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Legislation

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 86/2010

of 29 January 2010

amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Commission Regulation (EC) No 1010/2009 as regards exchange of information on inspections of third country vessels and administrative arrangements on catch certificates

THE EUROPEAN COMMISSION,

Article 4(c) and (d) of that Regulation, information on inspections of third country vessels should be transmitted electronically to the Commission who shall make that information available to other Member States.

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ⁽¹⁾, in particular Articles 9(1), 12(5), 51(3) and 52 thereof,

(3) Administrative arrangements by which catch certificates are established, validated or submitted by electronic means or replaced by electronic traceability systems ensuring the same level of control by authorities are to be listed in Annex IX to Regulation (EC) No 1010/2009. Since new administrative arrangements on catch certificates have been agreed, that Annex should be updated.

Whereas:

(4) Regulations (EC) No 1005/2008 and 1010/2009 should be amended accordingly.

(1) Regulation (EC) No 1005/2008 applies to fishery products falling under the definition given in its Article 2. Annex I to that Regulation lists the products excluded from the definition of fishery products. That list may be reviewed each year and should now be amended on the basis of new information gathered under the administrative cooperation with third countries provided for in Article 20(4) of Regulation (EC) No 1005/2008.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

(2) Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Regulation (EC) No 1005/2008 sets, inter alia, benchmarks for the conduct of port inspections by Member States ⁽²⁾. In order for Member States to implement the inspection benchmarks set out in

HAS ADOPTED THIS REGULATION:

*Article 1***Amendments to Regulation (EC) No 1005/2008**

Annex I to Regulation (EC) No 1005/2008 is amended as set out in Annex I to this Regulation.

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

⁽²⁾ OJ L 280, 27.10.2009, p. 5.

*Article 2***Amendments to Regulation (EC) No 1010/2009**

Regulation (EC) No 1010/2009 is amended as follows:

1. In Article 4, the following paragraph is added:

‘In respect of points (c) and (d) of the first paragraph, Member States shall without delay report to the Commission the name and the flag of the third country vessel inspected and the date of inspection. The Commission shall make this information available to other Member States.’

2. Annex IX is amended as set out in Annex II to this Regulation.

*Article 3***Entry into force**

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

It shall apply from 1 January 2010.

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

Done at Brussels, 29 January 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Annex I of Regulation (EC) No 1005/2008 is amended as follows:

'ex Chapter 3 ex 1604 ex 1605	Aquaculture products obtained from fry or larvae
0301 10 (*)	Ornamental fish, live
ex 0301 91	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), live, caught in freshwater
ex 0301 92 00	Eels (<i>Anguilla</i> spp.), live, caught in freshwater
0301 93 00	Carp, live
ex 0301 99 11	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), live, caught in freshwater
0301 99 19	Other freshwater fish, live
ex 0302 11	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 12 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 19 00	Other <i>Salmonidae</i> , fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 66 00	Eels (<i>Anguilla</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
0302 69 11	Carp, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 69 15	Tilapia (<i>Oreochromis</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 69 18	Other freshwater fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
ex 0302 70 00	Livers and roes, fresh or chilled, of other freshwater fish
ex 0303 11 00	Sockeye salmon (red salmon) (<i>Oncorhynchus nerka</i>), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 19 00	Other Pacific salmon (<i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 21	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater

ex 0303 22 00	Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 29 00	Other salmonidae, excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 76 00	Eels (<i>Anguilla</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
0303 79 11	Carp, frozen, excluding fish fillets and other fish meat of heading 0304
0303 79 19	Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 0304
ex 0303 80	Livers and roes, frozen, of other freshwater fish
0304 19 01	Fish fillets, fresh or chilled, of Nile perch (<i>Lates niloticus</i>)
0304 19 03	Fish fillets, fresh or chilled, of pangasius (<i>Pangasius</i> spp.)
ex 0304 19 13	Fish fillets, fresh or chilled, of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0304 19 15	Fish fillets, fresh or chilled, of the species <i>Oncorhynchus mykiss</i> weighing more than 400 g each, caught in freshwater
ex 0304 19 17	Fish fillets, fresh or chilled, of trout of the species <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> (weighing 400 g or less), <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> and <i>Oncorhynchus gilae</i> , caught in freshwater
0304 19 18	Fish fillets, fresh or chilled, of other freshwater fish
0304 19 91	Other fish meat (whether or not minced), fresh or chilled, of freshwater fish
0304 29 01	Frozen fillets of Nile perch (<i>Lates niloticus</i>)
0304 29 03	Frozen fillets of pangasius (<i>Pangasius</i> spp.)
0304 29 05	Frozen fillets of Tilapia (<i>Oreochromis</i> spp.)
ex 0304 29 13	Frozen fillets of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0304 29 15	Frozen fillets of <i>Oncorhynchus mykiss</i> weighing more than 400 g each, caught in freshwater
ex 0304 29 17	Frozen fillets of trout of the species <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> (weighing 400 g or less), <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> and <i>Oncorhynchus gilae</i> , caught in freshwater
0304 29 18	Frozen fillets of other freshwater fish
0304 99 21	Other fish meat (whether or not minced), frozen, of freshwater fish

