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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 12 March 2010

on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Government of the Faroes on Scientific and Technological Cooperation, associating the Faroe Islands to the Union's Seventh Framework Programme for Research, Technological Development and Demonstration Activities (2007 to 2013)

(2010/558/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186 in conjunction with the first sentence of the first subparagraph of Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Commission has negotiated, on behalf of the Community, an Agreement with the Government of the Faroes on Scientific and Technological Cooperation (hereinafter referred to as 'the Agreement'), which provides for provisional application as of 1 January 2010. Provisional application would enable entities from the Faroes to participate in the calls for proposals under the Union's Seventh Framework Programme, planned for launching in January 2010.
- (2) The negotiations resulted in the Agreement initialled on 13 July 2009.
- (3) The Agreement should be signed and should be applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Agreement between the European Union and the Government of the Faroes on Scientific and Technological

Cooperation, associating the Faroe Islands to the Union's Seventh Framework Programme for Research, Technological Development and Demonstration Activities (2007 to 2013) is hereby approved on behalf of the European Union, subject to the conclusion of the said Agreement.

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 on behalf of the Union, subject to its conclusion.

Article 3

The Agreement shall be applied on a provisional basis as from 1 January 2010, pending the completion of the procedures for its conclusion.

Article 4

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

Article 5

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

Done at Brussels, 12 March 2010.

For the Council

The President

J. BLANCO

AGREEMENT**between the European Union and the Government of the Faroes on Scientific and Technological Cooperation**

THE EUROPEAN UNION,

hereinafter 'the Union',

of the one part,

and

THE GOVERNMENT OF THE FAROES,

hereinafter 'the Faroes',

of the other part,

hereinafter referred to as the 'Parties',

CONSIDERING the importance of current scientific and technological cooperation between the Faroes and the Union and their mutual interest in strengthening it in the context of the establishment of the European Research Area,

WHEREAS Faroese researchers have already successfully been participating in projects funded by the Union,

CONSIDERING the interest of both Parties in encouraging the mutual access of their research entities to research and development activities in the Faroes, on the one hand, and to the Union's framework programmes for research and technological development, on the other,

WHEREAS the Faroes and the Union have an interest in cooperating on these programmes to their mutual benefit,

WHEREAS, by Decision No 1982/2006 EC ⁽¹⁾ of 18 December 2006, the European Parliament and the Council of the European Union adopted the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) (hereinafter referred to as 'the Framework Programme'),

CONSIDERING that the Government of the Faroes concludes this Agreement on behalf of the Kingdom of Denmark pursuant to the Act on the Conclusion of Agreements under International Law by the Government of the Faroes,

WHEREAS, without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union (hereinafter referred to as 'TFEU'), this Agreement and any activities entered into under it will in no way affect the powers vested in the Member States to undertake bilateral activities with the Faroes in the fields of science, technology, research and development, and to conclude, where appropriate, agreements to that end,

HAVE AGREED AS FOLLOWS:

Article 1**Scope**

1. The Faroes shall be associated, under the terms and conditions established by, or referred to, in this Agreement and its Annexes, to the Framework Programme as established by Decision No 1982/2006/EC, Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007 to 2013) ⁽²⁾, and by Council Decisions 2006/971/EC ⁽³⁾, 2006/972/EC ⁽⁴⁾, 2006/973/EC ⁽⁵⁾, 2006/974/EC ⁽⁶⁾ and 2006/975/EC ⁽⁷⁾ on various specific programmes under the Framework Programme.

2. All acts deriving from the acts referred to in paragraph 1, including the acts setting up the structures needed for the implementation of the Framework Programme through research activities under Articles 185 and 187 of the TFEU shall be applicable in the Faroes.

3. In addition to the association referred to in paragraph 1, cooperation may include:

- (a) regular discussions on the orientations and priorities for research policies and planning in the Faroes and the Union;
- (b) discussions on cooperation prospects and development;
- (c) timely provision of information concerning the implementation of programmes and research projects of the Faroes and of the Union, and concerning the results of work undertaken within the framework of this Agreement;

⁽¹⁾ OJ L 412, 30.12.2006, p. 1.

⁽²⁾ OJ L 391, 30.12.2006, p. 1.

⁽³⁾ OJ L 400, 30.12.2006, p. 86.

⁽⁴⁾ OJ L 400, 30.12.2006, p. 243.

⁽⁵⁾ OJ L 400, 30.12.2006, p. 272.

⁽⁶⁾ OJ L 400, 30.12.2006, p. 299.

⁽⁷⁾ OJ L 400, 30.12.2006, p. 368.

- (d) joint meetings;
- (e) visits and exchanges of research workers, engineers and technicians;
- (f) regular and sustained contacts between programme managers or project managers of the Faroes and the Union;
- (g) participation of experts in seminars, symposia and workshops.

Article 2

Terms and conditions with respect to the association of the Faroes to the Framework Programme

1. Legal entities of the Faroes shall participate in indirect actions and in activities of the Joint Research Centre of the Framework Programme under the same conditions as those applicable to legal entities of Member States of the Union, subject to the terms and conditions established by, or referred to, in Annexes I and II. For the Faroes research entities, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of grant agreements and/or contracts under Union programmes shall be the same as those applicable for grant agreements and/or contracts concluded under the same programmes with research entities established in the Union, taking into account the mutual interests of the Union and the Faroes.

Legal entities of the Union shall participate in the Faroes' research programmes and projects in themes equivalent to those of the Framework Programme under the same conditions as those applicable to legal entities of the Faroes, subject to the terms and conditions established by, or referred to, Annexes I and II. A legal entity established in another country associated to the Framework Programme shall enjoy the same rights and obligations under this Agreement as legal entities that are established in a Member State, provided that the said associated country in which the entity is established has agreed to award legal entities from the Faroes the same rights and obligations.

2. From the date of the application of this Agreement the Faroes shall pay for every year of the duration of the Framework Programme a financial contribution to the annual budget of the Union. The financial contribution of the Faroes shall be added to the amount earmarked each year in the annual budget of the Union for commitment appropriations to meet the financial obligations arising out of different forms of measures necessary for the execution, management and operation of the Framework Programme. The rules governing the calculation and the payment of the financial contribution of the Faroes are set out in Annex III.

3. Representatives of the Faroes shall participate as observers in the committees of the Framework Programme established by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾. These committees shall meet without the presence of representatives of the Faroes at the time of voting. The Faroes will be informed of the result. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to representatives from Member States.

4. Representatives of the Faroes shall participate as observers in the Board of Governors of the Joint Research Centre. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to representatives from Member States.

5. Travel costs and subsistence costs incurred by representatives of the Faroes participating in meetings of the committees and bodies referred to in this Article, or in meetings related to the implementation of the Framework Programme organised by the Union shall be reimbursed by the Union on the same basis as, and in accordance with the procedures currently in force for, representatives of the Member States.

Article 3

Enhancement of cooperation

1. The Parties will make every effort, within the framework of their applicable legislation, to facilitate the free movement and residence of research workers participating in the activities covered by this Agreement and to facilitate cross-border movement of goods intended for use in such activities.

2. The Parties will ensure that no fiscal charge or levy shall be imposed upon the transferring of funds between the Union and the Faroes, when said funds are needed for the operation of activities covered by this Agreement.

Article 4

EU-Faroes Research Committee

1. A joint committee called the 'EU-Faroes Research Committee' shall be established, whose functions shall include:

- (a) ensuring, evaluating and reviewing the implementation of this Agreement;
- (b) examining any measure of a nature to improve and develop cooperation;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

(c) regularly discussing the future orientations and priorities of research policies and research planning in the Faroes and the Union and the prospects for future cooperation;

(d) making, subject to each Party's domestic approval processes, technical amendments to this Agreement as may be required.

