytogenes* was seldomly detected above the legal safety limit for ready-to-eat foods at point of retail. Samples exceeding this limit were most often found in fishery products.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ 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 (OJ L 354, 31.12.2008, p. 1).

⁽³⁾ <http://sssp.dtuqua.dk>

⁽⁴⁾ The European Union Summary Report on Trends and Sources of Zoonoses, Zoonotic Agents and Food-borne Outbreaks in 2012, (EFSA Journal 2014;12(2):3547), <http://www.efsa.europa.eu/en/efsajournal/doc/3547.pdf>

- (7) The Commission report on Dietary Food Additive Intake in the European Union ⁽¹⁾ concluded that exposure to benzoic acid — benzoates could be up to 96 % of the ADI for young children and 84 % for adults based on the use at maximum permitted levels. At that time a maximum level in cooked shrimps of 2 000 mg/kg was set for sorbic acid — sorbates in combination with benzoic acid — benzoates. This level was revised by Directive 2006/52/EC of the European Parliament and of the Council ⁽²⁾ when this authorisation was extended to all cooked crustaceans and molluscs, however with a maximum of 1 000 mg/kg for benzoic acid — benzoates. It is therefore expected that the increase of this level to 1 500 mg/kg, only for cooked shrimps in brine, will not lead to additional exposure that would be of safety concern.
- (8) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Since the authorisation of the use of benzoic acid — benzoates (E 210-213) in cooked shrimps preserved in brine constitutes an update of that list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the Authority.
- (9) Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (10) 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

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

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*.

It shall apply from the date of entry into force of this Regulation.

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

Done at Brussels, 31 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ COM(2001) 542 final.

⁽²⁾ Directive 2006/52/EC of the European Parliament and of the Council of 5 July 2006 amending Directive 95/2/EC on food additives other than colours and sweeteners and Directive 94/35/EC on sweeteners for use in foodstuffs (OJ L 204, 26.7.2006, p. 10).

ANNEX

In Part E of Annex II to Regulation (EC) No 1333/2008, in the food category 09.2 'Processed fish and fishery products including molluscs and crustaceans', the following entry is added after the entry for food additive E 210-213:

	'E 210-213	Benzoic acid — benzoates	1 500	(1) (2)	Only cooked shrimps in brine'
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COMMISSION REGULATION (EU) 2015/539**of 31 March 2015****authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012****(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 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Articles 18(4) and 19 thereof,

Whereas:

- (1) Regulation (EC) No 1924/2006 provides that health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Pursuant to Article 13(3) of Regulation (EC) No 1924/2006, Commission Regulation (EU) No 432/2012 ⁽²⁾ was adopted, which establishes a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health.
- (3) Regulation (EC) No 1924/2006 provides that applications for authorisations of health claims are to be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority', for a scientific assessment, as well as to the Commission and the Member States for information.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) In order to stimulate innovation, health claims which are based on newly developed scientific evidence and/or which include a request for the protection of proprietary data shall undergo an accelerated type of authorisation.
- (6) Following an application from Barry Callebaut Belgium NV submitted pursuant to Article 19(1) of Regulation (EC) No 1924/2006 and including a request for protection of proprietary data, the Authority was required to deliver an opinion on the modification of the authorisation of health claim 'cocoa flavanols help maintain the elasticity of blood vessels, which contributes to normal blood flow'. That health claim was authorised, pursuant to Article 13(5) of Regulation (EC) No 1924/2006, by Commission Regulation (EU) No 851/2013 ⁽³⁾. The applicant requested an extension of the authorised conditions of use of the claim to a high-flavanols (HF) cocoa extract to be consumed in capsules, tablets or added to 'other foods, including beverages'.
- (7) On 5 May 2014, the Commission and the Member States received a scientific opinion from the Authority (Question No EFSA-Q-2013-00832) ⁽⁴⁾ which concluded that on the basis of the data submitted, a cause and effect relationship had been established between the consumption of cocoa flavanols in the HF cocoa extract (i.e. in capsules or tablets) and the claimed effect.
- (8) The Authority indicated in its opinion that its conclusions could not have been reached without considering one human intervention study claimed by the applicant as proprietary. ⁽⁵⁾

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ L 136, 25.5.2012, p. 1).

