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## Legislation

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<sup>(1)</sup> Text with EEA relevance.

## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION (EU) 2017/2083

of 6 November 2017

**on the signing, on behalf of the Union, of the Agreement between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision 2009/896/EC <sup>(1)</sup>, the Council concluded the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver <sup>(2)</sup> (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Antigua and Barbuda when travelling to the territory of the other Contracting Party for a maximum period of 3 months during a 6-month period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council <sup>(3)</sup> introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with Antigua and Barbuda on an agreement which amends the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (the 'amending Agreement').
- (5) Negotiations on the amending Agreement were successfully finalised by the initialling thereof, by Exchange of Letters, on 28 October 2016.
- (6) The amending Agreement should be signed, and the declarations attached to the amending Agreement should be approved, on behalf of the Union.

<sup>(1)</sup> Council Decision 2009/896/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 38).

<sup>(2)</sup> OJ L 169, 30.6.2009, p. 3.

<sup>(3)</sup> Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(1)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(2)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement <sup>(3)</sup>.

*Article 2*

The declarations attached to the amending Agreement shall be approved on behalf of the Union.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

*Article 4*

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

Done at Brussels, 6 November 2017.

*For the Council*  
*The President*  
T. TAMM

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<sup>(1)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(2)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>(3)</sup> The text of the amending Agreement will be published together with the decision on its conclusion.

**COUNCIL DECISION (EU) 2017/2084****of 6 November 2017****on the signing, on behalf of the Union, of the Agreement between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision 2009/898/EC <sup>(1)</sup> the Council concluded the Agreement between the European Community and Barbados on the short-stay visa waiver <sup>(2)</sup> (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of Barbados when travelling to the territory of the other Contracting Party for a maximum period of 3 months during a 6-month period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council <sup>(3)</sup> introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with Barbados on an agreement which amends the Agreement between the European Community and Barbados on the short-stay visa waiver (the 'amending Agreement').
- (5) Negotiations on the amending Agreement were successfully finalised by the initialling thereof, by Exchange of Letters, on 8 February 2017.
- (6) The amending Agreement should be signed, and the declarations attached to the amending Agreement should be approved, on behalf of the Union.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(4)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(5)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

<sup>(1)</sup> Council Decision 2009/898/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and Barbados on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 40).

<sup>(2)</sup> OJ L 169, 30.6.2009, p. 10.

<sup>(3)</sup> Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

<sup>(4)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(5)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement <sup>(1)</sup>.

*Article 2*

The declarations attached to the amending Agreement shall be approved on behalf of the Union.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

*Article 4*

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

Done at Brussels, 6 November 2017.

*For the Council*  
*The President*  
T. TAMM

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<sup>(1)</sup> The text of the amending Agreement will be published together with the decision on its conclusion.

**COUNCIL DECISION (EU) 2017/2085****of 6 November 2017****on the signing, on behalf of the Union, of the Agreement between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision 2009/897/EC <sup>(1)</sup>, the Council concluded the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver <sup>(2)</sup> (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Commonwealth of the Bahamas when travelling to the territory of the other Contracting Party for a maximum period of 3 months during a 6-month period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council <sup>(3)</sup> introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with the Commonwealth of the Bahamas on an agreement which amends the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (the 'amending Agreement').
- (5) Negotiations on the amending Agreement were successfully finalised by the initialling thereof, by Exchange of Letters, on 30 August 2016.
- (6) The amending Agreement should be signed, and the declarations attached to the amending Agreement should be approved, on behalf of the Union.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(4)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(5)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

<sup>(1)</sup> Council Decision 2009/897/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 39).

<sup>(2)</sup> OJ L 169, 30.6.2009, p. 24.

<sup>(3)</sup> Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

<sup>(4)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(5)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement <sup>(1)</sup>.

*Article 2*

The declarations attached to the amending Agreement shall be approved on behalf of the Union.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

*Article 4*

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

Done at Brussels, 6 November 2017.

*For the Council*  
*The President*  
T. TAMM

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<sup>(1)</sup> The text of the amending Agreement will be published together with the decision on its conclusion.