2. The EU-Faroes Research Committee may identify, on request of the Faroes, regions of the Faroes that fulfil the criteria set out in Article 5(1) of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund⁽¹⁾ and which may therefore be eligible regions benefiting from research actions under the Work Programme 'Research Potential' under the specific 'Capacities' programme.

3. The EU-Faroes Research Committee, which shall be composed of representatives of the Commission and of the Faroes, shall adopt its Rules of Procedure.

4. The EU-Faroes Research Committee shall meet at least every two years. Extraordinary meetings shall be held at the request of one or other of the Parties.

Article 5

Final provisions

1. Annexes I, II, III and IV shall form an integral part of this Agreement.

2. This Agreement is hereby concluded for the remaining duration of the Framework Programme. It shall enter into force on the date on which both Parties have notified each other of the completion of their procedures for that purpose. It shall be provisionally applied as of 1 January 2010.

This Agreement may only be amended in writing by common consent of the Parties. The entry into force of the amendments will follow the same procedure as those applicable for the Agreement itself through diplomatic channels. Either of the Parties may terminate this Agreement at any time upon six months' written notice through diplomatic channels. Projects and activities in progress at the time of termination and/or expiry of this Agreement shall continue until their completion under the conditions laid down in this Agreement. The Parties

shall settle by common consent any other consequences of termination.

3. Should a Party notify the other that it shall not conclude this Agreement, it is hereby mutually agreed that:

— the Union shall reimburse to the Faroes its contribution to the annual budget of the European Union referred to in Article 2(2),

— however, funds committed by the Union in relation to the participation of the Faroese legal entities in indirect actions, including reimbursements referred to in Article 2(5), shall be deducted by the Union from that reimbursement,

— projects and activities launched under this provisional application and that are still in progress at the time of the notification referred to in paragraph 2 shall continue until their completion under the conditions laid down in this Agreement.

4. Should the Union decide to revise the Framework Programme, it shall notify the Faroes of the exact content of these revisions within one week of their adoption by the Union. In case of such revision or extension of the research programmes, the Faroes may terminate this Agreement by giving six months' notice. The Parties shall give notice of any intention to terminate or to extend this Agreement within three months of the adoption of the Union's decision.

5. When the Union adopts a new multi-annual framework programme for research, technological development and demonstration activities, a new agreement may be renegotiated or renewed under mutually agreed conditions, at the request of either of the Parties.

6. This Agreement shall apply, on the one hand, to the territories in which the TFEU is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Faroes.

7. This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Faroese languages, each text being equally authentic.

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

Съставено в Брюксел на трети юни две хиляди и десета година.

Hecho en Bruselas, el tres de junio de dos mil diez.

V Bruselu dne třetího června dva tisíce deset.

Udfærdiget i Bruxelles den tredje juni to tusind og ti.

Geschehen zu Brüssel am dritten Juni zweitausendzehn.

Kahe tuhande kümnenda aasta juunikuu kolmandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις τρεις Ιουνίου δύο χιλιάδες δέκα.

Done at Brussels on the third day of June in the year two thousand and ten.

Fait à Bruxelles, le trois juin deux mille dix.

Fatto a Bruxelles, addì tre giugno duemiladieci.

Briselē, divi tūkstoši desmitā gada trešajā jūnijā

Priimta du tūkstančiai dešimtų metų birželio trečią dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év június harmadik napján.

Magħmul fi Brussell, it-tielet jum ta' Ġunju tas-sena elfejn u għaxra.

Gedaan te Brussel, de derde juni tweeduizend tien.

Sporządzono w Brukseli dnia trzeciego czerwca dwa tysiące dziesiątego roku.

Feito em Bruxelas, em três de Junho de dois mil e dez.

Întocmit la Bruxelles, la trei iunie două mii zece.

V Bruseli tretieho júna dvetisícdesať.

V Bruslju, dne tretjega junija leta dva tisoč deset.

Tehty Brysselissä kolmantena päivänä kesäkuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den tredje juni tjugohundratio.

Gjörður í Brússel triðja juni tvey túsund og tíggju.

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen
Fyri Evropeiska Somveldið



За правителството на Фарьорските острови
Por el Gobierno de las Islas Feroe
Za vládu Faerských ostrovů
For Færøernes landsstyre
Für die Regierung der Färöer
Fääri saarte valitsuse nimel
Για την Κυβέρνηση των Νήσων Φερόες
For the Government of the Faroes
Pour le gouvernement des îles Féroé
Per il governo delle isole Færøer
Fēru salu valdības vārdā
Fareru Vyriausybės vardu
A Feröer szigetek kormányja részéről
Għall-Gvern tal-Gżejjer Faeroe.
Voor de regering van de Faeröer
W imieniu rządu Wysp Owczych
Pelo Governo das Ilhas Faroé
Pentru Guvernul Insulelor Feroe
Za vládu Faerských ostrovov
Za Vlado Ferskih otokov
Färsaarten hallituksen puolesta
För Färöarnas landsstyre
Fyri Føroya landsslýri



ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF LEGAL ENTITIES OF MEMBER STATES OF THE UNION AND OF THE FAROES

For the purpose of this Agreement, a 'legal entity' means any natural person, or any legal person created under the national law of its place of establishment or under Union law, having legal personality and being entitled to rights and obligations of any kind in its own name.

I. Terms and conditions for the participation of legal entities of the Faroes in indirect actions of the Framework Programme

1. Participation and funding of legal entities established in the Faroes in indirect actions of the Framework Programme shall follow the conditions laid down for associated countries in Regulation (EC) No 1906/2006. In case the Union makes provisions for the implementation of Articles 185 and 187 of the TFEU, the Faroes shall be allowed to participate in the legal structures created under these provisions, subject to the rules setting up such legal structures.

Legal entities established in the Faroes shall be eligible for participation in indirect actions based on Articles 185 and 187 of the TFEU under the same conditions as legal entities established in the Member States.

Legal entities established in the Faroes shall be eligible, under the same conditions as legal entities established in the Member States, for loans the European Investment Bank makes in support of research objectives set out under the Framework Programme (Risk-Sharing Finance Facility).

2. Legal entities of the Faroes shall be taken into consideration, alongside those of the Union, for the selection of an adequate number of independent experts for the tasks and under the conditions foreseen in Articles 17 and 27 of Regulation (EC) No 1906/2006 and for participation in various groups and advisory Committees of the Framework Programme taking into account the skills and knowledge appropriate to the tasks assigned to them.
3. In conformity with Regulation (EC) No 1906/2006 and the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ (hereinafter referred to as 'Financial Regulation'), a grant agreement and/or contract concluded by the Union with any legal entity of the Faroes in order to perform an indirect action shall provide for controls and audits to be carried out by, or under the authority of, the Commission or the Court of Auditors of the European Union. In a spirit of cooperation and mutual interest, the relevant authorities of the Faroes shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

II. Terms and conditions for the participation of legal entities of the Member States in the Faroese research programmes and projects

1. The participation of legal entities established in the Union, created under the national law of one of the Member States of the Union or under the Union law, in projects of the Faroese research and development programmes may require the joint participation of at least one Faroese legal entity. Proposals for such participation shall be submitted jointly, where required, with the Faroese legal entity/ies.
2. Subject to paragraph 1 and to Annex II, the rights and obligations of legal entities established in the Union participating in the Faroese research projects within research and development programmes, the terms and conditions applicable for the submission and evaluation of proposals and for the granting and conclusion of grant agreements and/or contracts in such projects shall be subject to the Faroese laws, regulations and government directives governing the operation of research and development programmes, as well as national security constraints where applicable, as applicable to Faroese legal entities and assuring equitable treatment, taking into account the nature of the cooperation between the Faroes and the Union in this field.