0305 10 00	Flours, meals and pellets of fish, fit for human consumption
ex 0305 20 00	Livers and roes of freshwater fish, dried, smoked, salted or in brine
ex 0305 30 30	Fish fillets, salted or in brine, of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbusha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0305 30 90	Fish fillets, dried, salted or in brine, but not smoked, of other freshwater fish
ex 0305 41 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbusha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), smoked, including fillets, caught in freshwater
ex 0305 49 45	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), smoked, including fillets, caught in freshwater
ex 0305 49 50	Eels (<i>Anguilla</i> spp.), smoked, including fillets, caught in freshwater
ex 0305 49 80	Other freshwater fish, smoked, including fillets
ex 0305 59 80	Other freshwater fish, dried, whether or not salted, but not smoked
ex 0305 69 50	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbusha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), in brine or salted but not dried or smoked, caught in freshwater
ex 0305 69 80	Other freshwater fish, in brine or salted but not dried or smoked
0306 19 10	Freshwater crayfish, frozen
ex 0306 19 90	Flours, meals and pellets of crustaceans, frozen, fit for human consumption
0306 29 10	Freshwater crayfish, live, fresh, chilled, dried, salted or in brine, in shell, cooked by steaming or by boiling in water, whether or not chilled, dried salted or in brine
ex 0306 29 90	Flours, meals and pellets of crustaceans, not frozen, fit for human consumption
0307 10	Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine
0307 21 00	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , live, fresh or chilled
0307 29	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , other than live, fresh or chilled
0307 31	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), live, fresh or chilled
0307 39	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), other than live, fresh or chilled
0307 60 00	Snails, other than sea snails, live, fresh, chilled, frozen, dried, salted or in brine

ex 0307 91 00	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except <i>Illex</i> spp. and cuttlefish of the species <i>Sepia pharaonis</i> , live, fresh or chilled
0307 99 13	Striped venus and other species of the family Veneridae, frozen
0307 99 15	Jellyfish (<i>Rhopilema</i> spp.), frozen
ex 0307 99 18	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00 and 0307 99 11 to 0307 99 15, except cuttlefish of the species <i>Sepia pharaonis</i> , including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, frozen
ex 0307 99 90	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except <i>Illex</i> spp. and cuttlefish of the species <i>Sepia pharaonis</i> , including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, dried, salted or in brine
ex 1604 11 00	Salmon, caught in freshwater, prepared or preserved, whole or in pieces, but not minced
ex 1604 19 10	Salmonidae, other than salmon, caught in freshwater, prepared or preserved, whole or in pieces, but not minced
ex 1604 20 10	Salmon, caught in freshwater, otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 20 30	Salmonidae, other than salmon, caught in freshwater, otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 19 91	Fillets of freshwater fish, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen
ex 1605 40 00	Freshwater crayfish, prepared or preserved
1605 90 11	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), prepared or preserved, in airtight containers
1605 90 19	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), prepared or preserved, other than in airtight containers
ex 1605 90 30	Scallops, oysters and snails, prepared or preserved
1605 90 90	Other aquatic invertebrates, other than molluscs, prepared or preserved

(*) CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).'

ANNEX II

The following text is inserted into Annex IX to Regulation (EC) No 1010/2009:

'Section 1**NORWAY****CATCH CERTIFICATION SCHEME**

Norway shall require a catch certificate for landings and imports to Norway of catches made by fishing vessels flying the flag of a Member State of the European Community.

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II of Regulation (EC) No 1005/2008 shall, as of 1 January 2010, be replaced — for fisheries products obtained from catches made by fishing vessels flying the flag of Norway — by a Norwegian catch certificate based on the Norwegian system of sales notes, which is an electronic traceability system under the control of the Norwegian authorities ensuring the same level of control by authorities as required under the Community catch certification scheme.

A specimen of a Norwegian catch certificate is given in the Appendix.

The Norwegian system of sales notes shall also be used to issue and validate a catch certificate for export consignments from Norway to the European Community of conventional fishery products including stock-fish, salted fish and salted and dried klippfish, using raw material from small fishing vessels and/or involving production comprising several steps in the production process, in accordance with entry 7. bis of the attached specimen.

Documents referred to in Article 14(1) and (2) of Regulation (EC) No 1005/2008 may be established, validated and submitted by electronic means.

MUTUAL ASSISTANCE

Mutual assistance under Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and administrative cooperation between respective competent authorities in Norway and the Member States of the European Community, based on detailed rules on mutual assistance laid down in Commission Regulation (EC) No 1010/2009.

Appendix

Catch certification scheme for fishery products exported from Norway to the European Community under Articles 12 (4) and 20 (4) of Council Regulation EC 1005/2008 and the Commission Regulation laying down the detailed rules for the implementation of the same Regulation to replace the European Community catch certificate

Page 1 of 2

Document No	1. Issued and validated electronically by		
Address	Telephone number	Telefax number	

2. Fishing vessel Name		Flag — Home port and registration number	Call sign	IMO/Lloyds Number (if issued)
Fishing licence No. — Valid to		Inmarsat number, telefax number, telephone number. E-mail address (if issued)		
3. Description of product		Type of processing authorised on board	4. References of applicable conservation and management measures	
Species	Product code	Catch area(s) and dates	Verified landed weight (kg), (Estimated weight to be landed if direct landing to EC port)	
5. Name of master of fishing vessel (not applicable if direct landing in an EU port)			Number of sales note with masters original signature (original signature not applicable if direct landing in an EU port)	

6. If transshipment at sea, date, area and position		7. If transshipment within a port area, date and name of port	
Name of buyer or receiver of the fish	Receiving vessel name	Call sign	IMO/Lloyds number (if issued)

7. bis Provisions for consignments of stock fish, salted fish and salted and dried fish (klippfish) under CN 03.05. Name of producer responsible for keeping record of all sales notes containing information of the raw material used in the production. List document number for each sales note.		
Address	Telephone number	Telefax number

Type of fishery product	Species	Product CN code	Product weight (kg) in the consignment

8. Name and address of exporter	Signature	Date
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9. Flag State Authority Validation: This certificate is issued and validated electronically in accordance with the catch certification scheme for fishery products exported from Norway to the European Community under Articles 12 (4) and 20 (4) of Council Regulation EC 1005/2008 and the Commission Regulation laying down the detailed rules for the implementation of the same Regulation Ref: www.catchcertificate.no		
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10. Transport details, country of exportation		Port / airport / other place of departure	
Vessel name and flag	Container number(s): list attached.	Name	Address
Flight number/airway bill number			
Truck nationality and reg.number			
Railway bill number			
Other transport documents			