⁽³⁾ Commission Regulation (EU) No 851/2013 of 3 September 2013 authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012 (OJ L 235, 4.9.2013, p. 3).

⁽⁴⁾ EFSA Journal 2014;12(5):3654.

⁽⁵⁾ ProDigest, 2012. Pharmacokinetic study to assess the bioavailability of the cocoa flavanol epicatechin from different matrices. ProDigest Report nr. PD-2015009/C1-11.

- (9) All the justifiable information provided by the applicant has been assessed by the Commission and it is considered that the requirements laid down in Article 21(1) of Regulation (EC) No 1924/2006 are fulfilled for the study claimed as proprietary. Accordingly, the scientific data and other information included in that study may not be used for the benefit of a subsequent applicant for a period of five years from the date of entry into force of this Regulation, under the conditions laid down in Article 21(1) of Regulation (EC) No 1924/2006.
- (10) One of the objectives of Regulation (EC) No 1924/2006 is to ensure that health claims are truthful, clear and reliable and useful to the consumer, and that the wording and the presentation are taken into account in that respect. Therefore, where the wording of claims used by the applicant has the same meaning for consumers as that of an authorised health claim, because they demonstrate the same relationship that exists between a food category, a food or one of its constituents and health, they should be subject to the same conditions of use as those listed in the Annex to this Regulation.
- (11) In accordance with Article 20 of Regulation (EC) No 1924/2006, the Register of nutrition and health claims containing all authorised health claims should be updated in order to take into account this Regulation.
- (12) Since the applicant claims protection of proprietary data, it is considered appropriate to restrict the use of this claim in favour of the applicant for a period of five years. However, the authorisation of this claim restricted for the use of an individual operator should not prevent other applicants from applying for authorisation to use the same claim in case the application is based on data and studies other than those protected under Article 21 of Regulation (EC) No 1924/2006.
- (13) The comments from the applicant received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (14) Regulation (EU) No 432/2012 should therefore be amended accordingly.
- (15) The Member States have been consulted,

HAS ADOPTED THIS REGULATION:

Article 1

1. The health claim set out in the Annex to this Regulation shall be included in the Union list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.
2. The use of the health claim referred to in the first paragraph shall be restricted to the applicant for a period of five years from the date of entry into force of this Regulation. After the expiry of that period, that health claim may be used, in conformity with the conditions applying to it, by any food business operator.

Article 2

The scientific data and other information included in the application, which are claimed by the applicant as proprietary and without the submission of which the health claim could not have been authorised are restricted for use for the benefit of the applicant for a period of five years from the date of entry into force of this Regulation under the conditions laid down in Article 21(1) of Regulation (EC) No 1924/2006.

Article 3

The Annex to Regulation (EU) No 432/2012 is amended in accordance with the Annex to this Regulation.

Article 4

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, 31 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In the Annex to Regulation (EU) No 432/2012, the entry for cocoa flavanols is replaced by the following:

Nutrient, substance, food or food category	Claim	Conditions of use of the claim	Conditions and/or restrictions of use of the food and/or additional statement or warning	EFSA Journal number	Relevant entry number in the Consolidated List submitted to EFSA for its assessment
'Cocoa flavanols	Cocoa flavanols help maintain the elasticity of blood vessels, which contributes to normal blood flow (****) (*****)	<p>Information shall be given to the consumer that the beneficial effect is obtained with a daily intake of 200 mg of cocoa flavanols.</p> <p>The claim can be used only for cocoa beverages (with cocoa powder) or for dark chocolate which provide at least a daily intake of 200 mg of cocoa flavanols with a degree of polymerisation 1-10. (****)</p> <p>The claim can be used only for capsules or tablets containing high-flavanol cocoa extract which provide at least a daily intake of 200 mg of cocoa flavanols with a degree of polymerisation 1-10. (*****)</p>	—	2012;10(7):2809 (****) 2014;12(5):3654 (*****)	—

(****) Authorised on 24 September 2013 restricted to the use of Barry Callebaut Belgium NV, Aalstersestraat 122, B-9280 Lebbeke-Wieze, Belgium, for a period of five years.