**COUNCIL DECISION (EU) 2017/2086****of 6 November 2017****on the signing, on behalf of the Union, of the Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision 2009/901/EC <sup>(1)</sup>, the Council concluded the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver <sup>(2)</sup> (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Federation of Saint Kitts and Nevis when travelling to the territory of the other Contracting Party for a maximum period of 3 months during a 6-month period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council <sup>(3)</sup> introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with the Federation of Saint Kitts and Nevis on an agreement which amends the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (the 'amending Agreement').
- (5) Negotiations on the amending Agreement were successfully finalised by the initialling thereof, by Exchange of Letters, on 28 July 2016.
- (6) The amending Agreement should be signed, and the declarations attached to the amending Agreement should be approved, on behalf of the Union.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(4)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(5)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

<sup>(1)</sup> Council Decision 2009/901/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 43).

<sup>(2)</sup> OJ L 169, 30.6.2009, p. 38.

<sup>(3)</sup> Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

<sup>(4)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(5)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement <sup>(1)</sup>.

*Article 2*

The declarations attached to the amending Agreement shall be approved on behalf of the Union.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

*Article 4*

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

Done at Brussels, 6 November 2017.

*For the Council*  
*The President*  
T. TAMM

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<sup>(1)</sup> The text of the amending Agreement will be published together with the decision on its conclusion.

**COUNCIL DECISION (EU) 2017/2087****of 6 November 2017****on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision 2009/899/EC <sup>(1)</sup>, the Council concluded the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver <sup>(2)</sup> (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Republic of Mauritius when travelling to the territory of the other Contracting Party for a maximum period of 3 months during a 6-month period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council <sup>(3)</sup> introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with the Republic of Mauritius on an agreement which amends the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (the 'amending Agreement').
- (5) Negotiations on the amending Agreement were successfully finalised by the initialling thereof, by Exchange of Letters, on 11 November 2016.
- (6) The amending Agreement should be signed and the declarations attached to the amending Agreement should be approved, on behalf of the Union.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(4)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(5)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

<sup>(1)</sup> Council Decision 2009/899/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 41).

<sup>(2)</sup> OJ L 169, 30.6.2009, p. 17.

<sup>(3)</sup> Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

<sup>(4)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(5)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement <sup>(1)</sup>.

*Article 2*

The declarations attached to the amending Agreement shall be approved on behalf of the Union.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

*Article 4*

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

Done at Brussels, 6 November 2017.

*For the Council*  
*The President*  
T. TAMM

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<sup>(1)</sup> The text of the amending Agreement will be published together with the decision on its conclusion.

**COUNCIL DECISION (EU) 2017/2088****of 6 November 2017****on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its Decision 2009/900/EC <sup>(1)</sup>, the Council concluded the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver <sup>(2)</sup> (the 'Agreement'). The Agreement provides for visa-free travel for the citizens of the Union and for the citizens of the Republic of Seychelles when travelling to the territory of the other Contracting Party for a maximum period of 3 months during a 6-month period.
- (2) Regulation (EU) No 610/2013 of the European Parliament and of the Council <sup>(3)</sup> introduced horizontal changes in the Union's visa and border *acquis* and defined a short stay as a maximum of 90 days in any 180-day period.
- (3) It is necessary to incorporate this new definition into the Agreement in order to fully harmonise the Union's short-stay regime.
- (4) On 9 October 2014, the Council adopted a decision authorising the Commission to open negotiations with the Republic of Seychelles on an agreement which amends the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (the 'amending Agreement').
- (5) Negotiations on the amending Agreement were successfully finalised by the initialling thereof, by Exchange of Letters, on 15 July 2016.
- (6) The amending Agreement should be signed, and the declarations attached to the amending Agreement should be approved, on behalf of the Union.
- (7) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(4)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(5)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application,

<sup>(1)</sup> Council Decision 2009/900/EC of 30 November 2009 on the conclusion of the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver (OJ L 321, 8.12.2009, p. 42).

<sup>(2)</sup> OJ L 169, 30.6.2009, p. 31.

<sup>(3)</sup> Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council (OJ L 182, 29.6.2013, p. 1).

<sup>(4)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(5)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver is hereby authorised, subject to the conclusion of the said Agreement <sup>(1)</sup>.

*Article 2*

The declarations attached to the amending Agreement shall be approved on behalf of the Union.

*Article 3*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the amending Agreement on behalf of the Union.

*Article 4*

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

Done at Brussels, 6 November 2017.