Funding of legal entities established in the Union participating in Faroese research projects within research and development programmes shall be subject to Faroese laws, regulations and government directives governing the operation of research and development programmes, as well as national security constraints where applicable, as applicable to non-Faroese legal entities participating in the Faroese research projects within research and development programmes. In the case where funding is not provided to the non-Faroese legal entities, Union legal entities shall cover their own costs, including their relative share of the project's general management and administrative costs.

3. Proposals for research in all fields are to be submitted to the Faroese Research Council (Granskingarráðið).
4. The Faroes shall regularly inform the Union of current Faroese programmes and participation opportunities for legal entities established in the Union.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

ANNEX II

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS**I. Application**

For the purposes of this Agreement: 'intellectual property' shall have the meaning given in Article 2 of the Convention establishing the World Intellectual Property Organisation, signed in Stockholm on 14 July 1967, 'knowledge' shall mean the results, including information, whether or not they can be protected, as well as copyrights or rights pertaining to such information following applications for, or the issue of, patents, designs, plant varieties, supplementary protection certificates or similar forms of protection.

II. Intellectual property rights of legal entities of the Parties

1. Each Party shall ensure that the intellectual property rights of legal entities of the other Party participating in activities carried out pursuant to this Agreement, and the related rights and obligations arising from such a participation, shall be consistent with the relevant international conventions that are applicable to the Parties, including the TRIPS Agreement (Agreement on trade-related aspects of intellectual property rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).
2. Legal entities of the Faroes participating in an indirect action of the Framework Programme shall have rights and obligations on intellectual property under the conditions laid down in Regulation (EC) No 1906/2006 and in the grant agreements and/or contracts concluded with the Union accordingly, and that shall comply with paragraph 1. Where legal entities of the Faroes participate in an indirect action of the Framework Programme implemented pursuant to Article 185 of the TFEU, they shall have the same rights and obligations on intellectual property as those of the participating Member States laid down in the relevant decision of the European Parliament and the Council and the grant agreement and/or contract concluded with the Union accordingly, and that shall comply with paragraph 1.
3. Legal entities of the Union participating in Faroese research programmes or projects shall have the same rights and obligations on intellectual property as those of legal entities established in the Faroes participating in such research programmes or projects, and that shall comply with paragraph 1.

III. Intellectual property rights of the Parties

1. Except if otherwise specifically agreed by the Parties, the following rules shall apply to knowledge generated by the Parties in the course of activities carried out within Article 1(3) of this Agreement:
 - (a) the Party generating such knowledge shall be the owner of that knowledge. Where their respective share of the work cannot be ascertained, they shall have joint ownership of such knowledge;
 - (b) the Party owning that knowledge shall grant access rights on it to the other Party for carrying out activities referred to in Article 1(3) of this Agreement. Such access rights shall be granted on a royalty-free basis.
2. Except if otherwise specifically agreed by the Parties, the following rules shall apply to scientific literary works of the Parties:
 - (a) in the case where a Party publishes scientific and technical data, information and results, by means of journals, articles, reports, books, including video and software, arising and relating to activities carried out pursuant to this Agreement, a worldwide, non-exclusive, irrevocable, royalty-free licence shall be granted to the other Party to translate, reproduce, adapt, transmit and publicly distribute such works;
 - (b) all copies of data and information, protected by copyright, that have to be publicly distributed and prepared under this section, shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.
3. Except if otherwise specifically agreed by the Parties, the following rules shall apply to undisclosed information of the Parties:
 - (a) when communicating to the other Party information relating to activities carried out pursuant to this Agreement, each Party shall identify that information it wishes to remain undisclosed;
 - (b) the receiving Party may under its own responsibility communicate undisclosed information to bodies or persons under its authority for the specific purposes of implementing this Agreement;

- (c) with the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in point (b). The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will provide such approval to the extent permitted by its domestic policies, regulations and laws;
 - (d) non-documentary undisclosed or other confidential information provided in seminars and other meetings between representatives of the Parties arranged under this Agreement, or information arising from the attachment of staff, use of facilities or indirect actions, shall remain confidential when the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made, in accordance with point (a);
 - (e) each Party shall endeavour to ensure that undisclosed information received by it under points (a) and (c) is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions laid down in points (a) and (c), it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.
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ANNEX III

RULES GOVERNING THE FINANCIAL CONTRIBUTION OF THE FAROES TO THE FRAMEWORK PROGRAMME**I. Calculation of the financial contribution of the Faroes**

1. The financial contribution of the Faroes to the Framework Programme shall be established on a yearly basis in proportion to, and in addition to, the amount available each year in the annual budget of the Union for commitment appropriations needed for the implementation, management and operation of the Framework Programme, in accordance with the Financial Regulation and 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 ⁽¹⁾.
2. The proportionality factor governing the contribution of the Faroes shall be obtained by establishing the ratio between the gross domestic product of the Faroes, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the Union. These ratios shall be calculated, for the Member States, on the basis of the latest statistical data from the Commission (Eurostat), available at the time of publication of the preliminary draft budget of the Union for the same year and for the Faroes on the basis of the latest statistical data pertaining to the same year from the National Statistical Authority of the Faroes (Hagstova Føroya) available at the time of publication of the preliminary draft budget of the Union.
3. The Commission shall communicate to the Faroes, as soon as possible, and at the latest on 1 September of the year before each financial year, the following information together with relevant background material:
 - the amounts in commitment appropriations, in the statement of expenditure of the preliminary draft budget of the Union corresponding to the Framework Programme,
 - the estimated amount of the contributions derived from the preliminary draft budget of the Union, corresponding to the participation of the Faroes in the Framework Programme in accordance with paragraphs 1, 2 and 3.

Once the annual budget of the Union has been finally adopted, the Commission shall communicate to the Faroes, in the statement of expenditure corresponding to the Faroese participation, the final amounts referred to in paragraph 1.

II. Payment of the financial contribution of the Faroes

1. The Commission shall issue, at the latest in January and June of each financial year, a call for funds to the Faroes corresponding to its contribution under this Agreement. These calls for funds shall provide, respectively, for the payment:
 - of six-twelfths of the Faroese contribution 30 days after receipt of the calls for funds. However, the six-twelfths to be paid 30 days after receipt of the call issued in January shall be calculated on the basis of the amount set out in the statement of revenue of the preliminary draft budget: the regularisation of the amount thus paid shall occur with the payment of the six-twelfths 30 days after receipt of the call for funds issued at the latest in June.

For the first year of implementation of this Agreement, the Commission shall issue a first call for funds within 30 days of its provisional application. Should this call be issued after 15 June, it shall provide for the payment of twelve/twelfths of the Faroese contribution within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.
2. The contribution of the Faroes shall be expressed and paid in euro. Payment by the Faroes shall be credited to the Union programmes as budgetary revenue allocated to the appropriate budget heading in the statement of revenue of the annual budget of the Union. The Financial Regulation shall apply to the management of the appropriations.
3. The Faroes shall pay its contribution under this Agreement in accordance with the schedule in paragraph 1. Any delay in the payment of the contribution shall give rise to the payment of default interest by the Faroes on the outstanding amount from the due date. The interest rate for amounts receivable not repaid on the due date shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by one and a half percentage points.

In case the delay in the payment of the contribution is such that it may significantly jeopardise the implementation and management of the programme, participation in the programme of the Faroes for the concerned financial year will be suspended by the Commission following the absence of payment 20 working days after a formal letter of reminder sent to the Faroes, without prejudice to the Union's obligations in accordance with grant agreements and/or contracts already concluded pertaining to the implementation of selected indirect actions.

⁽¹⁾ OJ L 357, 31.12.2002, p. 1.

