

Official Journal

of the European Union

L 241



English edition

Legislation

Volume 56

10 September 2013

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 865/2013 of 9 September 2013 amending Regulation (EC) No 1010/2009 as regards administrative arrangements with third countries on catch certificates for marine fisheries products** 1
- ★ **Commission Implementing Regulation (EU) No 866/2013 of 9 September 2013 amending Regulation (EC) No 798/2008 as regards transit of consignments of poultry meat from Belarus through Lithuania to the Russian territory of Kaliningrad ⁽¹⁾** 4
- Commission Implementing Regulation (EU) No 867/2013 of 9 September 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables 6

Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Corrigenda

★ Corrigendum to Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (OJ L 337, 18.12.2009)	8
★ Corrigendum to Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 337, 18.12.2009)	9

Notice to readers — Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (see page 3 of the cover)

Note to readers — way of referring to acts (see page 3 of the cover)



II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 865/2013

of 9 September 2013

amending Regulation (EC) No 1010/2009 as regards administrative arrangements with third countries on catch certificates for marine fisheries products

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008 ⁽¹⁾ of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, in particular Articles 12(4), 14(3), 20(4) and 52 thereof,

Whereas:

- (1) Administrative arrangements with third countries on catch certificates for fisheries products are listed in Annex IX to Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Regulation (EC) No 1005/2008 ⁽²⁾. Those arrangements include specimens of the catch certificates validated by the competent authorities of the third countries concerned.
- (2) The New Zealand authorities have amended the layout of the New Zealand catch certificate specimen.

- (3) Annex IX to Regulation (EC) No 1010/2009 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Regulation (EC) No 1010/2009 is amended as set out in the Annex to this Regulation

*Article 2***Entry into force**This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 9 September 2013.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.⁽²⁾ OJ L 280, 27.10.2009, p. 5.

ANNEX

In Section 3 (New Zealand) of Annex IX to Regulation (EC) No 1010/2009, Appendix 1 is replaced by the following:

NEW ZEALAND MINISTRY FOR PRIMARY INDUSTRIES**Certificate Number****Catch Certificate**

Name and address of consignor:		Exporting Country New Zealand	
		Competent Authority Ministry for Primary Industries	
Name and address of consignee:		Departure Date:	Port of Loading:
		Means of Transport:	

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

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

Species:	Batch/Lot:	Container (& Seal) Numbers:
Comments:		
Unofficial Commercial Information:		

Contact point of validating authority:

New Zealand Ministry for Primary Industries, Pastoral House, 25 The Terrace, P.O. Box 2526, Wellington 6140, New Zealand. Phone +64 4 894 0100, Fax +64 4 894 0720.

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

Official information:

Done at

Seal

On

.....
Signature of official inspector, New Zealand Government.....
Name, title and qualifications

For Community Use Only

1. Importer Declaration					
Name and address of importer		Signature	Date	Seal	Product CN code
Documents under Articles 14(1), (2) of Regulation (EC) No 1005/2008		References			
2. Import control – authority		Place	Importation authorised (*)	Importation suspended (*)	Verification requested – date
Cumstoms declaration (if issued)	Number		Date	Place	
(*) Tick as appropriate					

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE			
Certificate number		Date	Member State
1. Description of re-exported product		Weight (kg)	
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/Title	Signature	Date	Seal/Stamp
4. Re-export control			
Place	Re-export authorised (*)	Verification requested (*)	Re-export declaration number and date
(*) Tick as appropriate			

COMMISSION IMPLEMENTING REGULATION (EU) No 866/2013**of 9 September 2013****amending Regulation (EC) No 798/2008 as regards transit of consignments of poultry meat from Belarus through Lithuania to the Russian territory of Kaliningrad****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁾ and in particular the introductory phrase of Article 8, the first paragraph of point 1 of Article 8, point 4 of Article 8 and Article 9(4)(c) thereof,

Whereas:

- (1) Directive 2002/99/EC lays down the general animal health rules governing the production, processing, distribution within the Union and the introduction from third countries of products of animal origin for human consumption and provides for establishing specific rules and certification for transit.
- (2) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements⁽²⁾ lays down that certain commodities are only to be imported into and transit through the Union from third countries, territories, zones or compartments listed in the table in Part 1 of Annex I thereto. It also lays down the veterinary certification requirements for such commodities. Those requirements take also into account whether or not additional guarantees are requested due to the disease status of those third countries, territories, zones or compartments. The additional guarantees with which those commodities are to comply are set out in Part 2 of Annex I to Regulation (EC) No 798/2008.
- (3) Article 4(4) of Regulation (EC) No 798/2008 requires that specified pathogen-free eggs, meat, minced meat and mechanically separated meat of poultry, ratites and wild game-birds, eggs and egg products transiting through the Union shall be accompanied by a certificate drawn up in accordance with the model certificate set out in Annex XI and complying with the conditions set out in that certificate.
- (4) In view of the isolated geographic situation of the Russian territory of Kaliningrad, Article 18 of Regulation (EC) No 798/2008 derogates from the requirements of

Article 4(4) of that Regulation and lays down specific conditions for transit of certain consignments from and bound for Russia through Latvia, Lithuania and Poland. Those conditions include additional controls and the sealing of the consignments.

- (5) Belarus requested the Commission to authorise the transit through the Union of poultry meat from Belarus through Lithuania to the Russian territory of Kaliningrad.
- (6) Owing to the geographical situation of Kaliningrad and the already existing procedural structures laid down in Article 18(2) of Regulation (EC) No 798/2008 with regard to transit of commodities from and bound to Russia, the transit of poultry meat from Belarus through Lithuania to the Russian territory of Kaliningrad by rail or road should be permitted, provided the conditions laid down in Article 18(2), (3) and (4) for other commodities are complied with.
- (7) Regulation (EC) No 798/2008 should be amended in order to include the commodity poultry meat in its Article 18(2) and to modify the entry for Belarus in Part 1 of Annex I to that Regulation.
- (8) Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (9) 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

Regulation (EC) No 798/2008 is amended as follows:

- (1) The introductory paragraph in Article 18(2) is replaced by the following:

‘2. By way of derogation from Article 4(4), transit by road or rail shall be authorised between the border inspection posts in Lithuania listed in the Annex to Decision 2009/821/EC, of consignments of eggs, egg products and poultry meat coming from Belarus and bound for the Russian territory of Kaliningrad, where the following conditions are met:’
- (2) Annex I is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 226, 23.8.2008, p. 1.

Article 2

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

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

Done at Brussels, 9 September 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

Annex I to Regulation (EC) No 798/2008 is amended as follows:

(1) In Part 1 the entry for Belarus is replaced by the following:

'BY – Belarus	BY - 0	Whole country	EP, E and POU (only for transit through Lithuania)	IX'						
---------------	--------	---------------	--	-----	--	--	--	--	--	--

(2) In Part 2, in the section '*Additional guarantees (AG)*', the entry 'IX' is replaced by the following:

'IX': only transit through Lithuania of consignments of eggs, egg products and poultry meat originating in Belarus and bound for the Russian territory of Kaliningrad shall be permitted provided that Article 18(2), (3) and (4) is complied with.'

COMMISSION IMPLEMENTING REGULATION (EU) No 867/2013**of 9 September 2013****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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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 XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed 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, 9 September 2013.

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

Jerzy PLEWA
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, 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	MK	29,8
	ZZ	29,8
0707 00 05	TR	95,4
	ZZ	95,4
0709 93 10	TR	140,0
	ZZ	140,0
0805 50 10	AR	118,3
	CL	140,3
	IL	117,8
	TR	73,0
	UY	127,6
	ZA	125,6
	ZZ	117,1
0806 10 10	BR	183,4
	EG	184,4
	IL	162,2
	TR	142,9
	ZA	168,3
	ZZ	168,2
0808 10 80	AR	143,3
	BR	103,3
	CL	132,0
	CN	67,2
	NZ	134,3
	US	147,8
	ZA	115,4
	ZZ	120,5
0808 30 90	AR	160,7
	CN	81,6
	TR	139,1
	ZA	138,4
	ZZ	130,0
0809 30	TR	138,2
	ZZ	138,2
0809 40 05	BA	53,5
	MK	55,2
	XS	55,5
	ZZ	54,7

⁽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'.