*For the Council*  
*The President*  
T. TAMM

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<sup>(1)</sup> The text of the amending Agreement will be published together with the decision on its conclusion.

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2017/2089

of 14 November 2017

### on technical arrangements for developing, maintaining and employing electronic systems for the exchange of information and for the storage of such information under the Union Customs Code

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and the Council of 9 October 2013 laying down the Union Customs Code <sup>(1)</sup>, and in particular Articles 8(1)(b) and 17 thereof,

Whereas:

- (1) Article 6(1) of Regulation (EU) No 952/2013 ('the Code') requires that all exchanges of information, such as declarations, applications or decisions, between customs authorities and between economic operators and customs authorities, and the storage of that information, as required under the customs legislation, are made by using electronic data-processing techniques.
- (2) Commission Implementing Decision (EU) 2016/578 <sup>(2)</sup> establishes the Work Programme for the implementation of the electronic systems required for the application of the Code, which are to be developed through projects listed in section II of the Annex to that Implementing Decision.
- (3) Important technical arrangements for the functioning of the electronic systems should be specified, such as arrangements for development, testing and deployment as well as for maintenance and for changes to be introduced in the electronic systems. Further arrangements should be specified concerning data protection, updating of data, limitation of data processing and systems ownership and security.
- (4) In order to safeguard the rights and interests of the Union, Member States and economic operators, it is important to lay down the procedural rules and provide for alternative solutions to be implemented in the event of a temporary failure of the electronic systems.
- (5) The Customs Decisions system, developed through the UCC Customs Decisions project referred to in Implementing Decision (EU) 2016/578, pursues the objective of harmonising the processes for the application for a customs decision, for the decision taking and the decision management in the whole of the Union using only electronic data-processing techniques. It is therefore necessary to lay down the rules governing that electronic system. The scope of the system should be determined by reference to the customs decisions which are to be applied for, taken and managed using that system. Detailed rules should be set out for the system's common components (EU trader portal, central customs decisions management system and customer reference services) and national components (national trader portal and national customs decisions management system), by specifying their functions and their interconnections.
- (6) Furthermore, rules have to be put in place concerning the data relating to authorisations that are already stored in existing electronic systems, such as the Regular Shipping Service system (RSS), and national systems and that have to be migrated to the Customs Decisions System.
- (7) The Uniform User Management and Digital Signature system, developed through the Direct trader access to the European Information Systems (Uniform User Management & Digital Signature) project referred to in Implementing Decision (EU) 2016/578, is to manage the authentication and access verification process for economic operators and other users. Detailed rules need to be set out regarding the scope and characteristics

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6).

of the system by defining the different components (common and national components) of the system, their functions and interconnections. However, the 'Digital Signature' functionality is not yet available as part of the Uniform User Management and Digital Signature system. No detailed rules could therefore be laid down regarding that functionality in this Regulation.

- (8) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, and notably the right to protection of personal data. Where for the purposes of the application of the customs legislation it is necessary to process personal data in the electronic systems, those data must be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>(1)</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council <sup>(2)</sup>. The personal data of economic operators and persons other than economic operators processed by the electronic systems are restricted to the dataset as defined in Annex A, Group 3- Parties and Annex 12-01 of Commission Delegated Regulation (EU) 2015/2446 <sup>(3)</sup>.
- (9) The measures provided for in this Implementing Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

### GENERAL PROVISIONS

#### Article 1

#### Scope

This Regulation shall apply to the following electronic systems:

- (a) the Customs Decisions system developed through the UCC Customs Decisions project referred to in the Annex to Implementing Decision (EU) 2016/578;
- (b) the Uniform User Management and Digital Signature system developed through the Direct trader access to the European Information Systems (Uniform User Management & Digital Signature) project referred to in the Annex to Implementing Decision (EU) 2016/578.

#### Article 2

#### Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (1) 'common component' means a component of the electronic systems developed at Union level, which is available for all Member States;
- (2) 'national component' means a component of the electronic systems developed at national level, which is available in the Member State that created such a component.

#### Article 3

#### Contact points for the electronic systems

The Commission and the Member States shall designate contact points for each of the electronic systems for the purposes of exchanging information to ensure a coordinated development, operation and maintenance of those electronic systems. They shall communicate the details of those contact points to each other.