4. At the latest on 31 May of the year following a financial year, the statement of appropriations for the Framework Programme for that financial year shall be prepared and transmitted to the Faroes for information, in accordance with the format of the Commission's revenue and expenditure account.
 5. The Commission, at the time of the closure of the accounts relating to each financial year, within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of the Faroes. This regularisation shall take into consideration modifications which have taken place, either by transfers, cancellations, carryovers, de-commitments, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the second payment for the next financial year, and for the last financial year in July 2014. Further regularisation shall occur every year until July 2016.
-

ANNEX IV

FINANCIAL CONTROL OF FAROESE PARTICIPANTS IN THE UNION PROGRAMMES COVERED BY THIS AGREEMENT**I. Direct communication**

The Commission shall communicate directly with the participants in the programme established in the Faroes and with their subcontractors. They may submit directly to the Commission all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Agreement and of the grant agreements and/or contracts concluded to implement them.

II. Audits

1. In accordance with Regulation (EC, Euratom) No 1605/2002 and Regulation (EC, Euratom) No 2342/2002 and other rules referred to in this Agreement, the grant agreements and/or contracts concluded with participants in the programme established in the Faroes may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the participants and of their subcontractors by Commission agents or by other persons mandated by the Commission including OLAF.
2. Commission agents, the Court of Auditors of the European Union and persons mandated by the Commission including OLAF shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form, subject to this right of access being included and stated explicitly in the grant agreements and/or contracts concluded to implement the instruments referred to in this Agreement with participants from the Faroes.
3. The audits may be conducted after the Framework Programme or this Agreement expire, on the terms laid down in the grant agreements and/or contracts in question.
4. The competent Faroese authority designated by the Faroese government shall be informed in advance of the audits conducted on the territory of the Faroes. Such notification shall not be a legal precondition for carrying out such audits.

III. On-the-spot checks

1. Within the framework of this Agreement, the Commission, including OLAF, shall be authorised to carry out on-the-spot checks and inspections in the premises of participants and their subcontractors from the Faroes, in accordance with the terms and conditions laid down in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽¹⁾.
2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close collaboration with the National Audit Office (Landsgrannskoðanin). The latter shall be notified a reasonable time in advance of the object, purpose and legal basis of the checks and inspections, so that it can provide assistance. To that end, the officials of the competent Faroese authorities may participate in the on-the-spot checks and inspections.
3. If the Faroese authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by the Commission and them.
4. Where the participants in the Framework Programme resist an on-the-spot check or inspection, the Faroese authorities, acting in accordance with national rules and regulations, shall assist the Commission inspectors to a reasonable extent as needed to allow them to fulfil their duty in carrying out an on-the-spot check or inspection.
5. The Commission shall report as soon as possible to the competent Faroese authority any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any case the Commission shall be required to inform the abovementioned authority of the result of such checks and inspections.

IV. Information and consultation

1. For the purposes of proper implementation of this Annex, the competent Faroese and Union authorities shall regularly exchange information, unless forbidden or unauthorised by national rules and regulations and, at the request of one of the Parties, shall conduct consultations.
2. The competent Faroese authorities shall inform the Commission within reasonable time of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the grant agreements and/or contracts concluded in application of the instruments referred to in this Agreement.

⁽¹⁾ OJ L 292, 15.11.1996, p. 2.

V. Confidentiality

Information communicated or acquired in any form under this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Faroese law and by the corresponding provisions applicable to the Union institutions. Such information may not be communicated to persons other than those within the Union institutions or in the Member States or the Faroes whose functions legally require them to know it, nor may it be used for purposes other than to ensure effective protection of the Parties' financial interests.

VI. Administrative measures and penalties

Without prejudice to the application of Faroese criminal law, administrative measures and penalties may be imposed by the Commission in accordance with Regulations (EC, Euratom) No 1605/2002, and (EC, Euratom) No 2342/2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 ⁽¹⁾ on the protection of the European Communities' financial interests.

VII. Recovery and enforcement

Decisions taken by the Commission under the Framework Programme within the scope of this Agreement which impose a pecuniary obligation on persons other than States shall be enforceable in the Faroes by means of civil procedure in a Faroese Court. The relevant enforcement provisions are incorporated in the grant agreements with participants from the Faroes. The enforcement order shall be submitted to the Faroese Court, without any further control other than verification of the authenticity of the act, by the authorities designated by the Government of the Faroes, which shall inform the Commission thereof. Enforcement shall take place in accordance with the Faroese rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the European Union. Judgments given by the Court of Justice pursuant to an arbitration clause in a grant agreement and/or contract under the Framework Programme shall be enforceable on the same terms.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

REGULATIONS

COMMISSION REGULATION (EU) No 816/2010

of 16 September 2010

amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on tomatoes

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⁾, and in particular Article 143(b) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.

- (2) For the purposes of applying Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded as part of the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2007, 2008 and 2009, the trigger levels for additional duties on tomatoes should be adjusted.

- (3) Regulation (EC) No 1580/2007 should therefore be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2010.

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

Done at Brussels, 16 September 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they stand at the time of the adoption of this Regulation.

Order number	CN code	Description	Period of application	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	From 1 October to 31 May	1 215 717
78.0020			From 1 June to 30 September	966 474
78.0065	0707 00 05	Cucumbers	From 1 May to 31 October	11 879
78.0075			From 1 November to 30 April	18 611
78.0085	0709 90 80	Artichokes	From 1 November to 30 June	8 866
78.0100	0709 90 70	Courgettes	From 1 January to 31 December	55 369
78.0110	0805 10 20	Oranges	From 1 December to 31 May	355 386
78.0120	0805 20 10	Clementines	From 1 November to end of February	529 006
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	From 1 November to end of February	96 377
78.0155	0805 50 10	Lemons	From 1 June to 31 December	329 903
78.0160			From 1 January to 31 May	92 638
78.0170	0806 10 10	Table grapes	From 21 July to 20 November	146 510
78.0175	0808 10 80	Apples	From 1 January to 31 August	1 262 435
78.0180			From 1 September to 31 December	95 357
78.0220	0808 20 50	Pears	From 1 January to 30 April	280 764
78.0235			From 1 July to 31 December	83 435
78.0250	0809 10 00	Apricots	From 1 June to 31 July	49 314
78.0265	0809 20 95	Cherries, other than sour cherries	From 21 May to 10 August	90 511
78.0270	0809 30	Peaches, including nectarines	From 11 June to 30 September	6 867
78.0280	0809 40 05	Plums	From 11 June to 30 September	57 764'

COMMISSION REGULATION (EU) No 817/2010

of 16 September 2010

laying down detailed rules pursuant to Council Regulation (EC) No 1234/2007 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport

(recast)

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⁾, and in particular Article 170 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 639/2003 of 9 April 2003 laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport ⁽²⁾ has been substantially amended several times ⁽³⁾. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Pursuant to Article 168 of Regulation (EC) No 1234/2007, the granting and the payment of the refund for exports of live bovine animals are subject to compliance with legislation of the Union concerning animal welfare and, in particular, Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations ⁽⁴⁾.
- (3) In order to guarantee that the animal welfare standards are maintained, a monitoring system should be introduced comprising compulsory checks at the exit point from the customs territory of the Community and after leaving the customs territory of the Community where there is a change of means of transport and also at the place of the first unloading in the third country of final destination.
- (4) In order to facilitate proper checks on exit from the customs territory of the Community, it is necessary to designate exit points.

