



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 March 2013**

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**Interinstitutional File:  
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**PROPOSAL**

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from:	European Commission
dated:	13 February 2013
No Cion doc.:	COM(2013) 73 final
Subject:	Proposal for a Council Regulation amending Regulation (EC) No 1107/2009 of the European Parliament and of the Council by reason of the accession of Croatia

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Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

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Encl.: COM(2013) 73 final



EUROPEAN  
COMMISSION

Brussels, 13.2.2013  
COM(2013) 73 final

2013/0047 (NLE)

Proposal for a

## **COUNCIL REGULATION**

**amending Regulation (EC) No 1107/2009 of the European Parliament and of the Council  
by reason of the accession of Croatia**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

The proposal for a Council Regulation is necessitated by the upcoming accession of the Republic of Croatia to the European Union.

The Treaty between the Member States of the European Union and the Republic of Croatia concerning the accession of the Republic of Croatia to the European Union<sup>1</sup> (hereafter referred to as "Treaty of Accession") was signed in Brussels on 9 December 2011.

Article 3(3) of the Treaty of Accession provides that it shall enter into force on 1 July 2013 provided that all the instruments of ratification have been deposited before that date.

Article 3(4) of the Treaty of Accession enables the institutions of the Union to adopt before the accession the measures referred to, *inter alia*, in Article 50 of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community<sup>2</sup> (hereafter referred to as "Act concerning the conditions of accession"). These measures shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

Article 50 of the Act concerning the conditions of accession affirms that where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, the Council or the Commission (if the original acts were adopted by the Commission) shall adopt the necessary acts.

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>3</sup> provides for the division of the Union in zones with comparable agricultural, plant health and environmental conditions in order to facilitate the mutual recognition of plant protection products. Annex I of that Regulation lists each Member State in the Northern, the Central or the Southern zone for the authorisation of plant protection products.

The present proposal aims at adding Croatia in the Southern zone in Annex I of Regulation (EC) No 1107/2009.

Croatia should be added to the list of Member States in the Southern zone of Annex I of Regulation (EU) No 1107/2009 due to the fact that on the whole the agricultural, plant health and environmental conditions specific to Croatia are comparable to those

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<sup>1</sup> OJ L 112, 24.4.2012, p. 10.

<sup>2</sup> OJ L 112, 24.4.2012, p. 21.

<sup>3</sup> OJ L 309, 24.11.2009, p. 1.

of the countries already placed in the Southern zone, i.e. Bulgaria, Greece, Spain, France, Italy, Cyprus, Malta, and Portugal.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

As this proposal is of technical nature and does not involve any political choices, consultations with interested parties or impact assessments would not have made sense.

## **3. LEGAL ELEMENTS OF THE PROPOSAL**

The legal basis for the proposal is Article 50 of the Act concerning the conditions of accession of the Republic of Croatia.

The principles of subsidiarity and proportionality are fully respected.

The action of the Union is necessary under the principle of subsidiarity laid down in Article 5(3) TEU as it concerns technical adaptations to a legal act adopted by the Union. The proposal respects the principle of proportionality stated in Article 5(4) TEU because it does not go beyond what is necessary to reach the objective pursued.

## **4. BUDGETARY IMPLICATION**

This proposal has no budgetary implications.

Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EC) No 1107/2009 of the European Parliament and of the Council  
by reason of the accession of Croatia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of Accession of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of Croatia, and in particular Article 50 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex I 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>4</sup> defines zones composed of Member States with comparable agricultural, plant health and environmental (including climatic) conditions, in particular in order to facilitate the examination of applications and granting of authorisations of plant protection products in the Union and the mutual recognition of authorisations.
- (2) In view of the accession of Croatia to the Union, it is necessary to add Croatia to the Southern zone since the agricultural, plant health and environmental conditions in Croatia are comparable to those in Bulgaria, Greece, Spain, France, Italy, Cyprus, Malta and Portugal.
- (3) Annex I to Regulation (EC) No 1107/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1107/2009 is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Croatia.

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<sup>4</sup> OJ L 309, 24.11.2009, p. 1.

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

Done at Brussels,

*For the Council*  
*The President*

## **ANNEX**

Annex I to Regulation (EC) No 1107/2009 is replaced by the following:

### **'ANNEX I**

#### **Definition of zones for the authorisation of plant protection products as referred to in Article 3(17)**

##### **Zone A — North**

The following Member States belong to this zone:

Denmark, Estonia, Latvia, Lithuania, Finland, Sweden

##### **Zone B — Centre**

The following Member States belong to this zone:

Belgium, Czech Republic, Germany, Ireland, Luxembourg, Hungary, Netherlands, Austria, Poland, Romania, Slovenia, Slovakia, United Kingdom

##### **Zone C — South**

The following Member States belong to this zone:

Bulgaria, Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Portugal'