The Commission and the Member States shall inform each other immediately of any changes to the details of those contact points.

<sup>(1)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

<sup>(2)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).



## CHAPTER II

## CUSTOMS DECISIONS SYSTEM

## Article 4

**Object and structure of the CDS**

1. The Customs Decisions system (CDS) shall enable communication between the Commission, Member States, economic operators and persons other than economic operators for the purposes of submitting and processing applications and decisions referred to in Article 5(1), as well as the management of decisions related to the authorisations, namely, amendments, revocations, annulments and suspensions.
2. The CDS shall consist of the following common components:
  - (a) an EU trader portal;
  - (b) a central customs decisions management system ('central CDMS');
  - (c) customer reference services.
3. Member States may create the following national components:
  - (a) a national trader portal;
  - (b) a national customs decisions management system ('national CDMS').

## Article 5

**Use of the CDS**

1. The CDS shall be used for the purposes of submitting and processing applications for the following authorisations, as well as the management of decisions related to the applications or authorisations:
  - (a) authorisation for the simplification of the determination of amounts being part of the customs value of the goods, as referred to in Article 73 of the Code;
  - (b) authorisation for the provision of a comprehensive guarantee, including possible reduction or waiver, as referred to in Article 95 of the Code;
  - (c) authorisation of deferment of the payment of the duty payable, as far as the permission is not granted in relation to a single operation, as referred to in Article 110 of the Code;
  - (d) authorisation for the operation of temporary storage facilities, as referred to in Article 148 of the Code;
  - (e) authorisation to establish regular shipping services, as referred to in Article 120 of Delegated Regulation (EU) 2015/2446;
  - (f) authorisation for the status of authorised issuer, as referred to in Article 128 of Delegated Regulation (EU) 2015/2446;
  - (g) authorisation for the regular use of a simplified declaration, as referred to in Article 166(2) of the Code;
  - (h) authorisation for centralised clearance, as referred to in Article 179 of the Code;
  - (i) authorisation to lodge a customs declaration through an entry of data in the declarant's records, including for the export procedure, as referred to in Article 182 of the Code;
  - (j) authorisation for self-assessment, as referred to in Article 185 of the Code;
  - (k) authorisation for the status of an authorised weigher of bananas, as referred to in Article 155 of Delegated Regulation (EU) 2015/2446;
  - (l) authorisation for the use of the inward processing procedure, as referred to in Article 211(1)(a) of the Code;
  - (m) authorisation for the use of the outward processing procedure, as referred to in Article 211(1)(a) of the Code;
  - (n) authorisation for the use of the end-use procedure, as referred to in Article 211(1)(a) of the Code;
  - (o) authorisation for the use of the temporary admission procedure, as referred to in Article 211(1)(a) of the Code;
  - (p) authorisation for the operation of storage facilities for customs warehousing of goods, as referred to in Article 211(1)(b) of the Code;

- (q) authorisation for the status of an authorised consignee for TIR operation, as referred to in Article 230 of the Code;
  - (r) authorisation for the status of an authorised consignor for Union transit, as referred to in Article 233(4)(a) of the Code;
  - (s) authorisation for the status of an authorised consignee for Union transit, as referred to in Article 233(4)(b) of the Code;
  - (t) authorisation to use of seals of a special type, as referred to in Article 233(4)(c) of the Code;
  - (u) authorisation to use a transit declaration with a reduced dataset, as referred to in Article 233(4)(d) of the Code;
  - (v) authorisation for the use of an electronic transport document as a customs declaration, as referred to in Article 233(4)(e) of the Code.
2. The common components of the CDS shall be used with respect to applications and authorisations referred to in paragraph 1, as well as the management of decisions related to those applications and authorisations where those authorisations or decisions may have an impact in more than one Member State.
3. A Member State may decide that the common components of the CDS may be used with respect to applications and authorisations referred to in paragraph 1, as well as the management of decisions related to those applications and authorisations where those authorisations or decisions have an impact only in that Member State.
4. The CDS shall not be used with respect to applications, authorisations or decisions other than those listed to in paragraph 1.