Catch certification scheme for fishery products exported from Norway to the European Community under Articles 12 (4) and 20 (4) of Council Regulation (EC) No 1005/2008 and the Commission Regulation laying down the detailed rules for the implementation of the same Regulation to replace the European Community catch certificate

Page 2 of 2

11. Importer declaration: Name and address of importer		Signature	Date	Seal	Product CN code
Documents under Articles 14(1), (2) of Regulation (EC) 1005/2008	References				
12. Import control: Authority	Place	Importation authorised *	Importation suspended *	Verification requested — date	
Customs declaration (if issued)	Number	Date	Place		

* Tick as appropriate

Section 2**UNITED STATES****CATCH CERTIFICATION SCHEME**

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided in Article 12 and Annex II of Regulation (EC) No 1005/2008 shall be replaced — for fisheries products obtained from catches made by fishing vessels flying the flag of the United States — by the US catch certificate, supported by electronic reporting and record keeping systems under the control of the US authorities ensuring the same level of control by authorities as required under the Community catch certification scheme.

A specimen of the US catch certificate, which shall replace the European Community Catch Certificate and Re-export Certificate as from 1 January 2010, is given in the Appendix.

MUTUAL ASSISTANCE

Mutual assistance under Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and administrative cooperation between respective competent authorities in the United States and Member States of the European Community, based on detailed rules on mutual assistance laid down in Commission Regulation (EC) No 1010/2009.

Transport Details			
5. TRANSPORT DETAILS AS SPECIFIED IN (EC) 1005/2008 Annex I Appendix			
5.1 Country of Exportation		5.2 Port/Airport/other place of departure (embarkation):	
5.3 Vessel Name and Flag:		Container number(s): List attached if necessary)	Name
Flight number/airway bill number:			Address
Other transport document(s):			Signature
EU Importer Declaration			
6. EU IMPORTER Name			Seal
Address			
Signature		Date	Product CN Code
Documents under Articles 14 (1), (2) of Regulation 1005/2008		References	
Import Control Authority			
7. MEMBER STATE IMPORT CONTROL AUTHORITY		Place	Verification requested – date
		☐ Importation authorized ☐ Importation suspended	
Customs declaration (if issued)	Number	Date	Place
European Community Re-Export Certificate			
8. CERTIFICATE NUMBER	Date	Member State	
8.1 Description of re-exported product:		Weight (Kg)	
Species	Product Code	Balance from total quantity declared in the catch certificate:	
8.2 Name of re-exporter	Address	Signature	Date
8.3 Authority			
Name/Title	Signature	Date	Seal/Stamp
8.4 Re-export Control			
Place	☐ Re-export Authorized ☐ Verification Requested		Re-export Declaration number and Date

Section 3

NEW ZEALAND

CATCH CERTIFICATION SCHEME

In accordance with Article 12(4) of Regulation (EC) No 1005/2008, the catch certificate provided for in Article 12 and Annex II of Regulation (EC) No 1005/2008 shall be replaced — for fisheries products obtained from catches made by fishing vessels flying the flag of New Zealand — by the New Zealand catch certificate, which is an electronic traceability and certification system under the control of the New Zealand authorities ensuring the same level of control by authorities as required under the Community catch certification scheme.

A specimen of the New Zealand catch certificate, which shall replace the European Community Catch Certificate and Re-export Certificate for catches by fishing vessels registered in New Zealand and which are landed in New Zealand from 1 January 2010, is given in Appendix I.

Supporting explanatory notes on the New Zealand catch certificate are given in Appendix II.

Documents referred to in Article 14(1) and (2) of Regulation (EC) No 1005/2008 may be communicated by electronic means.

MUTUAL ASSISTANCE

Mutual assistance under Article 51 of Regulation (EC) No 1005/2008 shall be developed to facilitate the exchange of information and assistance between respective competent authorities in New Zealand and Member States of the European Community, based on detailed rules on mutual assistance laid down in Commission Regulation (EC) No 1010/2009.

Appendix I

Specimen of the New Zealand catch certificate

NEW ZEALAND GOVERNMENT

Certificate number

Ministry of Fisheries Catch Certificate

Name, address and signature/licence number of consignor:	Exporting country Competent authority	Departure Date:	Port of Loading:
		Means of transport:	
Name and address of consignee:			

Item	Number and kind of packages	Description of product	Net weight
Packages in Total			Total Weight:

Vessel names / Registration:	Permit holder signatures/numbers:
IMO numbers:	Catch areas:
	Catch dates:

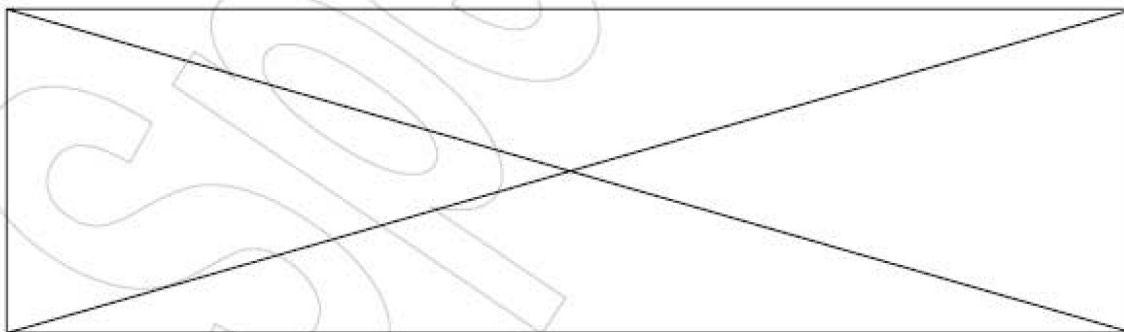
Species:	Harmonised System code:	Batch/Lot:	Container (& Seal) Numbers:
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Unofficial commercial information:

Contact point of validating authority:
New Zealand Food Safety Authority, South Tower, 86 Jervois Quay, P.O. Box 2835, Wellington 6011, New Zealand. Phone +64 4 8942500, Fax +64 4 8942501.