- (5) The assessment of the physical condition and state of health of animals requires specific expertise and experience. Checks should therefore be carried out by a veterinarian. Moreover, the extent of those checks should be clarified and a model report set out in order to make those checks accurate and harmonised.
- (6) Checks in third countries for the purposes of this Regulation should be compulsory and should be carried out by agencies of Member States or by international control and supervisory agencies (hereinafter referred to as 'SAs') approved and controlled by Member States in accordance with Commission Regulation (EC) No 612/2009 of 7 July 2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁵⁾. In order to carry out checks for the purposes of this Regulation, the SAs should in particular meet the requirements for approval and control set out in Annex VIII to Regulation (EC) No 612/2009.
- (7) Article 168 of Regulation (EC) No 1234/2007 and this Regulation provide that compliance with legislation of the Union on animal welfare is a condition for the payment of export refunds. Therefore, it should be clearly set out that, without prejudice to cases of *force majeure* recognised by the case law of the Court of Justice of the European Union, a violation of those animal welfare provisions does not trigger a reduction but the loss of the export refund, related to the number of animals for which the welfare requirements were not respected. It equally results from those provisions, as well as from the animal welfare rules set out in Articles 3 to 9 of Regulation (EC) No 1/2005 and the Annexes referred to therein, that the refund is to be lost for the animals for which those welfare rules were not respected, irrespective of the concrete physical conditions of the animals.
- (8) In addition to the non-payment of the export refund, when there is evidence that Regulation (EC) No 1/2005 is not complied with for a high number of animals, appropriate penalties should be applied. Furthermore, where such non-compliance is due to a complete disregard of animal welfare requirements, the total loss of the refund should be established.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 93, 10.4.2003, p. 10.

⁽³⁾ See Annex V.

⁽⁴⁾ OJ L 3, 5.1.2005, p. 1.

⁽⁵⁾ OJ L 186, 17.7.2009, p. 1.

- (9) Given the discrepancies between different language versions, it is necessary to clarify that the refund for all animals indicated in the export declaration is to be refused if the number of animals for which no refund is paid amounts to more than 5 % of the number endorsed in the accepted export declaration, but at least three animals, or to 10 animals or more, but at least 2 % of the number endorsed in the accepted export declaration. Article 6(2)(b) should therefore be amended accordingly.
- (10) Member States should provide the Commission with the necessary information for the purposes of monitoring and reporting on the application of this Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

The payment of export refunds for live bovine animals falling within CN code 0102 (hereinafter referred to as the 'animals'), pursuant to Article 168 of Regulation (EC) No 1234/2007, shall be subject to compliance, during the transport of the animals to the first place of unloading in the third country of final destination, with Articles 3 to 9 of Regulation (EC) No 1/2005 and the Annexes referred to therein, and with this Regulation.

For the purposes of this Regulation, in the case of transport by road, the 'first place of unloading in the third country of final destination' shall mean the place at which the first animal is finally unloaded from a road vehicle, thus excluding a place where the journey is interrupted to rest, feed or water the animals.

Article 2

Checks within the customs territory of the Community

1. The exit of the animals from the customs territory of the Community may take place only through the following exit points:

- (a) a border inspection post approved by a Commission decision for veterinary checks on live ungulates from third countries;

or

- (b) an exit point designated by the Member State.

2. The official veterinarian at the exit point shall verify in accordance with Council Directive 96/93/EC⁽¹⁾ for those animals for which an export declaration is accepted whether:

- (a) the requirements laid down in Regulation (EC) No 1/2005 have been complied with from the place of departure, as

defined in Article 2 (r) of that Regulation, until the exit point;

and

- (b) the transport conditions for the rest of the journey comply with Regulation (EC) No 1/2005 and that the necessary arrangements have been taken to ensure its compliance until the first unloading in the third country of final destination.

The official veterinarian who has conducted the checks shall complete a report in accordance with the model set out in Annex I to this Regulation certifying whether the results of the checks performed in accordance with the first subparagraph are satisfactory or not satisfactory.

The veterinarian authority responsible for the exit point shall keep that report for at least three years. A copy of the report shall be sent to the paying agency.

3. If the official veterinarian at the exit point is satisfied that the requirements of paragraph 2 are met, he shall certify this by one of the entries listed in Annex II and by stamping and signing the document constituting evidence of exit from the customs territory of the Community, either in Section J of the control copy T5 or in the most appropriate place on the national document.

4. The official veterinarian at the exit point shall endorse on the document referred to in paragraph 3 the total number of animals for which an export declaration had been accepted minus the number of animals which gave birth or aborted during transport, died or for which the requirements of Regulation (EC) No 1/2005 were not complied with.

5. Member States may require the exporter to give advance notice of the arrival of the consignment at the exit point to the official veterinarian at the exit point.

6. By way of derogation from paragraph 1, where the simplified Community transit procedure for carriage by rail or large containers referred to in Article 11 of Regulation (EC) No 612/2009 applies, the official veterinarian shall carry out checks at the office where the animals are placed under such procedure.

The certification and endorsements referred to in paragraphs 3 and 4 of this Article shall be made on the document used for the purpose of payment of the refund or on the T5 control copy in the case described in Article 11(4) of Regulation (EC) No 612/2009.

Article 3

Checks in third countries

1. After leaving the customs territory of the Community, the exporter shall ensure that the animals shall be subject to a check at:

- (a) any place where there is a change of means of transport except where such change was not planned and is due to exceptional and unforeseen circumstances;

⁽¹⁾ OJ L 13, 16.1.1997, p. 28.

(b) the place of the first unloading in the third country of final destination.

2. An international control and supervisory agency, approved and controlled for this purpose by a Member State in accordance with Articles 18 to 23 of Regulation (EC) No 612/2009, or an official agency of a Member State shall be responsible for carrying out the checks provided for in paragraph 1.

The checks provided for in paragraph 1 shall be carried out by a veterinarian holding a diploma, certificate or other evidence of formal qualification in veterinary medicine as referred to in Article 21 of Directive 2005/36/EC of the European Parliament and of the Council⁽¹⁾. However, the Member States, which have approved the international control and supervisory agencies, referred to in the first subparagraph of this paragraph shall verify that those agencies check that veterinarians holding a qualification not covered by that Directive possess the knowledge of the requirements imposed by Regulation (EC) No 1/2005. Those checks shall be carried out in a reasonable, objective and impartial manner through appropriate procedures.

A report of each check carried out pursuant to paragraph 1 shall be completed in accordance with the models set out in Annexes III and IV to this Regulation by the veterinarian who carried out the check.

Article 4

Procedure for payment of export refunds

1. The exporter shall inform the competent authority of the Member State where the export declaration is accepted about all necessary details of the journey, at the latest when the export declaration is lodged.

At the same time, or at the latest when he becomes aware thereof, the exporter shall inform the competent authority about any possible change of the means of transport.

2. Applications for the payment of export refunds drawn up in accordance with Article 46 of Regulation (EC) No 612/2009 shall be supplemented within the time limit laid down in that Article by:

(a) the document referred to in Article 2(3) of this Regulation duly completed;

and

(b) the reports provided for in the third subparagraph of Article 3(2) of this Regulation.

3. Where the checks referred to in Article 3(1) could not be carried out due to circumstances beyond the control of the exporter, the competent authority, on a reasoned request from the exporter, may accept other documents which prove to its satisfaction that Regulation (EC) No 1/2005 has been complied with.

Article 5

Non-payment of export refunds

1. The total sum of the export refund per animal calculated in accordance with the second subparagraph shall not be paid for:

(a) animals which have died during transport, except as provided in paragraph 2;

(b) animals which have given birth or aborted during transport before their first unloading in the third country of final destination;

(c) animals for which, in the light of the documents referred to in Article 4(2) and/or all other elements at its disposal concerning compliance with this Regulation, the competent authority considers that Articles 3 to 9 of Regulation (EC) No 1/2005 and the Annexes referred to therein have not been complied with.

The weight of an animal in respect of which the refund is not paid shall be determined on a flat-rate basis by dividing the total weight in kilograms given in the export declaration by the total number of animals given in that same declaration.