#### *Article 6*

### **Authentication and access to the CDS**

1. The authentication and access verification of economic operators and persons other than economic operators for the purposes of access to the common components of the CDS shall be effected using the Uniform User Management and Digital Signatures (UUM&DS) system referred to in Article 14.
2. The authentication and access verification of Member States' officials for the purposes of access to the common components of the CDS shall be effected using the network services provided by the Commission.
3. The authentication and access verification of Commission's staff for the purposes of access to the common components of the CDS shall be effected using the UUM&DS system or the network services provided by the Commission.

#### *Article 7*

### **EU trader portal**

1. The EU trader portal shall be an entry point to the CDS for economic operators and persons other than economic operators.
2. The EU trader portal shall interoperate with the central CDMS as well as with national CDMS where created by Member States.
3. The EU trader portal shall be used for applications and authorisations referred to in Article 5(1), as well as the management of decisions related to those applications and authorisations where those authorisations or decisions may have an impact in more than one Member State.
4. A Member State may decide that the EU trader portal may be used for applications and authorisations referred to in Article 5(1), as well as the management of decisions related to those applications and authorisations where those authorisations or decisions have an impact only in that Member State.

Where a Member State takes a decision to use the EU trader portal for authorisations or decisions that have an impact only in that Member State, it shall inform the Commission thereof.

*Article 8***Central customs decisions management system**

1. The central CDMS shall be used by the customs authorities of the Member States for processing of the applications and authorisations referred to in Article 5(1), as well as the management of decisions related to those applications and authorisations by enabling Member States to verify whether the conditions for the acceptance of the applications and for taking the decisions are fulfilled.
2. The central CDMS shall interoperate with the EU trader portal, the customer reference services and with the national CDMS, where created by the Member States.

*Article 9***Consultation between the customs authorities using the CDS**

A customs authority of a Member State shall use the central CDMS when it needs to consult a customs authority of another Member State before taking a decision regarding the applications or authorisations referred to in Article 5(1).

*Article 10***Customer reference services**

The customer reference services shall be used for the central storage of data relating to the authorisations referred to in Article 5(1), as well as decisions related to those authorisations, and shall enable the consultation, replication and validation of those authorisations by other electronic systems established for the purposes of Article 16 of the Code.

*Article 11***National trader portal**

1. The national trader portal, where created, shall be an additional entry point to the CDS for economic operators and persons other than economic operators.
2. With respect to applications and authorisations referred to in Article 5(1), as well as the management of decisions related to those applications and authorisations where those authorisations or decisions may have an impact in more than one Member State, economic operators and persons other than economic operators may choose to use the national trader portal, where created, or the EU trader portal.
3. The national trader portal shall interoperate with the national CDMS, where created.
4. Where a Member State creates a national trader portal, it shall inform the Commission thereof.

*Article 12***National customs decisions management system**

1. A national CDMS, where created, shall be used by the customs authority of the Member State which created it for processing the applications and authorisations referred to in Article 5(1), as well as the management of decisions related to those applications and authorisations by verifying whether the conditions for the acceptance of the applications and for taking the decisions are fulfilled.
2. The national CDMS shall interoperate with the central CDMS for the purposes of consultation between the customs authorities as referred to in Article 9.

*Article 13***Migration of data relating to authorisations to the CDS**

1. The data relating to authorisations referred to in Article 5(1) where those authorisations were issued as of 1 May 2016 or granted according to Article 346 of Commission Implementing Regulation (EU) 2015/2447 <sup>(1)</sup> and may have an impact in more than one Member State, shall be migrated and stored in the CDS if such authorisations are valid on the date of migration. The migration shall take place by 1 May 2019 at the latest.

A Member State may decide to apply the first subparagraph also to authorisations referred to in Article 5(1) that have an impact only in that Member State.

2. The customs authorities shall ensure that the data to be migrated in accordance with paragraph 1 comply with the data requirements laid down in Annex A to Delegated Regulation (EU) 2015/2446 and Annex A to Commission Implementing Regulation (EU) 2015/2447. For that purpose, they may request the necessary information from the holder of the authorisation.

## CHAPTER III

**UNIFORM USER MANAGEMENT AND DIGITAL SIGNATURE SYSTEM***Article 14***Object and structure of the UUM&DS system**

1. The Uniform User Management and Digital Signature (UUM&DS) system shall enable the communication between the Commission and the Member States' identity and access management systems referred to in Article 18 for the purposes of providing secure authorised access to the electronic systems to economic operators and persons other than the economic operators and Commission's staff.

