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⁽¹⁾ Text with EEA relevance

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 1097/2010

of 26 November 2010

implementing Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and central banks**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Regulation (EC) No 177/2008 establishes a new common framework for business registers exclusively for statistical purposes in order to maintain the development of business registers in a harmonised framework.
- (2) An exchange of confidential data between the Commission and national central banks, and between the Commission and the European Central Bank, exclusively for statistical purposes, should help ensure the quality of multinational enterprise group information in the European Union. It is therefore necessary to establish the format, the security and confidentiality measures and the procedure for the transmission of such confidential data to national central banks and the European Central Bank, to ensure that the data transmitted is used exclusively for statistical purposes.
- (3) In accordance with Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank ⁽²⁾, data that the ESCB members have received from ESS authorities should be used exclusively for statistical purposes. The ESCB members should also ensure the

physical and logical protection of confidential statistical information provided by the ESS authorities. The ECB should publish annual confidentiality reports on the measures adopted to safeguard the confidentiality of this statistical information.

- (4) To ensure consistency, the data sets transmitted in accordance with this Regulation should use the same naming conventions, structures, and definition of fields as referred to in Commission Regulation (EC) No 192/2009 of 11 March 2009 implementing Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and Member States ⁽³⁾.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Format**

1. The format set out in part A of the Annex shall be used for the data transmitted under Article 12(2) of Regulation (EC) No 177/2008.
2. The data and metadata shall be transmitted in accordance with the standards of the European Statistical System and with the structure defined in the most recent version of the Eurostat Business Registers Recommendations Manual available from the Commission (Eurostat).

⁽¹⁾ OJ L 61, 5.3.2008, p. 6.⁽²⁾ OJ L 318, 27.11.1998, p. 8.⁽³⁾ OJ L 67, 12.3.2009, p. 14.

*Article 2***Confidentiality measures**

The characteristics specified in part B of the Annex, including confidentiality flags, may be transmitted, for statistical purposes only, by the Commission (Eurostat) to the national central banks and the European Central Bank, provided that the transmission is explicitly authorised by the appropriate national authority and that, in the case of data transmitted to a national central bank, at least one unit of a multinational enterprise group is located in the territory of the Member State of that national central bank.

*Article 3***Security measures**

1. Any transmission of confidential data under this Regulation to ESCB members shall take place only after the ESCB members, within their respective spheres of competence, have taken the necessary measures in line with Article 8a and 8b of Regulation (EC) No 2533/98 to ensure:

- the protection of this data, in particular the storage of data that has been flagged as confidential in a secure area with restricted and controlled access,
- that the data are used exclusively for statistical purposes,

- that information on the measures has been included in the annual confidentiality report referred to in Article 8b of Regulation (EC) No 2533/98 or national central banks or the European Central Bank have informed the Commission (Eurostat) and the appropriate national authorities of the measures by other means.

2. The data shall be transmitted in an encrypted form.

*Article 4***Procedure for transmission**

1. The data and metadata transmitted pursuant to this Regulation shall be exchanged in electronic form.
2. The data and metadata shall be transmitted via the secure medium used by the Commission (Eurostat) for the transmission of confidential data, or via a secured remote access.

Article 5

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, 26 November 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

A. Structure and format for the transmission of data

The following data sets containing confidential information are included in the data quality management process of the Union register of multinational enterprise groups and their constituent units (hereinafter referred to as 'EuroGroups register'):

- data set with results of the linkage process,
- data sets with information on legal units,
- data sets with information on control and ownership of units,
- data sets with information on enterprises,
- data sets with information on global enterprise groups,
- data sets with information on truncated enterprise groups.

A data set with the results on the truncated and global enterprise groups is generated at the end of each EuroGroups register data quality management cycle.

The applicable format of those data sets is the one laid down in Regulation (EC) No 192/2009 for transmissions between the Commission (Eurostat) and the appropriate national authorities.

To ensure that a given Member State receives consistent data records, the Commission (Eurostat) shall apply identical naming conventions, structures, and definition of fields for data sets transmitted to appropriate national authorities and for data sets transmitted to national central banks and the European Central Bank.

To improve the quality of multinational enterprise group information in the European Union, and subject to the necessary authorisations the appropriate national authority shall assess the corrections and completions in the data sets they may have received from the national central banks and integrate them, where necessary, in the data they transmit to the Commission (Eurostat) pursuant to Article 11 of Regulation (EC) No 177/2008.

Data marked as confidential by national central banks or the European Central Bank shall be treated confidentially by the Commission (Eurostat) and the appropriate national authorities.

B. Transmission of characteristics

The Commission (Eurostat) may, with the explicit approval of the appropriate national authority and for statistical purposes only, transmit to the national central banks and the European Central Bank the following characteristics, including confidentiality flags, concerning multinational enterprise groups and their constituent units provided that, in the case of data transmitted to a national central bank, at least one unit of the group is located in the territory of that Member State.

1. LEGAL UNIT

Identification characteristics	1.1		Identity number
	1.2a		Name
	1.2b		Address (including postcode) at the most detailed level
	1.2c	Optional	Telephone and fax numbers, electronic mail address, and information to permit electronic collection of data
	1.3		Value added tax (VAT) registration number or, failing that, other administrative identity number
Demographic characteristics	1.4		Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons
	1.5		Date on which the legal unit ceased to be part of an enterprise (as identified in 3.3)

Economic/Stratification characteristics	1.6		Legal form
Links with other registers	1.7a		Reference to the register of intra-Union operators set up in accordance with Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States ⁽¹⁾ , and reference to customs files or to the register of extra-Union operators
Link with enterprise Group	1.8		Identity number of the truncated enterprise group (4.1), to which the unit belongs
	1.9		Date of association to the truncated group
	1.10		Date of separation from the truncated group
Control of units	1.11a		Identity number(s) of resident legal unit(s) which are controlled by the legal unit
	1.11b		Identity number of the resident legal unit which controls the legal unit
	1.12a		Country(ies) of registration and identity number(s) or name(s) and address(es) of the non-resident legal unit(s) which are controlled by the legal unit
	1.12b	Conditional	VAT number(s) of non-resident legal unit(s) which are controlled by the legal unit
	1.13a		Country of registration, and identity number or name and address of the non-resident legal unit which controls the legal unit
	1.13b	Conditional	VAT number of the non-resident legal unit which controls the legal unit
Ownership of units	1.14a	Conditional	(a) Identity number(s) and (b) shares (%) of resident legal unit(s) owned by the legal unit
	1.14b	Conditional	(a) Identity number(s) and (b) shares (%) of resident legal unit(s) which own(s) the legal unit

	1.15	Conditional	(a) Country(ies) of registration and (b) identity number(s) or name(s), address(es) and VAT number(s) and (c) shares (%) of non-resident legal unit(s) owned by the legal unit
	1.16	Conditional	(a) Country(ies) of registration and (b) identity number(s) or name(s), address(es), and VAT number(s) and (c) shares (%) of non-resident legal unit(s) which own(s) the legal unit

⁽¹⁾ OJ L 102, 7.4.2004, p. 1.