1. The fish was not subject to transhipment.
2. This fish from which this consignment was derived were caught by New Zealand vessels which, at the time of harvesting, were registered and operating under the authority of a valid fishing permit and under the jurisdiction of New Zealand's fisheries management laws as contained in the Fisheries Act 1996 or international fisheries agreements and conservation management measures to which New Zealand is a party.

Official Information:



Done at

Signature of official inspector, New Zealand Government

On

Name, title and qualifications

For Community Use Only

1. Importer declaration

Name and address of importer	Signature	Date	Seal	Product CN code
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Documents under Articles 14(1), (2) of Regulation (EC) No 1005/2008 References

2. Import control – authority	Place	Importation authorised (*)	Importation suspended (*)	Verification requested – date
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Customs declaration (if issued)	Number	Date	Place
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(*) Tick as appropriate

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE

Certificate number	Date	Member State
--------------------	------	--------------

1. Description of re-exported product	Weight (kg)
---------------------------------------	-------------

Species	Product code	Balance from total quantity declared in the catch certificate
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2. Name of re-exporter	Address	Signature	Date
------------------------	---------	-----------	------

3. Authority

Name/title	Signature	Date	Seal/Stamp
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4. Re-export control

Place	Re-export authorised (*)	Verification requested (*)	Re-export declaration number and date
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(*) Tick as appropriate

*Appendix II***Supporting explanatory notes on the New Zealand catch certificate**

The “consignor” is the “exporter”

Any information included in an “unofficial information” box and information that follows the New Zealand government signatures is not validated by the New Zealand government.’

COMMISSION REGULATION (EU) No 87/2010**of 29 January 2010****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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 January 2010.

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

Done at Brussels, 29 January 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	MA	73,6
	TN	112,6
	TR	99,1
	ZZ	95,1
0707 00 05	JO	101,4
	MA	77,8
	TR	118,9
	ZZ	99,4
0709 90 70	MA	130,0
	TR	138,3
	ZZ	134,2
0709 90 80	EG	99,0
	ZZ	99,0
0805 10 20	EG	52,1
	IL	53,6
	MA	54,6
	TN	52,9
	TR	53,8
	ZZ	53,4
0805 20 10	IL	176,3
	MA	86,0
	ZZ	131,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	48,9
	EG	76,6
	IL	90,3
	JM	92,7
	MA	126,8
	PK	46,5
	TR	75,5
	ZZ	79,6
0805 50 10	EG	88,6
	IL	88,6
	TR	73,6
	ZZ	83,6
0808 10 80	CA	87,8
	CL	60,5
	CN	71,9
	MK	24,7
	US	125,6
	ZZ	74,1
0808 20 50	CN	40,0
	US	100,9
	ZA	103,3
	ZZ	81,4

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 88/2010**of 29 January 2010****fixing the import duties in the cereals sector applicable from 1 February 2010**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

- (4) Import duties should be fixed for the period from 1 February 2010 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 February 2010, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 February 2010.

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

Done at Brussels, 29 January 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 February 2010

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	38,41
1005 10 90	Maize seed other than hybrid	19,81
1005 90 00	Maize, other than seed ⁽²⁾	19,81
1007 00 90	Grain sorghum other than hybrids for sowing	38,41

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.1.2010-28.1.2010

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	146,94	101,93	—	—	—	—
Fob price USA	—	—	166,33	156,33	136,33	98,06
Gulf of Mexico premium	45,13	14,73	—	—	—	—
Great Lakes premium	—	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 23,41 EUR/t

Freight costs: Great Lakes–Rotterdam: — EUR/t

DECISIONS

COUNCIL DECISION

of 25 January 2010

amending Annex 2, Schedule A, to the Common Consular Instructions on visas for the diplomatic missions and consular posts, in relation to visa requirements for holders of diplomatic passports from Saudi Arabia

(2010/50/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ⁽¹⁾, and in particular Article 1(1) thereof,

Having regard to the initiative of French Republic,

Whereas:

- (1) Annex 2, Schedule A, to the Common Consular Instructions ⁽²⁾ contains the list of countries whose nationals are not subject to a visa requirement in one or more Schengen States when they are holders of diplomatic, official or service passports, but who are subject to this requirement when they are holders of ordinary passports.
- (2) France wishes to exempt holders of diplomatic passports from Saudi Arabia from the visa requirement. The Common Consular Instructions should therefore be amended accordingly.
- (3) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with 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* ⁽³⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (4) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with 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* ⁽⁴⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

- (5) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of the said Protocol, decide within a period of six months after the Council has decided on this Decision, whether it will implement it in its national law.
- (6) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis*, within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁶⁾.
- (7) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis*, within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾ on the conclusion, on behalf of the European Community, of that Agreement.

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ C 326, 22.12.2005, p. 1.

⁽³⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁴⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁷⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁸⁾ OJ L 53, 27.2.2008, p. 1.

- (8) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis*, within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/261/EC ⁽¹⁾ on the signature, on behalf of the European Community, and on the provisional application of certain provisions of that Protocol.
- (9) This Decision constitutes an act building upon the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.
- (10) This Decision constitutes an act building upon the Schengen *acquis* or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

In Annex 2, Schedule A, to the Common Consular Instructions, the letter 'D' shall be inserted in the 'FR' column against the entry for Saudi Arabia.

Article 2

This Decision shall enter into force on 1 February 2010.

Article 3

This Decision is addressed to the Member States in accordance with the Treaties.

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 25 January 2010.