(*****) Authorised on 21 April 2015 restricted to the use of Barry Callebaut Belgium NV, Aalstersestraat 122, B-9280 Lebbeke-Wieze, Belgium, for a period of five years.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/540**of 31 March 2015****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, 31 March 2015.

*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	IL	139,9	
	MA	103,2	
	TR	124,4	
	ZZ	122,5	
0707 00 05	AL	119,5	
	MA	176,1	
	TR	143,1	
	ZZ	146,2	
0709 93 10	MA	117,6	
	TR	174,9	
	ZZ	146,3	
0805 10 20	EG	46,1	
	IL	71,7	
	MA	52,1	
	TN	54,4	
	TR	68,7	
	ZZ	58,6	
	ZZ	58,6	
0805 50 10	BO	92,8	
	TR	52,0	
	ZZ	72,4	
0808 10 80	AR	94,0	
	BR	73,1	
	CL	103,5	
	CN	97,0	
	MK	25,7	
	US	186,4	
	ZA	118,9	
	ZZ	99,8	
	0808 30 90	AR	127,3
		CL	140,2
CN		99,4	
ZA		122,1	
ZZ		122,3	
ZZ		122,3	

⁽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'.

DECISIONS

COUNCIL DECISION (EU) 2015/541

of 24 March 2015

repealing Decision 2011/492/EU concerning the conclusion of consultations with the Republic of Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (‘ACP’) Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ (the ‘ACP-EU Partnership Agreement’), as amended ⁽²⁾, and in particular Article 96 thereof,

Having regard to the internal agreement between the representatives of the Governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EU Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2011/492/EU ⁽⁴⁾, consultations with the Republic of Guinea-Bissau under Article 96 of the ACP-EU Partnership Agreement were concluded and appropriate measures, as specified in the Annex to that Decision, were taken.
- (2) Those appropriate measures were extended until 19 July 2013 by Council Decision 2012/387/EU ⁽⁵⁾ and, subsequently, until 19 July 2014 by Council Decision 2013/385/EU ⁽⁶⁾. Council Decision 2014/467/EU ⁽⁷⁾ extended the validity of Council Decision 2011/492/EU by one year, until 19 July 2015, but suspended the application of the appropriate measures.
- (3) Peaceful, free and credible legislative and presidential elections were held in Guinea-Bissau on 13 April and 18 May 2014 and constitutional order was restored in the country.
- (4) An inclusive government committed to implementing the reforms necessary for the development and stability of the country was established, and encouraging progress towards implementing the Article 96 commitments laid down in Council Decision 2011/492/EU has been made.
- (5) Guinea-Bissau remains fragile and the democratically elected authorities need the support of international partners to implement the country’s reform programme and development agenda.
- (6) In order for the Union to support, together with other international partners, the ongoing efforts of national authorities to stabilise and consolidate the democratic institutions and promote the socioeconomic development of Guinea-Bissau, Council Decision 2011/492/EU should be repealed,

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).

⁽³⁾ OJ L 317, 15.12.2000, p. 376, as amended by Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, amending the Internal Agreement of 18 September 2000 on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement (OJ L 247, 9.9.2006, p. 48).

⁽⁴⁾ Council Decision 2011/492/EU of 18 July 2011 concerning the conclusion of consultations with the Republic of Guinea-Bissau under Article 96 ACP-EU Partnership Agreement (OJ L 203, 6.8.2011, p. 2).

⁽⁵⁾ Council Decision 2012/387/EU of 16 July 2012 extending the period of application of the appropriate measures in Decision 2011/492/EU (OJ L 187, 17.7.2012, p. 1).

⁽⁶⁾ Council Decision 2013/385/EU of 15 July 2013 extending the period of application of the appropriate measures in Decision 2011/492/EU (OJ L 194, 17.7.2013, p. 6).

⁽⁷⁾ Council Decision 2014/467/EU of 14 July 2014 extending the validity of Decision 2011/492/EU and suspending the application of its appropriate measures (OJ L 212, 18.7.2014, p. 12).

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 2011/492/EU is repealed.

Article 2

The letter in the Annex to this Decision shall be sent to the authorities of Guinea-Bissau.

Article 3

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

Done at Brussels, 24 March 2015.