2. Where the animals have died during transport as a result of *force majeure* after leaving the customs territory of the Community:

(a) in the case of a non-differentiated refund, the total refund shall be paid;

(b) in the case of a differentiated refund, the part of the refund calculated in accordance with Article 25(2) of Regulation (EC) No 612/2009 shall be paid.

Article 6

Penalties

1. The refund shall be further reduced by an amount equal to the amount of refund which is not paid pursuant to Article 5(1), if the number of animals for which no export refund is paid amounts to:

(a) more than 1 % of the number endorsed in the accepted export declaration, but at least two animals;

or

(b) more than five animals.

2. The refund for all animals indicated in the export declaration shall be refused if the number of animals for which no refund is paid pursuant to Article 5(1) amounts to:

(a) more than 5 % of the number endorsed in the accepted export declaration, but at least three animals;

or

(b) 10 animals or more, but at least 2 % of the number endorsed in the accepted export declaration.

3. For the purpose of paragraphs 1 and 2, the animals which died during transport and the animals that gave birth or aborted before their first unloading in the third country of final destination for which the exporter proves to the satisfaction of the competent authority that their death or the birth or abortion was not the result of non-compliance with Regulation (EC) No 1/2005 shall not be taken into account.

⁽¹⁾ OJ L 255, 30.9.2005, p. 22.

4. The penalty referred to in Article 48 of Regulation (EC) No 612/2009 shall not apply to the amount not paid and the amount of the reduction pursuant to Article 5 of this Regulation and to paragraphs 1 and 2 of this Article.

Article 7

Recovery of amounts over-paid

Where it is established after payment of the refund that Regulation (EC) No 1/2005 has not been complied with, the relevant part of the refund, including where appropriate the penalty pursuant to Article 6 of this Regulation, shall be considered to have been paid unduly and shall be recovered in accordance with Article 49 of Regulation (EC) No 612/2009.

Article 8

Communication of information

Member States shall notify to the Commission no later than 31 March of each year the following information relating to the application of this Regulation during the previous calendar year:

- (a) the number of export declarations for animals for which the refund was paid and the number of animals for which the refund was paid;
- (b) the number of export declarations for which the refund was totally or partially not paid and the number of animals for which the refund was not paid;
- (c) the number of export declarations for which the refund was totally or partially recovered and the number of animals for which the refund was recovered, including those for which the recovery of the refunds relates to export operations carried out before the period concerned;

- (d) the reasons for the non-payment and the recovery of the refund for the animals referred to in points (b) and (c), as well as the number of those animals recorded under category B, C and D respectively as referred to in Annexes I, III and IV;
- (e) the number of penalties for each category provided for in Article 6(1) and (2) with the corresponding numbers of animals and amounts of refund not paid;
- (f) the amounts of the refunds in euro that were not paid and the amounts that were recovered, including the recovered amounts corresponding to export operations carried out before the period concerned;
- (g) the number of export declarations and the amounts for which the recovery procedure is still in process;
- (h) any other information Member States consider relevant regarding the functioning of this Regulation.

Article 9

Repeal

Regulation (EC) No 639/2003 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

Article 10

Entry into force

This Regulation shall enter into force on the 20th day following 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, 16 September 2010.

For the Commission

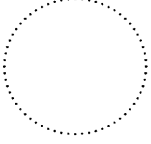
The President

José Manuel BARROSO

ANNEX I

MODEL

Check report at the exit point (Article 2(2) of Regulation (EU) No 817/2010)

T5 or national document number:		Veterinary certificate number:	
Place and country of final destination:			
CHECKS PERFORMED		OUTCOME OF THE CHECKS	
PART OF THE JOURNEY UP TO THE EXIT POINT		SATISFACTORY (¹)	NOT SATISFACTORY
Means of transport →	Identification:	☐	☐
Space allowances →	Average space / animal in m ² :	☐	☐
Transporter's authorisation →	Authorisation number:	☐	☐
Route plan records →		☐	☐
Animals for which an export declaration is accepted (specify the number of each category) ↓		Number of Animals referred to in Article 2(4) of Regulation (EU) No 817/2010 E = A - (B + C + D) ↓	
A. Total animals checked	B. Animals that gave birth or aborted during transport	C. Other animals not in conformity (²)	D. Dead
PART OF THE JOURNEY FROM THE EXIT POINT		SATISFACTORY (¹)	NOT SATISFACTORY
Means of transport (³) →	Identification:	☐	☐
Space allowances (³) →	Average space / animal in m ² :	☐	☐
Transporter's authorisation (³) →	Authorisation number:	☐	☐
Watering and feeding arrangements →		☐	☐
I hereby certify that I have carried out the necessary checks pursuant to Article 2(2) of Regulation (EU) No 817/2010 and that the results of these checks are: ☐ satisfactory ☐ not satisfactory			
REMARKS:			
Place, country and date of inspection:			
OFFICIAL VETERINARIAN — name and address			
		Signature of official veterinarian (with official stamp)	

(¹) In conformity with the requirements of Regulations (EC) No 1/2005 and (EU) No 817/2010.

(²) Number of animals for which the requirements of Regulation (EC) No 1/2005 have not been complied with.

(³) Only to be filled if animals have been transferred at the exit point or if the outcome of the check is different from the previous section.

ANNEX II

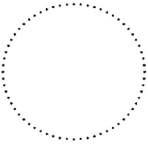
Entries referred to in Article 2(3):

- *In Bulgarian:* Резултатите от проверките съгласно член 2 от Регламент (ЕС) № 817/2010 са удовлетворителни
- *In Spanish:* Resultados de los controles de conformidad con el artículo 2 del Reglamento (UE) n° 817/2010 satisfactorios
- *In Czech:* Výsledky kontrol podle článku 2 nařízení (EU) č. 817/2010 jsou uspokojivé
- *In Danish:* Resultater af kontrollen efter artikel 2 i forordning (EU) nr. 817/2010 er tilfredsstillende
- *In German:* Ergebnisse der Kontrollen nach Artikel 2 der Verordnung (EU) Nr. 817/2010 zufriedenstellend
- *In Estonian:* Määruse (EL) nr 817/2010 artiklis 2 osutatud kontrollide tulemused rahuldavad
- *In Greek:* Αποτελέσματα των ελέγχων βάσει του άρθρου 2 του κανονισμού (ΕΕ) αριθ. 817/2010 ικανοποιητικά
- *In English:* Results of the checks pursuant to Article 2 of Regulation (EU) No 817/2010 satisfactory
- *In French:* Résultats des contrôles visés à l'article 2 du règlement (UE) n° 817/2010 satisfaisants
- *In Italian:* Risultati dei controlli conformi alle disposizioni dell'articolo 2 del regolamento (UE) n. 817/2010
- *In Latvian:* Regulas (ES) Nr. 817/2010 2. pantā minēto pārbaūžu rezultāti ir apmierinoši
- *In Lithuanian:* Reglamento (ES) Nr. 817/2010 2 straipsnyje numatytų patikrinimų rezultatai yra patenkinami
- *In Hungarian:* A 817/2010/EU rendelet 2. cikke szerinti ellenőrzések eredményei kielégítőek
- *In Maltese:* Riżultati tal-kontrolli konformi ma' l-Artikolu 2 tar-Regolament (UE) Nru 817/2010 sodisfaċenti
- *In Dutch:* Bevindingen bij controle overeenkomstig artikel 2 van Verordening (EU) nr. 817/2010 bevredigend
- *In Polish:* Wyniki kontroli, o której mowa w art. 2 rozporządzenia (UE) nr 817/2010, zadowalające
- *In Portuguese:* Resultados dos controlos satisfatórios nos termos do artigo 2.º do Regulamento (UE) n.º 817/2010
- *In Romanian:* Rezultatele controalelor menționate la articolul 2 din Regulamentul (UE) nr. 817/2010 – satisfăcătoare
- *In Slovakian:* Výsledky kontrol podľa článku 2 nariadenia (EÚ) č. 817/2010 uspokojivé
- *In Slovenian:* Rezultati kontrol, izhajajoči iz člena 2 Uredbe (EU) št. 817/2010 so zadovoljivi
- *In Finnish:* Asetuksen (EU) N:o 817/2010 2 artiklan mukaisen tarkastuksen tulos tyydyttävä
- *In Swedish:* Resultaten av kontrollen enligt artikel 2 i förordning (EU) nr 817/2010 är tillfredsställande