For the Council

The President

M. Á. MORATINOS

⁽¹⁾ OJ L 83, 26.3.2008, p. 3.

DECISION OF THE SECRETARIES-GENERAL OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION, THE REGISTRAR OF THE COURT OF JUSTICE, THE SECRETARIES-GENERAL OF THE COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN OMBUDSMAN

of 19 January 2010

amending Decision 2002/621/EC on the organisation and operation of the European Communities Personnel Selection Office

(2010/51/EU)

THE SECRETARIES-GENERAL OF THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION, THE REGISTRAR OF THE COURT OF JUSTICE OF THE EUROPEAN UNION, THE SECRETARIES-GENERAL OF THE COURT OF AUDITORS, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN OMBUDSMAN,

Having regard to the Staff Regulations of officials of the European Communities and to the Conditions of employment of other servants of the European Communities, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾,

Having regard to Decision 2002/620/EC of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 25 July 2002 establishing a European Communities Personnel Selection Office ⁽²⁾, and in particular Article 5 thereof,

After consulting the Staff Regulations Committee,

Whereas:

- (1) Article 7 (appointment of staff) of the Decision on the organisation and operation of the Office adopted on 25 July 2002 does not provide for the possibility of engaging contract staff pursuant to Article 3a(1)(c) of the Conditions of employment of other servants of the European Communities because the latter provision was adopted subsequently to the Decision, by Council Regulation (EC, Euratom) No 723/2004 ⁽³⁾.
- (2) Experience has shown that it is necessary to authorise the renewal, for an indefinite period, of the employment contracts of contract staff where justified in the interests of the service, particularly when, owing to the duration and/or nature of the Office's tasks, renewing

these contracts for an indefinite period allows the Office to keep experienced staff able to ensure the continuity and efficiency of its tasks.

- (3) The employment of contract staff will be within the limits laid down in Article 3a(2) of the Conditions of employment of other servants.
- (4) The employment of contract staff will be within the limits of the appropriations for the Office's annual budget, subject to approval by the European Personnel Selection Office's (EPSO) Management Board, which comprises representatives from all the EU institutions and, as observers, the representative of the European Data Protection Supervisor and staff representatives,

HAVE ADOPTED THIS DECISION:

Article 1

In Article 7 of Decision 2002/621/EC of the Secretaries-General of the European Parliament, the Council and the Commission, the Registrar of the Court of Justice, the Secretaries-General of the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, and the Representative of the European Ombudsman of 25 July 2002 on the organisation and operation of the European Communities Personnel Selection Office ⁽⁴⁾ the following paragraph 4a is inserted:

'4a. For carrying out tasks under the supervision of officials or temporary staff, the Office may make use of contract staff as provided for in Article 3a(1)(c) of the Conditions of employment of other servants of the European Communities. The use of contract staff shall be within the limits laid down by the Office's annual budget on the basis of the estimate of the Office's revenue and expenditure drawn up by EPSO's Management Board.'

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 197, 26.7.2002, p. 53.

⁽³⁾ OJ L 124, 27.4.2004, p. 1.

⁽⁴⁾ OJ L 197, 26.7.2002, p. 56.

*Article 2***Date of entry into force**

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

For the European Parliament
The Secretary-General
Klaus WELLE

For the Commission
The Secretary-General
Catherine DAY

For the Court of Auditors
The Secretary-General
Eduardo RUIZ GARCÍA

For the Committee of the Regions
The Secretary-General
Gerhard STAHL

For the Council
The Secretary-General
Pierre DE BOISSIEU

For the Court of Justice
The Registrar
Roger GRASS

For the Economic and Social Committee
The Secretary-General
Martin WESTLAKE

For the European Ombudsman
The Secretary-General
Ian HARDEN

COMMISSION DECISION

of 27 January 2010

on a Union financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2010

(notified under document C(2010) 320)

(Only the French text is authentic)

(2010/52/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union ⁽¹⁾ and in particular the first sentence of the first subparagraph of Article 17(3),

Whereas:

(1) Commission Decision 2007/609/EC of 10 September 2007 on the definition of the measures eligible for Community financing in the programmes for the control of organisms harmful to plants and plant products in the French overseas departments, in the Azores and in Madeira ⁽²⁾ defines the measures eligible for an Union financial contribution in the programmes for the control of organisms harmful to plants and plant products in the French overseas departments, in the Azores and in Madeira.

(2) The French authorities have submitted to the Commission a programme for 2010 providing for plant health measures in the French overseas departments. That programme specifies the objectives to be achieved, the expected deliverables, the measures to be carried out, their duration and their cost with a view to a possible Union financial contribution. The measures provided for in that programme fulfill the requirements of Decision 2007/609/EC. The Commission therefore considers that the requirements of Article 17(1) of Regulation (EC) No 247/2006, have been met.

(3) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽³⁾, the Union's financial contributions to plant-health measures are to be financed from the European Agricultural Guarantee Fund. For the purposes of financial control of those measures Articles 9, 36 and 37 of that Regulation apply.

(4) In accordance with Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾ and Article 90(1) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated, setting out the essential elements of the action involving the expenditure.

(5) The present decision constitutes a financing decision for the expenditure provided in the co-financing requests presented by Member States.

(6) The measures provided for in this decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

An Union financial contribution to France for the official programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2010 as specified in Part A of the Annex, is approved.

It shall be limited to a maximum of 60 % of the total eligible expenditure, as specified in Part B of the Annex, with a maximum of EUR 240 000 (VAT excluded).

Article 2

1. An advance of EUR 100 000 shall be paid within 60 days after receipt of a request for payment by France.

2. The balance of the financial contribution shall be paid provided that a final implementation report on the programme is submitted to the Commission in electronic form by 15 March 2011 at the latest.

⁽¹⁾ OJ L 42, 14.2.2006, p. 1.

⁽²⁾ OJ L 242, 15.9.2007, p. 20.