3. ENTERPRISE

Identification characteristics	3.1		Identity number
	3.2a		Name
	3.2b	Optional	Postal, electronic mail and website addresses
	3.3		Identity number(s) of the legal unit(s) of which the enterprise consist(s)
Demographic characteristics	3.4		Date of commencement of activities
	3.5		Date of final cessation of activities
Economic/Stratification characteristics	3.6		Principal activity code at NACE 4-digit level
	3.8		Number of persons employed
	3.11		Institutional sector and sub-sector according to European System of Accounts
Link with enterprise Group	3.12		Identity number of the truncated enterprise group (4.1) to which the enterprise belongs

4. ENTERPRISE GROUP

Identification characteristics	4.1		Identity number of the truncated group
	4.2a		Name of the truncated group
	4.2b	Optional	Postal, electronic mail and website addresses of the truncated head office

	4.3	Part conditional	Identity number of the truncated group head (equals the identity number of the legal unit which is the resident group head). Conditional if the controlling unit is a natural person who is not an economic operator; recording is subject to the availability of this information in the administrative sources.
	4.4		Type of enterprise group: 2. domestically controlled truncated group; 3. foreign controlled truncated group
Demographic characteristics	4.5		Date of commencement of the truncated enterprise group
	4.6		Date of cessation of the truncated enterprise group
Economic/Stratification characteristics	4.7		Principal activity code of the truncated group at NACE 2-digit level
	4.9		Number of persons employed in the truncated group
Identification characteristics	4.11		Identity number of the global group
	4.12a		Name of the global group
	4.12b	Optional	Country of registration, postal, electronic mail and website addresses of the global head office
	4.13a		Identity number of the global group head, if the group head is resident (equals the identity number of the legal unit which is the group head). If the global group head is non-resident, its country of registration.
	4.13b	Optional	Global group head identity number, or name and address if non-resident
Economic/Stratification characteristics	4.14	Optional	Number of persons employed globally
	4.16	Optional	Country of global decision centre
	4.17	Optional	Countries where enterprises or local units are located

COMMISSION REGULATION (EU) No 1098/2010**of 26 November 2010****entering a name in the register of protected designations of origin and protected geographical indications (Dresdner Christstollen/Dresdner Stollen/Dresdner Weihnachtsstollen (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Germany's application to register the name 'Dresdner Christstollen/Dresdner Stollen/Dresdner Weihnachtsstollen' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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, 26 November 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 46, 24.2.2010, p. 17.

ANNEX

Foodstuffs listed in Annex I to Regulation (EC) No 510/2006:

Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares

GERMANY

Dresdner Christstollen/Dresdner Stollen/Dresdner Weihnachtsstollen (PGI)

COMMISSION REGULATION (EU) No 1099/2010**of 26 November 2010****amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto, at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 2 of Regulation (EC) No 669/2009 provides that the list in Annex I thereto is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.
- (3) Occurrence and relevance of food incidents notified through the Rapid Alert System for Feed and Food (RASFF), findings of the various missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports which the Member States have submitted to the Commission in

accordance with Article 15 of Regulation (EC) No 669/2009 indicate that there is a need to review the list in Annex I to that Regulation.

- (4) In particular, Annex I thereto must be reviewed by decreasing the control frequency of those commodities for which the above information sources show an overall improvement of compliance with the relevant Union legislation and for which the current level of official control is no longer justified, and by increasing the control frequency of other commodities for which the same sources show a higher degree of non-compliance with the relevant Union legislation that warrants the increase of the level of official controls.
- (5) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 669/2009 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2011.

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

Done at Brussels, 26 November 2010.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.⁽²⁾ OJ L 194, 25.7.2009, p. 11.

ANNEX

‘ANNEX I

A. Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), in shell	1202 10 90	Argentina	Aflatoxins	10
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
— Groundnuts (peanuts), in shell	1202 10 90	Brazil	Aflatoxins	10
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
Dried Noodles (Food)	ex 1902	China	Aluminium	10
Trace elements ⁽²⁾ (Feed and food)	ex 2817 00 00; ex 2820 90 10; ex 2820 90 90; ex 2821 10 00; ex 2825 50 00; ex 2833 25 00; ex 2833 29 20; ex 2833 29 80; ex 2836 99 11; ex 2836 99 17	China	Cadmium and lead	10
Mangoes (Food – fresh or chilled)	ex 0804 50 00	Dominican Republic	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽³⁾	10
— Yardlong beans (<i>Vigna sesquipedalis</i>)	ex 0708 20 00; ex 0710 22 00	Dominican Republic	Pesticide residues analysed with Multi-residue methods based on GC-MS and LC-MS or with Single residue methods ⁽³⁾	50
— Bitter melon (<i>Momordica charantia</i>)	ex 0709 90 90; ex 0710 80 95			
— Lauki (<i>Lagenaria siceraria</i>)	ex 0709 90 90; ex 0710 80 95			
— Peppers	0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59			

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Aubergines (Food – fresh, chilled or frozen vegetables)	0709 30 00; ex 0710 80 95			
— Oranges (fresh or dried)	0805 10 20; 0805 10 80	Egypt	Pesticide residues analysed with Multi- residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁷⁾	10
— Peaches	0809 30 90			
— Pomegranates	ex 0810 90 95			
— Strawberries	0810 10 00			
— Green beans	ex 0708 20 00			
(Food – fresh fruits and vegetables)				
— Groundnuts (peanuts), in shell	1202 10 90	Ghana	Aflatoxins	50
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
(Feed and Food)				
Curry leaves (<i>Bergera/ Murraya koenigii</i>) (Food – fresh herbs)	ex 1211 90 85	India	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁷⁾	10
— Chilli (<i>Capsicum annuum</i>), whole	ex 0904 20 10	India	Aflatoxins	50
— Chilli (<i>Capsicum annu- um</i>), crushed or ground	ex 0904 20 90			
— Chilli products (curry)	0910 91 05			
— Nutmeg (<i>Myristica frag- rans</i>)	0908 10 00			
— Mace (<i>Myristica frag- rans</i>)	0908 20 00			
— Ginger (<i>Zingiber offici- nale</i>)	0910 10 00			
— Curcuma longa (<i>tur- meric</i>)	0910 30 00			
(Food – dried spices)				
— Groundnuts (peanuts), in shell	1202 10 90	India	Aflatoxins	20
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	2008 11 91; 2008 11 96; 2008 11 98			
Watermelon (<i>egusi</i> , <i>Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 99 97; ex 1106 30 90; ex 2008 99 99;	Nigeria	Aflatoxins	50
Basmati rice for direct human consumption (Food — milled rice)	ex 1006 30	Pakistan	Aflatoxins	20
— Chilli (<i>Capsicum annu- um</i>), whole — Chilli (<i>Capsicum annu- um</i>), crushed or ground (Food — dried spice)	ex 0904 20 10 ex 0904 20 90	Peru	Aflatoxins and Ochratoxin A	10
— Coriander leaves — Basil (holy, sweet) — Mint (Food — fresh herbs)	ex 0709 90 90 ex 1211 90 85 ex 1211 90 85	Thailand	Salmonella ⁽⁶⁾	10
— Coriander leaves — Basil (holy, sweet) (Food — fresh herbs)	ex 0709 90 90 ex 1211 90 85	Thailand	Pesticide residues analysed with Multi- residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁴⁾	20
— Yardlong beans (<i>Vigna sesquipedalis</i>) — Aubergines — Brassica vegetables (Food — fresh, chilled or frozen vegetables)	ex 0708 20 00; ex 0710 22 00 0709 30 00; ex 0710 80 95 0704; ex 0710 80 95	Thailand	Pesticide residues analysed with Multi- residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁴⁾	50
— Peppers — Courgettes — Tomatoes (Food — fresh, chilled or frozen vegetables)	0709 60 10; 0709 60 99; 0710 80 51; 0710 80 59 0709 90 70; ex 0710 80 95 0702 00 00; 0710 80 70	Turkey	Pesticide residues analysed with Multi- residue methods based on GC-MS and LC-MS or with Single residue methods ⁽⁸⁾	10
Pears (Food)	0808 20 10; 0808 20 50	Turkey	Pesticide: amitraz	10

Feed and food (intended use)	CN code ⁽¹⁾	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (Food)	0806 20	Uzbekistan	Ochratoxin A	50
— Groundnuts (peanuts), in shell	1202 10 90	Vietnam	Aflatoxins	10
— Groundnuts (peanuts), shelled	1202 20 00			
— Peanut butter	2008 11 10			
— Groundnuts (peanuts), otherwise prepared or preserved	2008 11 91; 2008 11 96; 2008 11 98			
(Feed and food)				
— Chilli (<i>Capsicum annu- um</i>), crushed or ground	ex 0904 20 90	All third countries	Sudan dyes	20
— Chilli products (curry)	0910 91 05			
— Curcuma longa (<i>tur- meric</i>)	0910 30 00			
(Food – dried spices)				
— Red palm oil	ex 1511 10 90			
(Food)				

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked "ex" (for example, ex 1006 30: only Basmati rice for direct human consumption is included).

⁽²⁾ The trace elements referred to in this entry are the trace elements belonging to the functional group of compounds of trace elements referred to in point 3(b) of Annex I to Regulation (EC) No 1831/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 29). They should be subject to the increased controls provided for in this Regulation also when imported to be used in food.