ANNEX III

MODEL

Check report at the place of transfer in a third country (Article 3(2) of Regulation (EU) No 817/2010)

Place and country of departure:		Veterinary certificate number:	
Place and country of final destination:			
CHECKS PERFORMED		OUTCOME OF THE CHECKS	
PART OF THE JOURNEY UP TO THE PLACE OF TRANSFER		SATISFACTORY (¹)	NOT SATISFACTORY
Means of transport →	Identification:	☐	☐
Space allowances →	Average space/animal in m ² :	☐	☐
Transporter's authorisation →	Authorisation number:	☐	☐
Route plan records →		☐	☐
Animals for which an export declaration is accepted and which are presented at the place of transfer (specify the number of each category) ↓		E = A - (B + C + D) ↓	
A. Total animals checked	B. Animals that gave birth or aborted during transport	C. Other animals not in conformity (²)	D. Dead
PART OF THE JOURNEY FROM THE PLACE OF TRANSFER		SATISFACTORY (¹)	NOT SATISFACTORY
Means of transport →	Identification:	☐	☐
Space allowances →	Average space/animal in m ² :	☐	☐
Transporter's authorisation →	Authorisation number:	☐	☐
Watering and feeding arrangements →		☐	☐
I hereby certify that I have carried out the necessary checks pursuant to Article 3(2) of Regulation (EU) No 817/2010 and that the results of these checks are: ☐ satisfactory ☐ not satisfactory			
REMARKS:			
Place, country and date of inspection:			
VETERINARIAN — name and address			
		Signature of veterinarian (with stamp)	

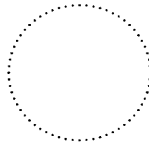
(¹) In conformity with the requirements of Regulations (EC) No 1/2005 and (EU) No 817/2010.

(²) Number of animals for which the requirements of Regulation (EC) No 1/2005 have not been complied with.

ANNEX IV

MODEL

Check report at the place of the first unloading in the third country of final destination (Article 3(2) of Regulation (EU) No 817/2010)

Place and country of departure:		Veterinary certificate number:	
Place and country of final destination:			
CHECKS PERFORMED		OUTCOME OF THE CHECKS	
		SATISFACTORY (¹)	NOT SATISFACTORY
Means of transport →	Identification:	☐	☐
Space allowances →	Average space / animal in m ² :	☐	☐
Route plan records →		☐	☐
Animals for which an export declaration is accepted and which are presented at the place of the first unloading in the third country of final destination (specify the number of each category) ↓		E = A - (B + C + D) ↓	
A. Total animals checked	B. Animals that gave birth or aborted during transport	C. Other animals not in conformity (²)	D. Dead
Live animals have been put in quarantine: ☐ yes ☐ no			
I hereby certify that I have carried out the necessary checks pursuant to Article 3(2) of Regulation (EU) No 817/2010 and that the results are: ☐ satisfactory ☐ not satisfactory			
REMARKS:			
Place, country and date of inspection:			
VETERINARIAN — name and address			
		Signature of veterinarian (with stamp)	

(¹) In conformity with the requirements of Regulations (EC) No 1/2005 and (EU) No 817/2010.

(²) Number of animals for which the requirements of Regulation (EC) No 1/2005 have not been complied with.

ANNEX V

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 639/2003
(OJ L 93, 10.4.2003, p. 10).

Commission Regulation (EC) No 2187/2003
(OJ L 327, 16.12.2003, p. 15).

Commission Regulation (EC) No 687/2004
(OJ L 106, 15.4.2004, p. 13).

Commission Regulation (EC) No 1979/2004
(OJ L 342, 18.11.2004, p. 23).

Commission Regulation (EC) No 354/2006
(OJ L 59, 1.3.2006, p. 10).

Commission Regulation (EC) No 1847/2006
(OJ L 355, 15.12.2006, p. 21).

Only Article 7 and Annex VII

Commission Regulation (EC) No 498/2009
(OJ L 150, 13.6.2009, p. 3).

ANNEX VI

Correlation Table

Regulation (EC) No 639/2003	This Regulation
Articles 1 to 7	Articles 1 to 7
Article 8, introductory phrase	Article 8, introductory phrase
Article 8(a) to (d)	Article 8(a) to (d)
Article 8(da)	Article 8(e)
Article 8(e)	Article 8(f)
Article 8(f)	Article 8(g)
Article 8(g)	Article 8(h)
Article 9	—
—	Article 9
Article 10, first paragraph	Article 10
Article 10, second and third paragraphs	—
Annex I	Annex I
Annex Ia	Annex II
Annex II	Annex III
Annex III	Annex IV
Annex IV	—
—	Annex V
—	Annex VI

COMMISSION REGULATION (EU) No 818/2010**of 16 September 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 17 September 2010.

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

Done at Brussels, 16 September 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	93,9
	MK	62,5
	XS	59,4
	ZZ	71,9
0707 00 05	MK	57,0
	TR	141,6
	ZZ	99,3
0709 90 70	TR	103,0
	ZZ	103,0
0805 50 10	AR	141,5
	CL	130,3
	IL	128,2
	TR	146,9
	UY	134,0
	ZA	117,6
	ZZ	133,1
0806 10 10	EG	148,1
	IL	122,3
	TR	117,8
	ZA	92,1
	ZZ	120,1
0808 10 80	AR	66,6
	BR	71,2
	CL	124,6
	CN	55,0
	NZ	98,9
	ZA	89,6
	ZZ	84,3
0808 20 50	AR	157,0
	CN	86,4
	ZA	81,9
	ZZ	108,4
0809 30	TR	148,2
	ZZ	148,2
0809 40 05	BA	57,1
	IL	178,8
	ZZ	118,0

⁽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 819/2010**of 16 September 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 815/2010 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 2010.

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

Done at Brussels, 16 September 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 243, 16.9.2010, p. 64.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 17 September 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	56,73	0,00
1701 11 90 ⁽¹⁾	56,73	0,00
1701 12 10 ⁽¹⁾	56,73	0,00
1701 12 90 ⁽¹⁾	56,73	0,00
1701 91 00 ⁽²⁾	45,88	3,71
1701 99 10 ⁽²⁾	45,88	0,57
1701 99 90 ⁽²⁾	45,88	0,57
1702 90 95 ⁽³⁾	0,46	0,24

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EU) No 820/2010**of 16 September 2010****fixing the maximum reduction in the duty on sorghum imported under the invitation to tender
issued in Regulation (EU) No 464/2010**

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⁾, and in particular Article 144(1) in conjunction with Article 4 thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain from third countries was opened by Commission Regulation (EU) No 464/2010 ⁽²⁾.
- (2) Under Article 8 of Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, the Commission, in accordance the procedure laid down in Article 195(2) of Regulation (EC) No 1234/2007, may decide to fix a maximum reduction in the import duty. In fixing this

maximum the criteria provided for in Articles 7 and 8 of Regulation (EC) No 1296/2008 must be taken into account.