⁽³⁾ OJ L 209, 11.8.2005, p. 1.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 1.

That report shall contain:

(a) a concise technical evaluation of the entire programme, including the degree of achievement of physical and qualitative objectives and the progress accomplished, and an assessment of the immediate phytosanitary and economic impact, and

(b) a financial cost statement indicating the actual expenditure broken down by sub-programme and by measure.

3. With respect to the indicative budget breakdown specified in Part B of the Annex, France may adjust the financing between different measures in the same sub-programme within a limit of 15 % of the Union contribution to this sub-programme, provided that the total amount of eligible costs

scheduled in the programme is not exceeded and that the main objectives of the programme are not thereby compromised.

It shall inform the Commission of any adjustments made.

Article 3

This Decision shall apply from 1 January 2010.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 27 January 2010.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

PROGRAMME AND INDICATIVE BUDGET BREAKDOWN FOR 2010**PART A****Programme**

The programme shall consist of four sub-programmes:

1. inter-departmental sub-programme:

Measure 1: development of detection methods for harmful organisms based on quantitative polymerase chain reaction (PCR)

2. sub-programme for the department of Martinique:

Measure 2: phytosanitary surveys and training of nursery farmers

3. sub-programme for the department of Guyane:

Measure 3: management of an agricultural phytosanitary warning system for rice production;

4. sub-programme for the department of Guadeloupe:

(a) Measure 4.1: management of a survey network for fruit flies;

(b) Measure 4.2: phytosanitary surveys in the tomato production;

(c) Measure 4.3: management of the risk of introduction of harmful organisms by tourist activity.

PART B**Indicative budget breakdown, with indication of the various expected deliverables**

(in EUR)

Sub-programmes	Deliverables (S: provision of services, R: research or study work)	Eligible expenditure	National financial contribution	Maximum Union financial contribution
Inter-DOM sub-programme				
Measure 1	Method of quantitative PCR (R)	120 000	48 000	72 000
	Sub-total	120 000	48 000	72 000
Martinique				
Measure 2	Phytosanitary surveys and training of nursery farmers (S)	110 000	44 000	66 000
	Sub-total	110 000	44 000	66 000
Guyane				
Measure 3	Management of an agricultural phytosanitary warning system (S)	119 500	47 800	71 700
	Sub-total	119 500	47 800	71 700
Guadeloupe				
Measure 4.1	Management of a survey network for fruit flies (S)	15 500	6 200	9 300

(in EUR)				
Sub-programmes	Deliverables (S: provision of services, R: research or study work)	Eligible expenditure	National financial contribution	Maximum Union financial contribution
Measure 4.2	Phytopathological surveys in the tomato production (S)	20 000	8 000	12 000
Measure 4.3	Actions of communication to the public on the risks of introduction of harmful organisms (S)	15 000	6 000	9 000
Sub-total		50 500	20 200	30 300
Total		400 000	160 000	240 000

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COUNCIL DECISION 2010/53/CFSP**of 30 November 2009****concerning the conclusion of the Agreement between Australia and the European Union on the security of classified information**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) At its meeting on 9 March 2009, the Council decided to authorise the Presidency, assisted by the Secretary-General/High Representative (the SG/HR) and fully associating the Commission, to open negotiations in accordance with Article 24 of the Treaty on European Union with Australia in order to conclude a security of information Agreement.
- (2) Following that authorisation to open negotiations, the Presidency, assisted by the SG/HR, negotiated an Agreement with Australia on the security of classified information.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between Australia and the European Union on the security of classified information is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

This Decision shall take effect on the date of its adoption.

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 30 November 2009.

For the Council

The President

B. ASK

AGREEMENT**between Australia and the European Union on the security of classified information**

AUSTRALIA,

and

THE EUROPEAN UNION, hereinafter referred to as 'the EU',

(hereinafter referred to as 'the Parties'),

CONSIDERING that the Parties share the objective of strengthening their own security in all ways and to provide their citizens with a high level of safety within an area of security;

CONSIDERING that the Parties agree that consultations and cooperation should be developed between them on questions of common interest relating to security;

CONSIDERING that, in this context, a permanent need therefore exists to exchange Classified Information between the Parties;

RECOGNISING that full and effective consultation and cooperation may require access to Classified Information of Australia and of the EU, as well as the exchange of Classified Information between the Parties;

CONSCIOUS that such access to and exchange of Classified Information requires appropriate security measures;

WHEREAS Australia and the EU launched a Partnership Framework on 29 October 2008 in support of a number of common objectives;

WHEREAS Objective 1 of that Partnership Framework specifically provides for the opening of negotiations for an agreement on the security of classified information,

HAVE AGREED AS FOLLOWS:

*Article 1***Scope**

1. In order to fulfil the objective of strengthening bilateral and multilateral dialogue and cooperation in support of shared foreign security policy and security interests, the present Agreement applies to Classified Information, as defined in Article 2(a), either provided or exchanged between the Parties.

2. Each Party shall protect Classified Information received from the other Party, in particular against unauthorised disclosure.

3. Each Party shall implement its obligations under this Agreement in accordance with its laws, rules and regulations.

oral, visual, electronic, magnetic or documentary form, or in the form of material, including equipment or technology and includes reproductions and translations;

(b) 'The EU' shall mean the Council of the European Union (hereafter referred to as 'the Council'), the Secretary-General/High Representative and the General Secretariat of the Council, and the Commission of the European Communities (hereafter referred to as 'the European Commission');

(c) 'Providing Party' means the Party that provides Classified Information to the other Party;

(d) 'Receiving Party' means the Party that receives Classified Information from the Providing Party;

*Article 2***Definitions**

For the purposes of this Agreement:

(a) 'Classified Information' means all information that is subject to a Security Classification (as provided in Article 4) assigned by either Party, and the unauthorised disclosure of which could cause varying degrees of damage or harm to the interests of either Party. The information may be in

(e) 'Security Classification' is the designation assigned to information by the Providing Party to indicate the minimum level of protection that information must be afforded to safeguard it from disclosure that could have adverse consequences for the Providing Party. Each Party's Security Classifications are as specified in Article 4;

(f) 'Need-to-know' means the principle that access to Classified Information should be limited to those who need to use such information in order to perform their official duties;

(g) 'Third Party' means any person or entity other than the Parties;

(h) 'Contractor' means an individual (other than those engaged by Australia or the EU under a contract of employment) or legal entity possessing the legal capacity to enter into contracts for the provision of goods or services; this term also refers to a subcontractor.