2. The UUM&DS system shall consist of the following common components:

- (a) an access management system;
- (b) an administration management system;

3. A Member State shall create an identity and access management system as a national component of the UUM&DS system.

*Article 15***Use of the UUM&DS system**

The UUM&DS system shall be used to ensure the authentication and access verification of:

- (a) economic operators and persons other than economic operators for the purposes of having access to the common components of the CDS;
- (b) the Commission's staff for the purposes of having access to the common components of the CDS and for the purposes of maintenance and management of the UUM&DS system.

*Article 16***Access management system**

The Commission shall set up the access management system to validate the access requests submitted by the economic operators and persons other than economic operators within the UUM&DS system by interoperating with the Member States' identity and access management systems referred to in Article 18.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

*Article 17***Administration management system**

The Commission shall set up the administration management system to manage the authentication and authorisation rules for validating the identification data of economic operators and persons other than economic operators for the purposes of allowing access to the electronic systems.

*Article 18***Member States' identity and access management systems**

The Member States shall set-up an identity and access management system to ensure:

- (a) a secure registration and storage of identification data of economic operators and persons other than economic operators;
- (b) a secure exchange of signed and encrypted identification data of economic operators and persons other than economic operators.

## CHAPTER IV

**FUNCTIONING OF THE ELECTRONIC SYSTEMS AND TRAINING IN THE USE THEREOF***Article 19***Development, testing, deployment and management of the electronic systems**

1. The common components shall be developed, tested, deployed and managed by the Commission. The national components shall be developed, tested, deployed and managed by the Member States.
2. The Member States shall ensure that the national components are interoperable with the common components.

*Article 20***Maintenance of and changes to the electronic systems**

1. The Commission shall perform the maintenance of the common components and the Member States shall perform the maintenance of their national components.
2. The Commission and the Member States shall ensure uninterrupted operation of the electronic systems.
3. The Commission may change the common components of the electronic systems to correct malfunctions, to add new functionalities or alter existing ones.
4. The Commission shall inform the Member States of changes and updates to the common components.
5. Member States shall inform the Commission of changes and updates to the national components that may have repercussions on the functioning of the common components.
6. The Commission and Member States shall make the information on the changes and updates to the electronic systems pursuant to paragraphs 4 and 5 publicly available.

*Article 21***Temporary failure of the electronic systems**

1. In case of a temporary failure of the electronic systems as referred to in Article 6(3)(b) of the Code, economic operators and persons other than economic operators shall submit the information to fulfil the formalities concerned by the means determined by the Member States, including means other than electronic data processing techniques.

2. The customs authorities shall make sure the information submitted in accordance with paragraph 1 is made available in the respective electronic systems within 7 days of the respective electronic systems becoming available again.
3. The Commission and the Member States shall inform each other of the unavailability of the electronic systems resulting from a temporary failure.

#### *Article 22*

### **Training support on the use and functioning of the common components**

The Commission shall support the Member States on the use and functioning of the common components of the electronic systems by providing the appropriate training material.

#### CHAPTER V

### **DATA PROTECTION, DATA MANAGEMENT AND THE OWNERSHIP AND SECURITY OF THE ELECTRONIC SYSTEMS**

#### *Article 23*

### **Personal data protection**

1. The personal data registered in the electronic systems shall be processed for the purposes of implementing the customs legislation having regard to the specific objectives of each of the electronic systems as set out in Article 4(1) and Article 14(1), respectively.
2. The national supervisory authorities in the field of personal data protection and the European Data Protection Supervisor shall cooperate to ensure coordinated supervision of the processing of personal data registered in the electronic systems.

#### *Article 24*

### **Updating of data in the electronic systems**

Member States shall ensure that the data registered at national level corresponds to the data registered in the common components and is kept up to date.

#### *Article 25*

### **Limitation of data access and data processing**

1. The data registered in the common components of the electronic systems by a Member State may be accessed or processed by that Member State. It may also be accessed and processed by another Member State where it is involved in the processing of an application or the management of a decision to which the data relates, including by way of a consultation in accordance with Article 9.
2. The data registered in the common components of the electronic systems by an economic operator or a person other than an economic operator may be accessed or processed by that economic operator or that person. It may also be accessed and processed by a Member State involved in the processing of an application or the management of a decision to which the data relates, including by way of a consultation in accordance with Article 9.