⁽³⁾ In particular residues of: Amitraz, Acephate, Aldicarb, Benomyl, Carbendazim, Chlorfenapyr, Chlorpyrifos, CS2 (Dithiocarbamates), Diafenthiuron, Diazinon, Dichlorvos, Dicofof, Dimethoate, Endosulfan, Fenamidone, Imidacloprid, Malathion, Methamidophos, Methiocarb, Methomyl, Monocrotophos, Omethoate, Oxamyl, Profenofos, Propiconazole, Thiabendazol, and Thiachloprid.

⁽⁴⁾ In particular residues of: Acephate, Carbaryl, Carbendazim, Carbofuran, Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate, Ethion, Malathion, Metalaxyl, Methamidophos, Methomyl, Monocrotophos, Omethoate, Prophenophos, Prothiophos, Quinalphos, Triadimefon, Triazophos, Dicrotophos, EPN, and Triforine.

⁽⁵⁾ In particular residues of: Triazophos, Oxydemeton-methyl, Chlorpyrifos, Acetamiprid, Thiamethoxam, Clothianidin, Methamidophos, Acephate, Propargite, and Monocrotophos.

⁽⁶⁾ Reference method EN/ISO 6579.

⁽⁷⁾ In particular residues of: Carbendazim, Cyfluthrin, Cyprodinil, Diazinon, Dimethoate, Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb, Methomyl, Omethoate, Oxamyl, Phenthoate, and Thiophanate-methyl.

⁽⁸⁾ In particular residues of: Methomyl and Oxamyl.

B. Definitions

For the purposes of this Annex, "Sudan dyes" refers to the following chemical substances:

- (i) Sudan I (CAS Number 842-07-9);
- (ii) Sudan II (CAS Number 3118-97-6);
- (iii) Sudan III (CAS Number 85-86-9);
- (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).'

COMMISSION REGULATION (EU) No 1100/2010**of 26 November 2010****derogating from Regulation (EC) No 891/2009, as regards import duties for the CXL concessions sugar with order numbers 09.4317, 09.4318, 09.4319 and 09.4320, during the 2010/2011 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⁾, and in particular Articles 144(1) and 187, in conjunction with Article 4 thereof,

Whereas:

(1) The world market prices for raw cane sugar have been at a constant high level since the beginning of the 2010/2011 marketing year. Forecasts of world market prices based on the New York's sugar futures exchange market for the terms of March, May and July 2011 further indicate a constant high world market price.

(2) The forecasted EU sugar balance for the 2010/2011 marketing year identifies a negative difference of 0,2 million tonnes between utilisation and what should have been available. The cumulated negative difference between availability and utilisation over the last two marketing years, which is estimated at 0,6 million tonnes, would result in the lowest level of ending stocks since the implementation of the 2006 reform. Any further shortfall of imports threatens to disrupt the availability of supply of the European Union's sugar market and increase EU internal sugar market price.

(3) Pursuant to Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector ⁽²⁾, imports for CXL concessions sugar with order numbers 09.4317, 09.4318, 09.4319 and 09.4320 shall be subject to an in-quota rate of 98 EUR per tonne. Given the high level of world market prices

for raw cane sugar, importing raw cane sugar for refining at an in-quota rate of 98 EUR per tonne is becoming uneconomical and risks disrupting the availability of supply on the European market.

(4) Considering that the situation is likely to continue, the in-quota rate of 98 EUR per tonne should be suspended for the remaining period of the 2010/2011 marketing year. It is accordingly appropriate to provide for the possibility for all interested operators to apply for licenses for the CXL concession at zero rate of import duties from 1 December 2010 until 31 August 2011.

(5) Import licences, which were issued before 1 December 2010 for the CXL quotas, should remain valid under the conditions applicable during the application period. However, to protect their legitimate expectations, the concerned operators should have the possibility to return unused or partly used import licences to the competent authority without incurring the penalty provided for in Article 15(1) of Regulation (EC) No 891/2009.

(6) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 3(1) and the second paragraph of Article 10 of Regulation (EC) No 891/2009, the import duty for CXL concessions sugar with order numbers 09.4317, 09.4318, 09.4319 and 09.4320 shall be reduced to zero until 31 August 2011.

2. Licenses for the CXL concession sugar, that were issued before 1 December 2010 may continue to be used under the conditions valid at the time those licenses had been applied for. Alternatively, they may be returned, in which case the penalty provided in Article 15(1) of Regulation (EC) No 891/2009 shall not apply.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 254, 26.9.2009, p. 82.

Article 2

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

It shall apply from 1 December 2010.

This Regulation shall expire on 31 August 2011.

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

Done at Brussels, 26 November 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 1101/2010**of 26 November 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 27 November 2010.

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

Done at Brussels, 26 November 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	AL	62,4
	MA	76,6
	MK	45,6
	TR	68,6
	ZZ	63,3
0707 00 05	EG	140,2
	TR	85,3
	ZZ	112,8
0709 90 70	MA	71,3
	TR	150,7
	ZZ	111,0
0805 20 10	MA	64,3
	ZZ	64,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	60,9
	IL	71,9
	MA	61,9
	TR	60,6
	UY	58,6
	ZZ	62,8
0805 50 10	AR	63,9
	MA	68,0
	TR	56,9
	UY	57,1
	ZA	51,7
	ZZ	59,5
0808 10 80	AR	74,9
	AU	167,9
	BR	50,3
	CA	113,1
	CL	84,2
	CN	82,6
	CO	50,3
	MK	24,7
	NZ	137,9
	US	89,7
	ZA	114,5
	ZZ	90,0
0808 20 50	CL	78,3
	CN	85,8
	ZZ	82,1

⁽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 1102/2010**of 26 November 2010****on selling prices for cereals in response to the first individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010**

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 43(f), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 1017/2010 ⁽²⁾ has opened the sales of cereals by tendering procedures, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾.
- (2) In accordance with Article 46(1) of Regulation (EU) No 1272/2009 and Article 4 of Regulation (EU) No 1017/2010, in the light of the tenders received in response to individual invitations to tender, the Commission has to fix for each cereal and per Member State a minimum selling price or to decide not to fix a minimum selling price.
- (3) On the basis of the tenders received for the first individual invitations to tender, it has been decided that a

minimum selling price should be fixed for certain cereals and for certain Member States and no minimum selling price should be fixed for other cereals and other Member States.

- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) 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 the first individual invitations to tender for selling of cereals within the tendering procedures opened by Regulation (EU) No 1017/2010, in respect of which the time limit for the submission of tenders expired on 24 November 2010, the decisions on the selling price per cereal and Member State are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 26 November 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 293, 11.11.2010, p. 41.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

ANNEX

Decisions on sales

(EUR/tonne)

Member State	The minimum selling price		
	Common wheat	Barley	Maize
	CN code 1001 90	CN code 1003 00	CN code 1005 90 00
Belgique/België	X	X	X
Bulgaria	X	X	X
Česká republika	209	—	X
Danmark	X	—	X
Deutschland	X	179	X
Eesti	X	171,5	X
Éire/Ireland	X	X	X
Elláda	X	X	X
España	X	X	X
France	X	—	X
Italia	X	X	X
Kýpros	X	X	X
Latvija	X	X	X
Lietuva	X	172,2	X
Luxembourg	X	X	X
Magyarország	222,83	—	X
Malta	X	X	X
Nederland	X	X	X
Österreich	X	179,65	X
Polska	X	X	X
Portugal	X	X	X
România	X	X	X
Slovenija	X	X	X
Slovensko	X	175	X
Suomi/Finland	183	173	X
Sverige	X	175,5	X
United Kingdom	X	178,25	X

(—) no minimum selling price fixed (all offers rejected)

(°) no offers

(X) no cereals available for sales

#) not applicable

DECISIONS

COMMISSION DECISION

of 26 November 2010

declining the solution proposed by Austria under Article 10 of Council Regulation (EEC, Euratom) No 1553/89 relating to the calculation of the private use component of a compensation to the VAT own resources base resulting from the restriction of the right to deduct VAT under Article 176 of Council Directive 2006/112/EC

*(notified under document C(2010) 8206)***(Only the German text is authentic)***(2010/719/EU, Euratom)*

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular Article 10(2) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

(1) The compensation to the VAT resources base is based on Article 6(4) of Regulation (EEC, Euratom) No 1553/89, which provides that where a Member State restricts or excludes, on the basis of Article 176 of Council Directive 2006/112/EC of 28 November 2006 on the Common system of value added tax ⁽²⁾, the right to deduct input VAT, then the VAT own resources base may be determined as if the right of deduction had not been restricted. This applies only in respect of the purchase of petroleum products and passenger cars used for business purposes, and of expenditure relating to the lease, hire, maintenance and repair of such cars. Austria proposed a solution for the calculation of the private use component of such a compensation to the harmonised VAT own resources base.