Article 3

Level of protection

Each of the Parties, and entities thereof as defined in Article 2(b), shall ensure that it has a security system and security measures in place, based on the basic principles and minimum standards of security laid down in its respective laws, rules and regulations, and reflected in the security arrangements that shall be established pursuant to Article 12, in order to ensure that an equivalent level of protection is applied to Classified Information exchanged under this Agreement.

Article 4

Security Classifications

1. Classified Information shall be marked with the following Security Classifications:

(a) for Australia, Classified Information shall be marked TOP SECRET, SECRET or HIGHLY PROTECTED, CONFIDENTIAL or PROTECTED, RESTRICTED or X-IN-CONFIDENCE;

(b) for the EU, Classified Information shall be marked TRES SECRET UE/EU TOP SECRET, SECRET UE, CONFIDENTIEL UE or RESTREINT UE.

2. The corresponding Security Classifications are:

For the European Union	For Australia
TRES SECRET UE/EU TOP SECRET	TOP SECRET
SECRET UE	SECRET or HIGHLY PROTECTED
CONFIDENTIEL UE	CONFIDENTIAL or PROTECTED
RESTREINT UE	RESTRICTED or X-IN-CONFIDENCE

3. Prior to providing Classified Information, the Providing Party shall assign a Security Classification to the Classified Information and stamp, mark or designate the Classified Information with the name of the Providing Party.

4. The Providing Party may additionally mark such Classified Information to specify any limitations on its use, disclosure, release and access by the Receiving Party. The Receiving Party shall comply with any such limitations.

Article 5

Protection of Classified Information

Each Party shall:

(a) ensure the security of facilities where Classified Information released to it by the other Party is kept, and ensure for each such facility that all necessary measures are taken to control, protect and safeguard Classified Information provided by the other Party under this Agreement;

(b) ensure that Classified Information exchanged under this Agreement keeps the Security Classification marking given to it by the Providing Party and is not downgraded or declassified without the prior written consent of the Providing Party;

(c) afford Classified Information received from the Providing Party a degree of protection at least equivalent to that afforded to its own Classified Information of a corresponding Security Classification as specified in Article 4(2);

(d) not use such Classified Information for purposes other than those established by the Providing Party or those for which the Classified Information is provided;

(e) not disclose such Classified Information to third parties, or to any EU institution or entity not mentioned in Article 2(b), without the prior written consent of the Providing Party;

(f) not allow access to such Classified Information to individuals unless they have a Need-to-know in order to perform their official duties and, where required, have been security-cleared to the appropriate level for access to such Classified Information;

(g) ensure that all individuals having access to such Classified Information are informed of their responsibilities to protect the information in accordance with that Party's internal laws, rules and regulations; and

(h) ensure that the rights of the originator of Classified Information exchanged under this Agreement, as well as intellectual property rights such as patents, copyrights or trade secrets, are adequately protected.

Article 6

Release of Classified Information

1. Classified Information may be disclosed or released, in accordance with the principle of originator control, by the Providing Party to the Receiving Party.

2. In implementing paragraph 1, no generic release shall be possible unless procedures are agreed between the Parties, pursuant to Article 12, regarding certain categories of Classified Information, relevant to their operational requirements.

Article 7

Security Clearances

1. Access to Classified Information shall be limited to individuals in Australia and in the EU who:

- (a) require access, on a Need-to-know basis, to the Classified Information for the performance of their official duties; and
- (b) in case they require access to information classified CONFIDENTIAL, PROTECTED, CONFIDENTIEL UE, or above, have been granted a personnel security clearance at the relevant level or have otherwise been duly authorised by virtue of their functions, in accordance with the relevant laws, rules and regulations.

2. The determination by a Party to grant a personnel security clearance to an individual shall be consistent with that Party's security interests and shall be based upon all available information indicating whether the individual is of unquestionable loyalty, integrity, honesty and trustworthiness.

3. Each Party's personnel security clearances shall be based on an appropriate investigation conducted in sufficient detail to provide assurance that the criteria referred to in paragraph 2 have been met with respect to any individual to whom access to Classified Information is to be granted.

Article 8

Security Visits and Procedures

1. The Parties shall provide mutual assistance with regard to the security of Classified Information exchanged under this Agreement.

2. Reciprocal security consultations and assessment visits shall be periodically conducted by the responsible security authorities referred to in Article 12 to assess the effectiveness of measures taken under this Agreement and the security arrangements to be established pursuant to Article 12 for protecting the Classified Information exchanged between the Parties.

3. Each Party shall provide to the other, upon request, information regarding its security standards, procedures and practices for the protection and destruction of Classified Information. Each Party shall inform the other Party in writing of any changes to its security standards, procedures and practices that affect the manner in which Classified Information is protected and destroyed.

Article 9

Release of Classified Information to Contractors

Classified Information received by the Receiving Party may only be provided to a Contractor or prospective Contractor with the prior written consent of the Providing Party. Prior to the disclosure or release to a Contractor or prospective Contractor of any such Classified Information, the Receiving Party shall ensure that:

- (a) such Contractors or prospective Contractors, and their personnel requiring access to Classified Information, have a personnel security clearance in accordance with Article 7; and
- (b) their facilities are able to protect the Classified Information appropriately.