For the Council
The President
E. RINKĒVIČS

ANNEX

Letter from the Union to the authorities of Guinea-Bissau

H.E. the President of the Republic of Guinea-Bissau,

H.E. the Prime Minister of the Republic of Guinea-Bissau,

Sirs,

The European Union (EU) is very encouraged by Guinea-Bissau's achievements over the past year. The country turned a corner when it held peaceful and credible general elections in April and May 2014, establishing democratically elected authorities, including an inclusive government that we believe is committed to rebuilding the country, strengthening its democratic institutions and moving towards socio-political stability and economic development.

In view of the restoration of constitutional order and the progress made towards Guinea-Bissau's commitments under Article 96 of the Cotonou Agreement, as well as your undertaking to pursue their implementation by carrying out the necessary reforms and taking appropriate action, it is our pleasure to inform you that the measures which since 2011 have restricted the scope of EU development cooperation with Guinea-Bissau have been repealed. We are therefore fully resuming our cooperation with your country.

Since Guinea-Bissau still faces many political and socio-economic challenges, we would like to encourage you to stay united and continue your efforts to strengthen democratic institutions, genuinely reform the security sector, strengthen the rule of law, combat corruption, impunity and drug trafficking, and promote sustainable development. The EU stands by you and supports all efforts undertaken in this direction.

Indeed, the lifting of the appropriate measures under Article 96 of the Cotonou Agreement enables us to assist you in the organisation of the Round Table on Guinea-Bissau on 25 March 2015 in Brussels and to fully contribute to its success.

Moreover, we will continue the consultation and preparation phase of the 11th European Development Fund with your government with a view to signing as soon as possible the National Indicative Programme that will support you in the implementation of your ambitious reform programme.

Finally, we look forward not only to a full re-engagement with Guinea-Bissau through development, but also to a strengthening of our political dialogue under Article 8 of the Cotonou Agreement.

Yours faithfully,

For the Council

F. MOGHERINI

*High Representative of the European Union for Foreign Affairs
and Security Policy*

For the Commission

N. MIMICA

Commissioner

**DECISION No 1/2015 OF THE EU-SWITZERLAND JOINT COMMITTEE
of 20 March 2015**

amending Tables 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 [2015/542]

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 of 22 July 1972 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,

Whereas:

- (1) For the implementation of Protocol No 2 to the Agreement, domestic reference prices have been fixed for the Contracting Parties.
- (2) Actual prices have changed on the domestic markets of the Contracting Parties as regards raw materials for which price compensation measures are applied.
- (3) It is therefore necessary to update the reference prices and amounts listed in Tables III and IV(b) of Protocol No 2 accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Protocol No 2 to the Agreement is amended as follows:

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

Article 2

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

It shall apply from 1 April 2015.

Done at Brussels, 20 March 2015.

For the Joint Committee
The Chairman
Jean-Luc DEMARTY

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.
⁽²⁾ OJ L 23, 26.1.2005, p. 19.

ANNEX I

TABLE III

EU and Swiss domestic reference prices

Agricultural Raw material	Swiss domestic reference price	EU domestic reference price	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price	Article 3(3) Applied on EU side Difference Swiss/EU reference price
	CHF per 100 kg net	CHF per 100 kg net	CHF per 100 kg net	EUR per 100 kg net
Common wheat	52,35	22,60	29,75	0,00
Durum wheat	—	—	1,20	0,00
Rye	44,30	19,25	25,05	0,00
Barley	—	—	—	—
Maize	—	—	—	—
Common wheat flour	93,05	44,90	48,15	0,00
Whole-milk powder	648,75	393,20	255,55	0,00
Skimmed-milk powder	430,00	350,70	79,30	0,00
Butter	1 101,55	435,85	665,70	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	42,05	13,35	28,70	0,00
Vegetable fat	—	—	170,00	0,00'

ANNEX II

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	25,00	0,00
Durum wheat	1,00	0,00
Rye	20,90	0,00
Barley	—	—
Maize	—	—
Common wheat flour	41,00	0,00
Whole-milk powder	215,95	0,00
Skimmed-milk powder	67,00	0,00
Butter	560,60	0,00
White sugar	—	—
Eggs	32,00	0,00
Fresh potatoes	22,35	0,00
Vegetable fat	145,00	0,00

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