- (3) A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders lodged from 27 August to 16 September 2010 under the invitation to tender issued in Regulation (EU) No 464/2010, the maximum reduction in the duty on sorghum imported shall be EUR 6,49/t for a total maximum quantity of 44 000 t.

Article 2

This Regulation shall enter into force on 17 September 2010.

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

Done at Brussels, 16 September 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 129, 28.5.2010, p. 62.

⁽³⁾ OJ L 340, 19.12.2008, p. 57.

DECISIONS

COUNCIL DECISION

of 13 September 2010

on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Finland

(2010/559/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 25 of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾,

Having regard to Article 20 and Chapter 4 of the Annex to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA ⁽²⁾,

Whereas:

- (1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.
- (2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.
- (3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.
- (4) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.

- (5) Finland has completed the questionnaire on data protection and the questionnaire on Vehicle Registration Data (VRD).
- (6) A pilot run has been carried out by Finland with the Netherlands, with a view to evaluating the results of the questionnaire concerning VRD.
- (7) An evaluation visit has taken place in Finland and a report on the evaluation visit has been produced by the evaluation team and forwarded to the relevant Council Working Group with a view to evaluating the questionnaire concerning VRD.
- (8) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning VRD has been presented to the Council,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of the automated searching of vehicle registration data (VRD), Finland has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Article 12 of that Decision as from the date of the entry into force of this Decision.

Article 2

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

Done at Brussels, 13 September 2010.

For the Council
The President
S. VANACKERE

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.

⁽²⁾ OJ L 210, 6.8.2008, p. 12.

COMMISSION DECISION

of 16 September 2010

amending Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC as regards extension of the temporary derogations from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius, Seychelles and Madagascar with regard to tuna and tuna loins

*(notified under document C(2010) 6259)**(2010/560/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽¹⁾, and in particular Article 36(4) of Annex II thereof,

Whereas:

- (1) On 17 July 2008 Commission Decision 2008/603/EC ⁽²⁾ was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius with regard to preserved tuna and tuna loins. On 15 June 2009 Commission Decision 2009/471/EC ⁽³⁾ was adopted granting an extension of that temporary derogation. On 21 December 2009 Mauritius requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information received from Mauritius the catches of raw tuna remain unusually low even compared to the normal seasonal variations. Given that the abnormal situation in 2009 remains unchanged for 2010 a new derogation should be granted with effect from 1 January 2010.
- (2) On 14 August 2008 Commission Decision 2008/691/EC ⁽⁴⁾ was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Seychelles with regard to preserved tuna. By Decision 2009/471/EC an extension of that temporary derogation was granted. On 25 January 2010 Seychelles requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information provided by Seychelles the catches of raw tuna remain very low even compared to the normal seasonal

variations. Given that the abnormal situation in 2009 remains unchanged for 2010 a new derogation should be granted with effect from 1 January 2010.

- (3) On 18 September 2008 Commission Decision 2008/751/EC ⁽⁵⁾ was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Madagascar with regard to preserved tuna and tuna loins. By Decision 2009/471/EC an extension of that temporary derogation was granted. On 22 May 2010 Madagascar requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. On 8 June 2010 Madagascar provided additional information. According to the information provided by Madagascar sourcing of raw originating tuna remains difficult due to their unavailability. Given that the abnormal situation in 2009 remains unchanged for 2010 a new derogation should be granted with effect from 1 January 2010.
- (4) Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC applied until 31 December 2009 because the Interim Economic Partnership Agreement between the Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part (ESA-EU Interim Partnership Agreement) did not enter into force or was not provisionally applied before that date.
- (5) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations to them are to be superseded by the rules of the ESA-EU Interim Partnership Agreement of which the entry into force or the provisional application is foreseen to take place in 2010.
- (6) It is necessary to ensure continuity of importations from the ACP countries to the Union as well as a smooth transition to the Interim Economic Partnership Agreement. Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC should therefore be prolonged with effect from 1 January 2010.
- (7) Mauritius, Seychelles and Madagascar will benefit from an automatic derogation from the rules of origin for tuna of HS heading 1604 pursuant to the relevant provisions of the Origin Protocol attached to the ESA-EU Interim Partnership Agreement signed by them, when this Agreement enters into force or is provisionally applied. It would be inappropriate to grant by this Decision derogations in

⁽¹⁾ OJ L 348, 31.12.2007, p. 1.

⁽²⁾ OJ L 194, 23.7.2008, p. 9.

⁽³⁾ OJ L 155, 18.6.2009, p. 46.

⁽⁴⁾ OJ L 225, 23.8.2008, p. 17.

⁽⁵⁾ OJ L 255, 23.9.2008, p. 31.

accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 which exceed the annual quota granted to the ESA region under the ESA-EU Interim Partnership Agreement. The ESA signatories to the Agreement have therefore signed a unilateral political declaration concerning the derogations for tuna granted in 2010 whereby these countries renounce to the global annual quantity of the automatic derogation for 2010 in case that the Agreement will either be provisionally applied or enter into force during this year. Consequently the quota amounts for 2010 should be set at the same level as for 2009.

- (8) Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/603/EC is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Mauritius during the periods of 1 January 2008 until 31 December 2008, 1 January 2009 until 31 December 2009, and 1 January 2010 until 31 December 2010.'

2. In Article 6, the second paragraph is replaced by the following:

'It shall apply until 31 December 2010.'

3. The Annex is replaced by the text set out in Annex I to this Decision.

Article 2

Decision 2008/691/EC is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are

declared for free circulation into the Community from Seychelles during the periods of 1 January 2008 until 31 December 2008, 1 January 2009 until 31 December 2009 and 1 January 2010 until 31 December 2010.'

2. In Article 6, the second paragraph is replaced by the following:

'It shall apply until 31 December 2010.'

3. The Annex is replaced by the text set out in Annex II to this Decision.

Article 3

Decision 2008/751/EC is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Madagascar during the periods of 1 January 2008 until 31 December 2008, 1 January 2009 until 31 December 2009 and 1 January 2010 until 31 December 2010.'

2. In Article 6, the second paragraph is replaced by the following:

'It shall apply until 31 December 2010.'

3. The Annex is replaced by the text set out in Annex III to this Decision.

Article 4

This Decision shall apply from 1 January 2010.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 16 September 2010.

For the Commission

Algirdas ŠEMETA

Member of the Commission

ANNEX I

'ANNEX

Order No	CN code	Description of goods	Periods	Quantities
09.1668	1604 14 11, 1604 14 18, 1604 20 70	Preserved tuna ⁽¹⁾	1.1.2008 to 31.12.2008	3 000 tonnes
			1.1.2009 to 31.12.2009	3 000 tonnes
			1.1.2010 to 31.12.2010	3 000 tonnes
09.1669	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	600 tonnes
			1.1.2009 to 31.12.2009	600 tonnes
			1.1.2010 to 31.12.2010	600 tonnes

⁽¹⁾ In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

ANNEX II

'ANNEX

Order No	CN code	Description of goods	Periods	Quantity
09.1666	1604 14 11,	Preserved tuna ⁽¹⁾	1.1.2008 to 31.12.2008	3 000 tonnes
	1604 14 18,		1.1.2009 to 31.12.2009	3 000 tonnes
	1604 20 70		1.1.2010 to 31.12.2010	3 000 tonnes

⁽¹⁾ In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

ANNEX III

'ANNEX

Order No	CN code	Description of goods	Periods	Quantities
09.1645	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna ⁽¹⁾	1.1.2008 to 31.12.2008	2 000 tonnes
			1.1.2009 to 31.12.2009	2 000 tonnes
			1.1.2010 to 31.12.2010	2 000 tonnes
09.1646	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	500 tonnes
			1.1.2009 to 31.12.2009	500 tonnes
			1.1.2010 to 31.12.2010	500 tonnes

⁽¹⁾ In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

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