(2) Pursuant to Article 13(3) of Regulation (EEC, Euratom) No 1553/89, the solution proposed by Austria was examined by the Advisory Committee on Own

Resources at its meeting on 26 October 2010. The examination of the methodology revealed a difference of opinion in the Committee. A draft decision declining the solution presented by Austria was submitted to the Advisory Committee on Own Resources which delivered a positive opinion on 26 October 2010.

(3) When calculating private use, in the absence of actual data, alternative methods can be used. To guarantee that these methods contribute to uniformity in the calculation of the compensation they should be based on generally accepted assumptions.

(4) Austria requires taxable persons to administer actual data about the private use of business cars. However, for reasons of administrative simplicity, Austria has proposed a solution for the calculation of private use incorporating general statistical data combined with value depreciation amounts, not devised for determining private use as such. Since the proposed solution results in a private use element significantly lower than the proportion used by other Member States, it is contradictory to the required uniformity in the calculation of the compensation. The solution proposed by Austria concerning the calculation of the private use proportion of cars acquired by businesses needs therefore to be declined,

HAS ADOPTED THIS DECISION:

Article 1

The solution proposed by Austria concerning the calculation of the private use proportion of cars acquired by businesses is declined.

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.

⁽²⁾ OJ L 347, 11.12.2006, p. 1.

Article 2

This Decision is addressed to Austria.

Done at Brussels, 26 November 2010.

For the Commission

Janusz LEWANDOWSKI

Member of the Commission

COMMISSION DECISION**of 26 November 2010****authorising Portugal to use data relating to years earlier than the last year but one in order to calculate the VAT own resources base***(notified under document C(2010) 8209)***(Only the Portuguese text is authentic)***(2010/720/EU, Euratom)*

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular the second subparagraph of Article 4(4) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Portugal has requested authorisation from the Commission to use national accounts for years earlier than the last year but one in order to calculate the VAT own resources base for the financial year 2009.
- (2) For the purposes of the breakdown of transactions by statistical category provided for in Article 4(4) of Regulation (EEC, Euratom) No 1553/89, Portugal is unable to use national accounts relating to the last year but one before the financial year for which VAT resources base is

to be calculated, since only the national accounts relating to 2006 are sufficiently detailed to enable the weighted average rate to be calculated for the financial year 2009. Portugal should therefore be authorised to use national accounts relating to 2006 in order to calculate the weighted average rate for the financial year 2009,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of the breakdown of transactions by statistical category, Portugal is authorised to use data taken from the national accounts relating to 2006 in order to calculate the VAT own resources base for the financial year 2009.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 26 November 2010.

For the Commission

Janusz LEWANDOWSKI

Member of the Commission

⁽¹⁾ OJ L 155, 7.6.1989, p. 9.

COMMISSION DECISION**of 26 November 2010****on the clearance of the accounts of certain paying agencies in France concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2008 financial year***(notified under document C(2010) 8220)***(Only the French text is authentic)**

(2010/721/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 30 and 33 thereof,

After consulting the Fund Committee,

Whereas:

- (1) Commission Decisions 2009/373/EC ⁽²⁾ and 2010/59/EU ⁽³⁾ cleared, for the 2008 financial year, the accounts of all the paying agencies except for the German paying agency 'Bayern', the Greek paying agency 'OPEKEPE', the French paying agency 'ODARC' and the Italian paying agency 'ARBEA'.
- (2) Following the transmission of new information and after additional checks, the Commission can now take a decision concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) on the integrality, accuracy and veracity of the accounts submitted by the French paying agency 'ODARC'.
- (3) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions

taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the French paying agency 'ODARC' concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD), in respect of the 2008 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, including those resulting from the application of Article 33(8) of Regulation (EC) No 1290/2005, are set out in Annex.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 26 November 2010.

For the Commission

Dacian CIOLOȘ

Member of the Commission⁽¹⁾ OJ L 209, 11.8.2005, p. 1.⁽²⁾ OJ L 116, 9.5.2009, p. 21.⁽³⁾ OJ L 34, 5.2.2010, p. 26.

ANNEX

**CLEARANCE OF DISJOINED EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME AND MEASURE FOR
FINANCIAL YEAR 2008**

Amount to be recovered from or paid to the Member State per programme

(EUR)

CCI	Expenditure 2008	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2008	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State in the next declaration
FR: 2007FR06RPO002	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
112	44 000,00	0,00	44 000,00	0,00	44 000,00	44 000,00	0,00
121	10 111,85	0,00	10 111,85	0,00	10 111,85	10 111,85	0,00
211	6 318 422,42	0,00	6 318 422,42	0,00	6 318 422,42	6 318 422,42	0,00
214	981 609,91	0,00	981 609,91	0,00	981 609,91	978 103,25	3 506,66
Total	7 354 144,18	0,00	7 354 144,18	0,00	7 354 144,18	7 350 637,52	3 506,66

COMMISSION DECISION

of 26 November 2010

on the clearance of the accounts of certain paying agencies in Germany and Spain concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2009 financial year

*(notified under document C(2010) 8223)***(Only the German and Spanish texts are authentic)**

(2010/722/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 30 and 33 thereof,

After consulting the Fund Committee,

Whereas:

- (1) Commission Decision 2010/263/EU ⁽²⁾ cleared for the 2009 financial year the accounts of all the paying agencies, except for the German paying agencies 'Baden-Württemberg', 'Bayern', 'Hessen', 'Rheinland-Pfalz', 'Thüringen', 'IBH' and 'Helaba', the Spanish paying agencies 'Andalucia' and 'Asturias', the Italian paying agency 'ARBEA', and the Romanian paying agency 'PARDF'.
- (2) Following the transmission of new information and after additional checks, the Commission can now take a decision concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) on the integrality, accuracy and veracity of the accounts submitted by the German paying agencies 'Baden-Württemberg', 'Hessen', 'IBH', 'Helaba' and 'Thüringen', and the Spanish paying agencies 'Andalucia' and 'Asturias'.

- (3) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the German paying agencies 'Baden-Württemberg', 'Hessen', 'IBH', 'Helaba' and 'Thüringen', and the Spanish paying agencies 'Andalucia' and 'Asturias' concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD), in respect of the 2009 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, including those resulting from the application of Article 33(8) of Regulation (EC) No 1290/2005, are set out in Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany and the Kingdom of Spain.

Done at Brussels, 26 November 2010.

For the Commission

Dacian CIOLOȘ

Member of the Commission

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 113, 6.5.2010, p. 14.