#### *Article 26*

### **System ownership**

1. The Commission shall be the system owner of the common components.
2. The Member States shall be the system owners of the national components.

*Article 27***System security**

1. The Commission shall ensure the security of the common components. The Member States shall ensure the security of the national components.

For those purposes, the Commission and Member States shall take, at least, the necessary measures to:

- (a) prevent any unauthorised person from having access to installations used for the processing of data;
- (b) prevent the entry of data and any consultation, modification or deletion of data by unauthorised persons;
- (c) detect any of the activities referred to in points (a) and (b);

2. The Commission and the Member States shall inform each other of any activities that might result in a breach or a suspected breach of the security of the electronic systems.

## CHAPTER VI

**FINAL PROVISIONS***Article 28***Assessment of the electronic systems**

The Commission and the Member States shall conduct assessments of the components they are responsible for and shall in particular analyse the security and integrity of the components and the confidentiality of data processed within those components.

The Commission and the Member States shall inform each other of the assessment results.

*Article 29***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, 14 November 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/2090****of 14 November 2017****concerning the approval of beer as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC <sup>(1)</sup>, and in particular Article 23(5) in conjunction with Article 13(2) thereof,

Whereas:

- (1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 11 November 2016 an application from the Institut Technique de l'Agriculture Biologique for the approval of beer as a basic substance. That application was accompanied by the information required by the second subparagraph of Article 23(3) of Regulation (EC) No 1107/2009.
- (2) The Commission asked the European Food Safety Authority ('the Authority') for scientific assistance. The Authority presented to the Commission a Technical Report on beer on 9 June 2017 <sup>(2)</sup>. The Commission presented the review report <sup>(3)</sup> and a draft of this Regulation to the Standing Committee on Plants, Animals, Food and Feed on 20 July 2017 and finalised them for the meeting of that Committee on 6 October 2017.
- (3) The documentation provided by the applicant shows that beer fulfils the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council <sup>(4)</sup>. Moreover, it is not predominantly used for plant protection purposes but nevertheless is useful in plant protection in a product consisting of the substance and water. Consequently, it is to be considered as a basic substance.
- (4) It has appeared from the examinations made that beer may be expected to satisfy, in general, the requirements laid down in Article 23 of Regulation (EC) No 1107/2009, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve beer as a basic substance.
- (5) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions.
- (6) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 <sup>(5)</sup> should be amended accordingly.

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> EFSA (European Food Safety Authority), 2017. Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for beer for use in plant protection against slugs and snails. EFSA supporting publication 2017:EN-1253. 30 pp. doi:10.2903/sp.efsa.2017.EN-1253.

<sup>(3)</sup> <http://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=activesubstance.selection&language=EN>

<sup>(4)</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

<sup>(5)</sup> 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).



- (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*

**Approval of a basic substance**

The substance beer is approved as a basic substance as laid down in Annex I.

*Article 2*

**Amendments to Implementing Regulation (EU) No 540/2011**

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

*Article 3*

**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, 14 November 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity <sup>(1)</sup>	Date of approval	Specific provisions
Beer CAS No 8029-31-0	Not applicable	Food grade	5 December 2017	Beer shall be used in accordance with the specific conditions included in the conclusions of the review report on beer (SANTE/11038/2017) and in particular Appendices I and II thereto.

<sup>(1)</sup> Further details on identity, specification and manner of use of basic substance are provided in the review report.

## ANNEX II

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

Number	Common Name, Identification Numbers	IUPAC Name	Purity <sup>(1)</sup>	Date of approval	Specific provisions
'17	Beer CAS No 8029-31-0	Not applicable	Food grade	5 December 2017	Beer shall be used in accordance with the specific conditions included in the conclusions of the review report on beer (SANTE/11038/2017) and in particular Appendices I and II thereto.'

<sup>(1)</sup> Further details on identity, specification and manner of use of basic substance are provided in the review report.