Article 10

Procedures for Exchanging Classified Information

1. For the purpose of this Agreement:

- (a) as regards the EU, all Classified Information shall be addressed to the Chief Registry Officer of the Council and shall be forwarded by the Chief Registry Officer of the Council to the Member States and to the European Commission, subject to paragraph 3;
- (b) as regards Australia, all Classified Information shall be addressed to the registry office of the relevant Australian Government agency or department, via the Australian Embassy and Mission of the Government of Australia to the European Union, Brussels. The address for the relevant Australian Government agency or department shall be listed in the security arrangements established by the Parties pursuant to Article 12.

2. Classified Information transmitted by electronic means shall be encrypted in accordance with the Providing Party's requirements as outlined in its security policies and regulations. The Providing Party's requirements shall be met when transmitting, receiving, storing and processing Classified Information in internal networks of the Parties.

3. Exceptionally, Classified Information from one Party which is accessible to only specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible to only specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the Need-to-know principle. As far as the EU is concerned, this correspondence shall be transmitted through the Chief Registry Officer of the Council, or the Chief Registry Officer of the Secretariat-General of the European Commission when such information is addressed to the European Commission. As far as Australia is concerned, Classified Information shall be addressed pursuant to paragraph 1(b).

*Article 11***Oversight**

1. For the EU, the Secretary-General of the Council and the Member of the European Commission responsible for security matters shall oversee the implementation of this Agreement.

2. For the Government of Australia, the Minister for Foreign Affairs, the Minister for Defence and the Attorney-General shall oversee the implementation of this Agreement.

*Article 12***Security arrangements**

1. In order to implement this Agreement, security arrangements shall be mutually determined in writing between the responsible security authorities designated in paragraphs 2, 3 and 4, in order to lay down the standards for the reciprocal protection of Classified Information under this Agreement.

2. The Attorney-General's Department, acting in the name of the Government of Australia and under its authority, shall develop the security arrangements for the protection and safeguarding of Classified Information provided to Australia under this Agreement.

3. The Security Office of the General Secretariat of the Council, under the direction and on behalf of the Secretary-General of the Council, acting in the name of the Council and under its authority, shall develop the security arrangements for the protection and safeguarding of Classified Information provided to the EU under this Agreement.

4. The European Commission Security Directorate, acting under the authority of the Member of the Commission responsible for security matters, shall develop the security arrangements for the protection of Classified Information transmitted under this Agreement within the European Commission and its premises.

5. For the EU, the security arrangements mentioned in paragraph 1 shall be subject to approval by the Council Security Committee.

*Article 13***Loss or compromise**

The Authorities referred to in Article 12 shall establish procedures to be followed:

- (a) in the case of proven or suspected loss or compromise of Classified Information provided or exchanged under this Agreement; and
- (b) for informing the Providing Party of the results of an investigation and information regarding measures taken to prevent recurrence of loss or compromise to Classified Information provided or exchanged under this Agreement.

*Article 14***Costs**

Each Party shall bear its own costs incurred in implementing this Agreement.

*Article 15***Ability to protect**

Before Classified Information is provided or exchanged between the Parties under this Agreement, the Authorities referred to in Article 12 shall agree that the Receiving Party is able to protect and safeguard the information in a way consistent with the security arrangements to be established pursuant to that Article.

*Article 16***Other agreements**

This Agreement shall not prevent the Parties from concluding other agreements and arrangements relating to the provision or exchange of Classified Information provided that they do not conflict with the provisions of this Agreement.

*Article 17***Dispute Resolution**

Any differences between Australia and the European Union arising out of the interpretation or application of this Agreement shall be settled solely by negotiation between the Parties.

*Article 18***Entry into force and amendment**

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.

2. Each Party shall notify the other Party of any changes in its laws, rules or regulations that could affect the protection of Classified Information referred to in this Agreement. In such cases, the Parties shall consult with a view to amending this Agreement as necessary in accordance with paragraph 4.

3. This Agreement may be reviewed for consideration of possible amendments at the request of either Party.

4. Any amendment to this Agreement shall be made in writing only and by common agreement of the Parties. It shall enter into force upon mutual notification as provided in paragraph 1.

*Article 19***Termination**

1. Either Party may terminate this Agreement at any time by notification in writing. Termination shall take effect ninety (90) days from the date of the other Party being notified thereof.

2. Notwithstanding termination of this Agreement, all Classified Information received by the Parties pursuant to this Agreement shall continue to be protected in accordance with this Agreement. The Parties shall consult immediately on the handling or disposal of such Classified Information.

IN WITNESS WHEREOF, the undersigned, respectively duly authorised, have signed this Agreement.

Done at Brussels, 13 January 2010, in two copies, each in the English language.

For Australia

A handwritten signature in dark ink, appearing to be 'Strom' or similar, with a stylized initial 'S'.

For the European Union

A handwritten signature in dark ink, appearing to be 'Catherine M. Alk.', with a stylized 'C' and 'M'.

CORRIGENDA

Corrigendum to Commission Decision 2009/867/EC of 30 November 2009 granting certain parties an exemption from the extension to certain bicycle parts of the anti-dumping duty on bicycles originating in the People's Republic of China imposed by Council Regulation (EEC) No 2474/93, last maintained and amended by Regulation (EC) No 1095/2005, and lifting the suspension of the payment of the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China granted to certain parties pursuant to Commission Regulation (EC) No 88/97

(Official Journal of the European Union L 314 of 1 December 2009)

On page 107, in table 1, second line, second column, on page 108, in table 1, second line, second column:

for: 'Bucuresti, Sector 6, Splaiul Independentei no. 319, OB. 152',

read: 'Hipermagazin Decathlon, corp 2, bd. Iuliu Maniu nr. 546-560, sector 6, 061129 București'.

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