ANNEX

**CLEARANCE OF DISJOINED EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME AND MEASURE FOR
FINANCIAL YEAR 2009**

Amount to be recovered from or paid to the Member State per programme

(EUR)

CCI	Expenditure 2009	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2009	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State in the next declaration
DE: 2007DE06RPO003	i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
114	42 788,89	0,00	42 788,89	0,00	42 788,89	42 788,88	0,01
121	9 408 071,15	0,00	9 408 071,15	0,00	9 408 071,15	9 408 071,14	0,01
123	3 398 353,10	0,00	3 398 353,10	0,00	3 398 353,10	3 398 353,10	0,00
125	4 271 671,28	0,00	4 271 671,28	0,00	4 271 671,28	4 271 671,27	0,01
211	5 191 035,83	0,00	5 191 035,83	0,00	5 191 035,83	5 191 035,83	0,00
212	11 432 574,31	0,00	11 432 574,31	0,00	11 432 574,31	11 432 573,79	0,52
213	32 477,37	0,00	32 477,37	0,00	32 477,37	32 477,37	0,00
214	37 576 392,38	0,00	37 576 392,38	0,00	37 576 392,38	37 577 252,41	- 860,03
221	997,05	0,00	997,05	0,00	997,05	997,05	0,00
224	284 637,39	0,00	284 637,39	0,00	284 637,39	284 637,39	0,00
225	1 094 034,14	0,00	1 094 034,14	0,00	1 094 034,14	1 094 157,10	- 122,96
227	386 389,96	0,00	386 389,96	0,00	386 389,96	386 389,96	0,00
311	1 589 904,79	0,00	1 589 904,79	0,00	1 589 904,79	1 589 904,78	0,01
312	30 626,80	0,00	30 626,80	0,00	30 626,80	30 626,80	0,00
313	263 757,83	0,00	263 757,83	0,00	263 757,83	263 757,83	0,00
323	4 785 556,40	0,00	4 785 556,40	0,00	4 785 556,40	4 681 650,28	103 906,12
331	148 195,46	0,00	148 195,46	0,00	148 195,46	148 195,45	0,01
341	733 316,92	0,00	733 316,92	0,00	733 316,92	733 316,91	0,01
413	47 261,93	0,00	47 261,93	0,00	47 261,93	47 261,92	0,01
511	1 324 948,08	0,00	1 324 948,08	0,00	1 324 948,08	1 324 948,07	0,01
Total	82 042 991,06	0,00	82 042 991,06	0,00	82 042 991,06	81 940 067,33	102 923,73

(EUR)

CCI	Expenditure 2009	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2009	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State in the next declaration
DE: 2007DE06RPO010	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
121	5 903 008,83	0,00	5 903 008,83	0,00	5 903 008,83	5 903 010,64	– 1,81
123	254 179,00	0,00	254 179,00	0,00	254 179,00	254 179,00	0,00
125	1 194 378,41	0,00	1 194 378,41	0,00	1 194 378,41	1 194 378,53	– 0,12
212	10 738 675,14	0,00	10 738 675,14	0,00	10 738 675,14	10 736 716,41	1 958,73
214	11 139 893,88	0,00	11 139 893,88	0,00	11 139 893,88	11 135 531,55	4 362,33
227	1 254 764,20	0,00	1 254 764,20	0,00	1 254 764,20	1 254 764,46	– 0,26
311	230 760,90	0,00	230 760,90	0,00	230 760,90	230 760,92	– 0,02
312	46 477,00	0,00	46 477,00	0,00	46 477,00	46 477,00	0,00
313	41 065,00	0,00	41 065,00	0,00	41 065,00	41 065,00	0,00
321	40 941,00	0,00	40 941,00	0,00	40 941,00	40 941,00	0,00
322	1 271 621,00	0,00	1 271 621,00	0,00	1 271 621,00	1 271 621,00	0,00
323	71 823,00	0,00	71 823,00	0,00	71 823,00	71 823,00	0,00
341	2 400,00	0,00	2 400,00	0,00	2 400,00	2 400,00	0,00
413	743 967,00	0,00	743 967,00	0,00	743 967,00	743 967,50	– 0,50
431	184 676,00	0,00	184 676,00	0,00	184 676,00	184 676,00	0,00
511	200 206,02	0,00	200 206,02	0,00	130 395,72	200 206,03	– 69 810,31
Total	33 318 836,38	0,00	33 318 836,38	0,00	33 318 836,38	33 312 518,04	6 318,34
DE: 2007DE06RPO023	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
111	436 988,24	0,00	436 988,24	0,00	436 988,24	436 988,24	0,00
114	87 377,25	0,00	87 377,25	0,00	87 377,25	87 377,25	0,00
121	5 830 296,65	0,00	5 830 296,65	0,00	5 830 296,65	5 830 296,64	0,01
123	1 841 508,62	0,00	1 841 508,62	0,00	1 841 508,62	1 841 508,61	0,01

(EUR)							
CCI	Expenditure 2009	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2009	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State in the next declaration
DE: 2007DE06RPO023	i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
125	6 419 767,85	0,00	6 419 767,85	0,00	6 419 767,85	6 419 767,85	0,00
126	1 678 178,63	0,00	1 678 178,63	0,00	1 678 178,63	1 678 178,63	0,00
212	15 310 072,86	0,00	15 310 072,86	0,00	15 310 072,86	15 310 072,85	0,01
214	18 704 629,38	0,00	18 704 629,38	0,00	18 704 629,38	18 704 629,37	0,01
221	721 124,67	0,00	721 124,67	0,00	721 124,67	721 124,67	0,00
227	2 266 339,56	0,00	2 266 339,56	0,00	2 266 339,56	2 266 339,57	- 0,01
311	1 358 229,41	0,00	1 358 229,41	0,00	1 358 229,41	1 358 229,41	0,00
313	205 622,04	0,00	205 622,04	0,00	205 622,04	205 622,04	0,00
321	4 064 300,00	0,00	4 064 300,00	0,00	4 064 300,00	4 064 300,00	0,00
322	6 547 891,93	0,00	6 547 891,93	0,00	6 547 891,93	6 547 891,93	0,00
323	953 717,71	0,00	953 717,71	0,00	953 717,71	953 717,70	0,01
331	1 111,50	0,00	1 111,50	0,00	1 111,50	1 111,50	0,00
341	34 770,11	0,00	34 770,11	0,00	34 770,11	34 770,11	0,00
411	1 530 160,00	0,00	1 530 160,00	0,00	1 530 160,00	1 530 160,00	0,00
413	2 822 171,91	0,00	2 822 171,91	0,00	2 822 171,91	2 822 171,91	0,00
431	791 769,18	0,00	791 769,18	0,00	791 769,18	791 769,18	0,00
511	1 515 573,70	0,00	1 515 573,70	0,00	1 515 573,70	1 515 573,69	0,01
Total	73 121 601,20	0,00	73 121 601,20	0,00	73 121 601,20	73 121 601,15	0,05
ES: 2007ES06RPO001	i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
112	430 020,11	0,00	430 020,11	0,00	430 020,11	430 020,09	0,02
113	379 771,01	0,00	379 771,01	0,00	379 771,01	379 771,79	- 0,78
121	1 947 755,93	0,00	1 947 755,93	0,00	1 947 755,93	1 947 755,88	0,05
123	2 214 238,82	0,00	2 214 238,82	0,00	2 214 238,82	2 214 238,82	0,00
125	4 318 218,57	0,00	4 318 218,57	0,00	4 318 218,57	4 318 218,55	0,02

(EUR)

CCI	Expenditure 2009	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2009	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State in the next declaration
ES: 2007ES06RPO001	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
132	2 275 057,77	0,00	2 275 057,77	0,00	2 275 057,77	2 275 057,71	0,06
133	333 590,00	0,00	333 590,00	0,00	333 590,00	333 590,01	– 0,01
211	9 543 191,93	0,00	9 543 191,93	0,00	9 543 191,93	9 543 206,61	– 14,68
212	3 707 946,19	0,00	3 707 946,19	0,00	3 707 946,19	3 707 951,22	– 5,03
214	46 444 177,05	0,00	46 444 177,05	0,00	46 444 177,05	46 444 167,44	9,61
221	13 026 236,41	0,00	13 026 236,41	0,00	13 026 236,41	13 026 231,88	4,53
511	201 308,14	0,00	201 308,14	0,00	201 308,14	201 308,13	0,01
Total	84 821 511,93	0,00	84 821 511,93	0,00	84 821 511,93	84 821 518,13	– 6,20
ES: 2007ES06RPO003	i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
113	12 149 430,02	0,00	12 149 430,02	0,00	12 149 430,02	12 149 387,22	42,80
122	549 228,56	0,00	549 228,56	0,00	549 228,56	549 228,48	0,08
123	5 023 729,94	0,00	5 023 729,94	0,00	5 023 729,94	5 023 729,77	0,17
125	2 104 510,51	0,00	2 104 510,51	0,00	2 104 510,51	2 104 510,50	0,01
211	6 745 526,78	0,00	6 745 526,78	0,00	6 745 526,78	6 745 521,06	5,72
212	101 797,64	0,00	101 797,64	0,00	101 797,64	101 797,49	0,15
213	637 059,69	0,00	637 059,69	0,00	637 059,69	637 058,09	1,60
214	4 593 774,02	0,00	4 593 774,02	0,00	4 593 774,02	4 593 773,91	0,11
223	1 120 606,68	0,00	1 120 606,68	0,00	1 120 606,68	1 120 606,65	0,03
226	2 819 297,06	0,00	2 819 297,06	0,00	2 819 297,06	2 819 297,02	0,04
227	522 693,17	0,00	522 693,17	0,00	522 693,17	522 693,14	0,03
Total	36 367 654,07	0,00	36 367 654,07	0,00	36 367 654,07	36 367 603,33	50,74