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/2091****of 14 November 2017****concerning the non-renewal of approval of the active substance iprodione, 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 Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC <sup>(1)</sup>, and in particular Article 20(1) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2003/31/EC <sup>(2)</sup> included iprodione as an active substance in Annex I to Council Directive 91/414/EEC <sup>(3)</sup>.
- (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 <sup>(4)</sup>.
- (3) The approval of the active substance iprodione, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 October 2018.
- (4) An application for the renewal of the approval of iprodione was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 <sup>(5)</sup> within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 3 November 2015.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 8 June 2016 the Authority communicated to the Commission its conclusion <sup>(6)</sup> on whether iprodione can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Authority concluded that there is a high potential for the representative uses assessed to result in groundwater exposure above the parametric drinking water limit of 0,1 µg/l by the relevant metabolites of iprodione in situations represented by all pertinent groundwater scenarios; one relevant metabolite is even predicted to exceed 0,75 µg/l in all pertinent groundwater scenarios. In addition, the Authority also concluded that there is a high long-term risk to aquatic organisms.

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> Commission Directive 2003/31/EC of 11 April 2003 amending Council Directive 91/414/EEC to include 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin as active substances (OJ L 101, 23.4.2003, p. 3).

<sup>(3)</sup> 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).

<sup>(4)</sup> 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).

<sup>(5)</sup> Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

<sup>(6)</sup> EFSA (European Food Safety Authority), 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance iprodione. EFSA Journal 2016;14(11):4609, 31 pp. doi:10.2903/j.efsa.2016.4609.

- (9) Furthermore, in respect of one metabolite, found as a residue in plants and as an impurity in the technical material, the Authority concluded that the genotoxic potential cannot be excluded and therefore the setting of reference values for that metabolite cannot be confirmed based on the information available. Moreover, based on the available information, the dietary risk assessment could not be finalised as it is not possible to establish residue definitions for risk assessment; nevertheless, an acute consumer risk could not be excluded. Finally, the long-term risk assessment for wild mammals for all the relevant routes of exposure could not be finalised, based on the information submitted in the dossier.
- (10) Additionally, iprodione is classified as carcinogen category 2 in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>(1)</sup> while in the conclusion of the Authority it is indicated that iprodione should be classified as carcinogen category 1B and as toxic for reproduction category 2. For the representative uses considered, residue levels exceed the default value as referred to in point (b) of Article 18(1) of Regulation (EC) No 396/2005 of the European Parliament and of the Council <sup>(2)</sup>. Consequently, the requirement set out in Points 3.6.3 and 3.6.5 of Annex II to Regulation (EC) No 1107/2009 is not fulfilled.
- (11) The Commission invited the applicant to submit its comments on the conclusion of the Authority and, in accordance with the third paragraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, on the draft renewal report. The applicant submitted its comments, which have been carefully examined.
- (12) However, despite the arguments put forward by the applicant, the concerns related to the substance could not be eliminated.
- (13) Based on the concerns identified, it has not been established with respect to one or more representative uses of at least one plant protection product that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to renew the approval of iprodione in accordance with Article 20(1)(b) of that Regulation.
- (14) Member States should be given time to withdraw authorisations for plant protection products containing iprodione.
- (15) For plant protection products containing iprodione, 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 5 June 2018.
- (16) Commission Implementing Regulation (EU) 2017/1511 <sup>(3)</sup> extended the expiry date of iprodione to 31 October 2018 in order to allow the renewal process to be completed before the expiry of the approval of that substance. However, given that a decision has been taken ahead of that extended expiry date, this Regulation should apply as soon as possible.
- (17) This Regulation does not prejudice the submission of a further application for the approval of iprodione pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (18) 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-renewal of approval of active substance**

The approval of the active substance iprodione is not renewed.

<sup>(1)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

<sup>(2)</sup> 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 (OJ L 70, 16.3.2005, p. 1).

<sup>(3)</sup> Commission Implementing Regulation (EU) 2017/1511 of 30 August 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methylcyclopropene, beta-cyfluthrin, chlorothalonil, chlorotoluron, cypermethrin, daminozide, deltamethrin, dimethenamid-p, flufenacet, flurtamone, forchlorfenuron, fosthiazate, indoxacarb, iprodione, MCPA, MCPB, silthiofam, thiophanate-methyl and tribenuron (OJ L 224, 31.8.2017, p. 115).

*Article 2***Amendments to Implementing Regulation (EU) No 540/2011**

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 50, on iprodione, is deleted.

*Article 3***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing iprodione as active substance by 5 March 2018 at the latest.

*Article 4***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 5 June 2018 at the latest.

*Article 5***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, 14 November 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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