COMMISSION DECISION

of 26 November 2010

extending the period of validity of Decision 2005/359/EC providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America

*(notified under document C(2010) 8229)**(2010/723/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) Under Directive 2000/29/EC, oak (*Quercus* L.) logs with bark attached (hereinafter: 'the logs'), originating in the United States, may, in principle, not be introduced into the Union because of the risk of introducing *Ceratocystis fagacearum* (Bretz) Hunt, the cause of oak wilt.
- (2) Commission Decision 2005/359/EC ⁽²⁾ authorises Member States to provide for derogations from Article 5(1) of Directive 2000/29/EC and from the third indent of Article 13(1)(i) of that Directive with regard to Annex IV(A)(I)(3) to that Directive in respect of logs originating in the United States subject to specific conditions. That Decision will expire on 31 December 2010.
- (3) Since the circumstances justifying that authorisation still apply and there is no new information giving cause for revision of the specific conditions, the authorisation should be extended.
- (4) Based on the experience gained with the application of Decision 2005/359/EC, it is appropriate to extend the authorisation for 10 years.
- (5) Member States making use of the derogation should report to the Commission and the other Member States

on its operation on an annual basis, thus allowing the Standing Committee on Plant Health to review the correct implementation of this Decision.

- (6) Decision 2005/359/EC should therefore be amended accordingly.
- (7) 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

In Decision 2005/359/EC, Articles 10 and 11 are replaced by the following:

'Article 10

Member States which have made use of the derogation provided for in Article 1 shall report to the Commission and the other Member States on its operation by 30 June of each year for the preceding period between 1 May and 30 April.

The report shall include details of quantities imported.

Article 11

The Decision shall expire on 31 December 2020.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 November 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 114, 4.5.2005, p. 14.

COMMISSION DECISION

of 26 November 2010

on the position of the European Union on the amendment to Annex 6 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2010/724/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision 2002/309/EC, Euratom of the Council and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven agreements with the Swiss Confederation⁽¹⁾, and in particular the second subparagraph of Article 5(2) thereof,

Whereas:

(1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽²⁾ (hereinafter referred to as the 'Agriculture Agreement') entered into force on 1 June 2002.

(2) Article 6 of the Agriculture Agreement sets up a Joint Committee on Agriculture responsible for administering the Agriculture Agreement and ensuring that it operates smoothly.

(3) Article 11 of the Agriculture Agreement allows the Joint Committee to amend the Annexes and Appendices to the Annexes to the Agreement by means of a decision.

(4) The Joint Committee has recently decided to amend Articles 2 and 3 and Appendices 1, 2, 3 and 4 to Annex 6 of the Agriculture Agreement.

(5) Article 5(2) of Decision 2002/309/EC provides that in adopting the Union position on a decision of the Joint Committee to amend Annex 6 of the Agricultural Agreement, the Commission shall follow the procedure

laid down in Articles 4 and 7 of Council Decision 1999/468/EC⁽³⁾. It is to be assisted by the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry set up by Article 1 of Council Decision 66/399/EEC⁽⁴⁾.

(6) The position of the European Union to be taken by the Commission in the Joint Committee on Agriculture regarding the amendments to Annex 6 of the Agriculture Agreement must be defined by this Decision.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS DECIDED AS FOLLOWS:

Article 1

The position of the European Union to be adopted by the Commission in the Joint Committee on Agriculture set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be based on the draft Decision of the Joint Committee on Agriculture annexed to this Decision.

Article 2

The decision of the Joint Committee on Agriculture shall be published in the *Official Journal of the European Union* after adoption.

Done at Brussels, 26 November 2010.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

⁽²⁾ OJ L 114, 30.4.2002, p. 132.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 125, 11.7.1966, p. 2289/66.

ANNEX

Proposal for

DECISION No .../2010 OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

of ...

concerning the amendments to Annex 6

(…/…/…)

THE JOINT COMMITTEE ON AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

(1) The Agreement entered into force on 1 June 2002.

(2) Annex 6 concerns seeds and propagating material of agricultural, vegetable, fruit and ornamental plant species and of vines. The said Annex 6 is supplemented by four appendices.

(3) The appendices to Annex 6 were replaced for the first time by Decision No 4/2004 of the Joint Committee on Agriculture, attached to Commission Decision 2004/660/EC ⁽¹⁾.

(4) Appendix 1, section 1, defines the legislation of both parties and recognises that the requirements laid down in those legislations have the same effects.

(5) Appendix 2 lists seed inspection and certification bodies of the Parties.

(6) Appendix 3 lists the derogations authorised by the European Union and by Switzerland.

(7) Appendix 4 lists the third countries recognised by both parties from which the seed may be imported. Furthermore it defines the species concerned and the scope of recognition.

(8) The Parties have considered that a simplification of Appendix 2 listing the bodies mentioned in Article 2(3) and Article 3(1) had to be achieved.

(9) The Parties have considered that their respective legislative provisions on vine propagating material are achieving the same effects.

(10) The Parties have committed themselves to ensure that the border checks for the seeds of the species for which the Parties have recognised the conformity of their legislation, listed in Appendix 1, section 1, are to be abolished.

(11) Since the entry into force on 1 July 2004, of the above Decision No 4, the legislative provisions of the Parties listed in Appendices 1, 3 and 4 have been amended in areas which affect the Agreement.

(12) Following the enlargement of the European Union, the lists of third countries recognised by both parties must be amended.

(13) Articles 2 and 3 and Appendices 1, 2, 3 and 4 to Annex 6 should therefore be amended to take into account these various changes,

HAS DECIDED AS FOLLOWS:

Article 1

Article 2(3) is replaced by the following:

‘3. The national authorities responsible for the implementation of the legislation shall be listed in Appendix 2. A list of the bodies responsible for conformity checks, as regularly updated, can be obtained from the Authorities listed in Appendix 2.’

Article 2

Article 3(1) is replaced by the following:

‘1. Each Party shall recognise, as regards seeds of the species covered by the legislation listed in section 2 of Appendix 1, certificates as defined in paragraph 2 that have been drawn up in accordance with the legislation of the other by the bodies mentioned in Article 2(3).’

Article 3

The Appendices to Annex 6 to the Agreement are hereby replaced by the texts of Appendices annexed to this Decision.

⁽¹⁾ OJ L 301, 28.9.2004, p. 55.

Article 4

This Decision shall enter into force on 1 January 2011.

Done at Brussels, ...

For the Joint Committee on Agriculture

*The President and Head of the Delegation
of the European Union*

Paul VAN GELDORP

The Head of the Swiss Delegation

Jacques CHAVAZ

The Secretary of the Committee

Malgorzata SLIWINSKA-KLENNER

*Appendix 1***LEGISLATION ⁽¹⁾****Section 1 (recognition of the conformity of legislation)****A. PROVISIONS OF THE UNION****1. Legislative acts**

Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298/66).

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ 125, 11.7.1966, p. 2309/66).

Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L 93, 17.4.1968, p. 15).

Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12).

Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60).

Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74).

2. Non-legislative acts

Commission Decision 80/755/EEC of 17 July 1980 authorising the indelible printing of prescribed information on packages of cereal seed (OJ L 207, 9.8.1980, p. 37).

Commission Decision 81/675/EEC of 28 July 1981 establishing that particular sealing systems are 'non-reusable systems' within the meaning of Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC (OJ L 246, 29.8.1981, p. 26).

Commission Directive 93/17/EEC of 30 March 1993 determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades (OJ L 106, 30.4.1993, p. 7).

Commission Decision 97/125/EC of 24 January 1997 authorising the indelible printing of prescribed information on packages of seed of oil and fibre plants and amending Decision 87/309/EEC authorising the indelible printing of prescribed information on packages of certain fodder plant species (OJ L 48, 19.2.1997, p. 35).

Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries (OJ L 8, 14.1.2003, p. 10).

Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species (OJ L 254, 8.10.2003, p. 7).

Commission Decision 2004/266/EC of 17 March 2004 authorising the indelible printing of prescribed information on packages of seed of fodder plants (OJ L 83, 20.3.2004, p. 23).

⁽¹⁾ Unless indicated otherwise, any reference to an act shall mean that act as amended before 31.7.2010.

Commission Directive 2004/29/EC of 4 March 2004 on determining the characteristics and minimum conditions for inspecting vine varieties (OJ L 71, 10.3.2004, p. 22).

Commission Decision 2004/842/EC of 1 December 2004 concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted (OJ L 362, 9.12.2004, p. 21).

Council Decision 2005/834/EC of 8 November 2005 on the equivalence of checks on practices for the maintenance of varieties carried out in certain third countries and amending Decision 2003/17/EC (OJ L 312, 29.11.2005, p. 51).

Commission Directive 2006/47/EC of 23 May 2006 laying down special conditions concerning the presence of *Avena fatua* in cereal seed (OJ L 136, 24.5.2006, p. 18).

Commission Directive 2008/124/EC of 18 December 2008 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as basic seed or certified seed (OJ L 340, 19.12.2008, p. 73).

Commission Regulation (EC) No 637/2009 of 22 July 2009 establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species (OJ L 191, 23.7.2009, p. 10).

B. SWISS PROVISIONS ⁽¹⁾

Federal Law of 29 April 1998 on agriculture (RS 910.1).

Ordinance of 7 December 1998 on the production and entry into free circulation of plant propagating material (RS 916.151).

DFE Ordinance of 7 December 1998 on seeds and seedlings of species of arable crops and fodder plants (RS 916.151.1).

OFAG Ordinance of 7 December 1998 on the catalogue of varieties of cereals, potatoes, fodder plants, oil and fibre plants and beet (RS 916.151.6).

DFE Ordinance of 2 November 2006 on the production and entry into free circulation of vine propagating material (RS 916.151.3).

Section 2 (mutual recognition of certificates)

A. PROVISIONS OF THE UNION

1. Legislative acts

—

2. Non-legislative acts

—

B. SWISS PROVISIONS

—

C. CERTIFICATES REQUIRED FOR IMPORTS

—

⁽¹⁾ Local varieties authorised for marketing in Switzerland are not covered.

*Appendix 2***AUTHORITIES MENTIONED IN ARTICLE 2 PARAGRAPH 3****A. EUROPEAN UNION****BELGIUM**

Bureau de Coordination Agricole/Landbouwbureau

BCA/LB

Rue du Progrès 50/Vooruitgangstraat 50

City Atrium, 6^{ème} étage/6^{de} verdieping

1210 BRUXELLES/BRUSSEL

e-mail: BCA-LB-COORD@spw.wallonie.be

BULGARIA

Executive Agency of Variety Testing,

Field Inspection and Seed Control

125, Tzarigradsko Shosse Blvd.

1113 Sofia

BULGARIA

Tel. + 359 2 870 03 75

Fax + 359 2 870 65 17

e-mail: iasas@iasas.government.bg

CZECH REPUBLIC

Central Institute for Supervising and Testing in Agriculture (Ústřední kontrolní a zkušební ústav zemědělský)

Division of Seed Materials and Planting Stock (Odbor osiv a sadby)

Za Opravnou 4

CZ-150 06 Praha 5 – Motol

DENMARK

Ministry of Food, Agriculture and Fisheries

Plant Directorate

Skovbrynet 20

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Tel. + 45 45 26 36 00

Fax + 45 45 26 36 10

e-mail: meb@pdir.dk

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Bundessortenamt

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Fax + 49 511 9566-9600

e-mail: BSA@bundessortenamt.de

ESTONIA

Agricultural Board

Teaduse 2

Saku 75501 Harju county

ESTONIA

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GREECE

Ministry of Rural Development and Food

Directorate of Plant Production Inputs

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Athens 10433

Greece

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e-mail: ax2u017@minagric.gr

SPAIN

Oficina Española de Variedades Vegetales

Ministerio de Medio Ambiente y Medio Rural y Marino

c/Alfonso XII, 62

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Fax + 34913476703

FRANCE

GNIS-Service Officiel de Contrôle et de Certification

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Fax + 33 (0) 1 40 28 40 16

IRELAND

Department of Agriculture, Fisheries and Food

Seed Certification Division

Backweston Farm

Leixlip

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Republic of Ireland

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Fax + 353 1 6280634

ITALY

Ente Nazionale Sementi Elette (ENSE),

Via Ugo Bassi

N. 8 20159 MILAN

ITALY

e-mail: aff-gen@ense.it

CYPRUS

Ministry of Agriculture

Natural Resources and Environment,

Department of Agriculture

E-mail address: doagrg@da.moa.gov.cy

Tel. 00357 22 466249

Fax 00357 22 343419

LATVIA

State Plant Protection Service

Seed Control Department

Lielvārdes street 36/38

Riga, LV – 1006

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e-mail: info@vaad.gov.lv

LITHUANIA

Ministry of Agriculture

State Seed and Grain Service

Ozo 4A,

LT-08200 Vilnius

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LUXEMBOURG

Ministère de l'Agriculture

Administration des Services Techniques de l'Agriculture

Service de la Production Végétale

BP 1904

L-1019 Luxembourg

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HUNGARY

Central Agricultural Office

Directorate of Plant Production and Horticulture

1024 Budapest

Keleti Károly u. 24.

HUNGARY

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MALTA

Ministry for Resources and Rural Affairs

Plant Health Department

Seeds and other Propagation Material Unit

National Research and Development Centre

Għammieri, Marsa MRS 3300

MALTA

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Fax + 356 25904120.

e-mail: spmu.mrra@gov.mt

NETHERLANDS

Ministry of Agriculture, Nature and Food Quality

postbox 20401

2500 EK The Hague Netherlands

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Fax + 31 70 3786156

AUSTRIA

Federal Office for Food Safety (Bundesamt für Ernährungssicherheit),

Seed Certification Department

Spargelfeldstraße 191

A-1220 Vienna

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Fax + 43 50555 34808

e-mail: saatgut@baes.gv.at

POLAND

Plant Health and Seed Inspection Service

General Inspectorate

Al. Jana Pawła II 11, 00-828 Warszawa

Tel. 22 652-92-90, 22 620-28-24, 22 620-28-25

Fax 22 654-52-21

e-mail: gi@piorin.gov.pl

PORTUGAL

Direcção-Geral de Agricultura e Desenvolvimento Rural
Direcção de Serviços de Fitossanidade e de Materiais de Propagação de Plantas
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Phone: + 351 21 361 20 00
Fax + 351 21 361 32 77/22

ROMANIA

National Inspection for Quality of Seeds
Ministry of Agriculture and Rural Development
24 Blvd. Carol I, 70044 Bucharest
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Fax + 40 21 3078663
E-mail: incs@madr.ro

SLOVENIA

Ministry for Agriculture,
Forestry and Food
Phytosanitary Administration of the Republic of Slovenia
Einspielerjeva 6
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SLOVAK REPUBLIC

Seed inspection and certification body of the Slovak Republic
Ústredný kontrolný a skúšobný ústav poľnohospodársky v Bratislave (UKSUP),
odbor osív a sadív
Central Controlling and Testing Institute in Agriculture in Bratislava,
Department of Seeds and Planting Materials
Matúškova 21
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FINLAND

Ministry of Agriculture and Forestry
Department of Food and Health
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FINLAND
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Fax + 358-9-1605 3338
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SWEDEN

Swedish Board of Agriculture (Jordbruksverket)

Seed Division

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SWEDEN

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UNITED KINGDOM

Food and Environment Research Agency

Seed Certification Team

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Tel. + 44(0)1223 342379

Fax + 44(0)1223 342386

e-mail: seed.cert@fera.gsi.gov.uk

B. SWITZERLAND

Federal Office for Agriculture FOAG

Certification, Plant Health and Variety Rights Service

CH – 3003 Bern

Tel. (41) 31 322 25 50

Fax (41) 31 322 26 34

Appendix 3

DEROGATIONS**Derogations of the European Union allowed by Switzerland ⁽¹⁾**

- (a) dispensing certain Member States from the obligation to apply Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/54/EC and 2002/57/EC on the marketing of fodder plant, cereal, vine, beet and oil and fibre plant seed to certain species:

- Commission Decision 69/270/EEC (OJ L 220, 1.9.1969, p. 8),
- Commission Decision 69/271/EEC (OJ L 220, 1.9.1969, p. 9),
- Commission Decision 69/272/EEC (OJ L 220, 1.9.1969, p. 10),
- Commission Decision 70/47/EEC (OJ L 13, 19.1.1970, p. 26),
- Commission Decision 70/48/EEC (OJ L 13, 19.1.1970, p. 27),
- Commission Decision 70/49/EEC (OJ L 13, 19.1.1970, p. 28),
- Commission Decision 70/93/EEC (OJ L 25, 2.2.1970, p. 16),
- Commission Decision 70/94/EEC (OJ L 25, 2.2.1970, p. 17),
- Commission Decision 70/481/EEC (OJ L 237, 28.10.1970, p. 29),
- Commission Decision 73/123/EEC (OJ L 145, 2.6.1973, p. 43),
- Commission Decision 74/5/EEC (OJ L 12, 15.1.1974, p. 13),
- Commission Decision 74/360/EEC (OJ L 196, 19.7.1974, p. 18),
- Commission Decision 74/361/EEC (OJ L 196, 19.7.1974, p. 19),
- Commission Decision 74/362/EEC (OJ L 196, 19.7.1974, p. 20),
- Commission Decision 74/491/EEC (OJ L 267, 3.10.1974, p. 18),
- Commission Decision 74/532/EEC (OJ L 299, 7.11.1974, p. 14),
- Commission Decision 80/301/EEC (OJ L 68, 14.3.1980, p. 30),
- Commission Decision 80/512/EEC (OJ L 126, 21.5.1980, p. 15),
- Commission Decision 86/153/EEC (OJ L 115, 3.5.1986, p. 26),
- Commission Decision 89/101/EEC (OJ L 38, 10.2.1989, p. 37),

⁽¹⁾ Unless indicated otherwise, any reference to an act shall mean that act as amended before 31.7.2010.

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- Commission Decision 2005/325/EC (OJ L 109, 29.4.2005, p. 1),
 - Commission Decision 2005/886/EC (OJ L 326, 13.12.2005, p. 39),
 - Commission Decision 2005/931/EC (OJ L 340, 23.12.2005, p. 67),
 - Commission Decision 2008/462/EC (OJ L 160, 19.6.2008, p. 33),
- (b) authorising certain Member States to restrict the marketing of seed of certain varieties (cf. Common catalogue of varieties of agricultural plant species, 28th complete edition, column 4 (OJ C 302 A, 12.12.2009, p. 1);
- (c) authorising certain Member States to adopt more stringent provisions concerning the presence of *Avena fatua* in cereal seed:
- Commission Decision 74/269/EEC (OJ L 141, 24.5.1974, p. 20),
 - Commission Decision 74/531/EEC (OJ L 299, 7.11.1974, p. 13),
 - Commission Decision 95/75/EC (OJ L 60, 18.3.1995, p. 30),
 - Commission Decision 96/334/EC (OJ L 127, 25.5.1996, p. 39),
 - Commission Decision 2005/200/EC (OJ L 70, 16.3.2005, p. 19),
- (d) authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC:
- Commission Decision 2004/3/EC (OJ L 2, 6.1.2004, p. 47),
- (e) authorisation to assess the satisfaction of the varietal purity standards for seed of apomictic uniclinal varieties of *Poa pratensis* also on the basis of the results of seed and seedling testing
- Commission Decision 85/370/EEC (OJ L 209, 6.8.1985, p. 41),
- (f) authorisation to release the United Kingdom from certain obligations to apply Council Directives 66/402/EEC and 2002/57/EC in respect of *Avena strigosa* Schreb.
- Commission Decision 2009/786/EC of 26 October 2009 (OJ L 281, 28.10.2009, p. 5),
- (g) authorisation to release Latvia from certain obligations to apply Council Directives 66/402/EEC and 2002/57/EC in respect of *Avena strigosa* Schreb., *Brassica nigra* (L.) Koch and *Helianthus annuus* L.
- Commission Decision 2010/198/EU of 6 April 2010 (OJ L 87, 7.4.2010, p. 34),
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*Appendix 4***LIST OF THIRD COUNTRIES ⁽¹⁾**

Argentina

Australia

Canada

Chile

Croatia

Israel

Morocco

New Zealand

Serbia and Montenegro

South Africa

Turkey

United States of America

Uruguay

⁽¹⁾ Recognition is based on Council Decision 2003/17/EC (OJ L 8, 14.1.2003, p. 10) for field inspections of seed-producing crops and seeds produced, and on Council Decision 2005/834/EC (OJ L 312, 29.11.2005, p. 51) for checks on practices for the maintenance of varieties. The Agreement on the European Economic Area applies in the case of Norway.

COMMISSION DECISION

of 26 November 2010

amending Annex I to Decision 2006/766/EC as regards the title and the entry for Chile in the list of third countries from which imports of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption are permitted

(notified under document C(2010) 8259)

(Text with EEA relevance)

(2010/725/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) Regulation (EC) No 854/2004 provides that products of animal origin are only to be imported from a third country or part of a third country that appears on a list drawn up in accordance with that Regulation. It also lays down special conditions for the import of bivalve molluscs, tunicates, echinoderms and marine gastropods from third countries.
- (2) Regulation (EC) No 854/2004 provides that a third country shall appear on such lists only if a Union control in that country confirms that the competent authority provides appropriate guarantees as specified in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽²⁾. In particular, Regulation (EC) No 882/2004 provides that third countries are to appear on such lists only if their competent authorities provide appropriate guarantees as regards compliance or equivalence with Union feed and food law and animal health rules.
- (3) Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted ⁽³⁾ lists those third countries which satisfy the criteria referred to in Regulation (EC) No 854/2004 and are therefore able to guarantee that exports of those products to the Union meet the sanitary conditions laid down in Union legislation to protect the health of consumers. In particular, Annex I to that Decision sets out a list of third countries from which imports of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods

for human consumption are permitted. That list also indicates restrictions concerning such imports from certain third countries.

- (4) Chile is currently included in the list in Annex I to Decision 2006/766/EC as a third country from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption are permitted, but such imports are restricted to frozen or processed products.
- (5) Union controls in Chile to evaluate the control system in place governing the production of bivalve molluscs intended for export to the Union, the last of which took place in 2010, together with guarantees provided by the competent authority of Chile, indicate that the conditions applicable in that third country to chilled and eviscerated bivalve molluscs belonging to the family of *Pectinidae* wild or harvested in class A production areas and destined for export to the Union are equivalent to those laid down in the relevant Union legislation. As a result imports from Chile of such bivalve molluscs should be permitted.
- (6) Annex I to Decision 2006/766/EC should be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2006/766/EC is amended as follows:

1. the title of Annex I is replaced by the following:

‘ANNEX I

List of third countries from which imports are permitted of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption (*)

(*) Including those covered by the definition of fishery products in point 3.1, Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council (OJ L 139, 30.4.2004, p. 55).;

⁽¹⁾ OJ L 139, 30.4.2004, p. 206.

⁽²⁾ OJ L 165, 30.4.2004, p. 1.

⁽³⁾ OJ L 320, 18.11.2006, p. 53.

2. the entry for Chile is replaced by the following:

'CL	CHILE	Only frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods, and chilled and eviscerated <i>Pectinidae</i> wild or harvested in production areas classified as A according to Point A.3 of Chapter II of Annex II to Regulation (EC) No 854/2004.'
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Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 November 2010.

For the Commission

John DALLI

Member of the Commission

2010/725/EU:

★ **Commission Decision of 26 November 2010 amending Annex I to Decision 2006/766/EC as regards the title and the entry for Chile in the list of third countries from which imports of live, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption are permitted** (*notified under document C(2010) 8259*) ⁽¹⁾ 45



⁽¹⁾ Text with EEA relevance

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