CORRIGENDA

Corrigendum to Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services

(Official Journal of the European Union L 337 of 18 December 2009)

On page 39, recital 19, two last sentences:

for: '...Therefore the Commission may participate in ensuring a higher level of consistency in the application of remedies by adopting opinions on draft measures proposed by national regulatory authorities. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions and/or opinion.'

read: '... Therefore the Commission may participate in ensuring a higher level of consistency in the application of remedies by adopting recommendations on draft measures proposed by national regulatory authorities. In order to benefit from the expertise of national regulatory authorities on the market analysis, the Commission should consult BEREC prior to adoption of its decisions and/or recommendations.'

on page 42, recital 47, footnote 2:

for: '(2) Commission Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to *ex-ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (OJ L 114, 8.5.2003, p. 45).'

read: '(2) Commission Recommendation of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (OJ L 344, 28.12.2007, p. 65).'

on page 44, recital 66:

for: '(66) The Commission should be empowered to adopt implementing measures with a view to adapting the conditions for access to digital television and radio services set out in Annex I to market and technological developments. This is also the case for the minimum list of items in Annex II that must be made public to meet the obligation of transparency.'

read: '(66) The Commission should be empowered to adopt implementing measures with a view to adapting the conditions for access to digital television and radio services set out in Annex I to Directive 2002/19/EC (Access Directive) to market and technological developments. This is also the case for the minimum list of items in Annex II to Directive 2002/19/EC (Access Directive) that must be made public to meet the obligation of transparency.'

on page 47, point (b) of Article 1(3):

for: '(b) the following paragraphs shall be inserted:

"3a. Without prejudice to the provisions of paragraphs 4 and 5, national regulatory authorities responsible for *ex-ante* market regulation or for the resolution of disputes between undertakings in accordance with Article 20 or 21 of this Directive shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law implementing Community law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 4 shall have the power to suspend or overturn decisions by the national regulatory authorities. Member States shall ensure that the head of a national regulatory authority, or ..."

read: '(b) the following paragraphs shall be inserted:

"3a. Without prejudice to the provisions of paragraphs 4 and 5, national regulatory authorities responsible for *ex-ante* market regulation or for the resolution of disputes between undertakings in accordance with Article 20 or 21 of this Directive shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law implementing Community law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 4 shall have the power to suspend or overturn decisions by the national regulatory authorities.

Member States shall ensure that the head of a national regulatory authority, or ..."

on page 58, Article 1(23), new Article 21(3), first subparagraph:

for: '3. Member States may make provision for the competent national regulatory authorities jointly to decline to resolve a dispute where other mechanisms, including mediation, exist and would better contribute to resolving of the dispute in a timely manner in accordance with the provisions of Article 8.'

read: '3. Member States may make provision for the competent national regulatory authorities jointly to decline to resolve a dispute where other mechanisms, including mediation, exist and would better contribute to resolving the dispute in a timely manner in accordance with the provisions of Article 8.';

on page 59, point (a)(ii) of Article 2(3), new point (ab):

for: "'(ab) in justified cases and to the extent that is necessary, the obligations on undertakings that control access to end-users to make their services interoperable.'",

read: "'(ab) in justified cases and to the extent that is necessary, obligations on undertakings that control access to end-users to make their services interoperable.'";

on page 60, point (a) of Article 2(8), new point (a) of Article 12(1):

for: "'(a) to give third parties access to specified network elements and/or facilities, including access to network elements which are not active and/or unbundled access to the local loop, to, inter alia, allow carrier selection and/or pre-selection and/or subscriber line resale offer:'";

read: "'(a) to give third parties access to specified network elements and/or facilities, including access to network elements which are not active and/or unbundled access to the local loop, to, inter alia, allow carrier selection and/or pre-selection and/or subscriber line resale offers:'";

on page 61, Article 2(10), point (c) of new Article 13a(2):

for: '(c) ..., and on other stakeholders including, in particular, the expected impact on competition and any potential entailing effects on consumers';

read: '(c) ..., and on other stakeholders including, in particular, the expected impact on competition and any potential consequential effects on consumers';

Corrigendum to Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

(Official Journal of the European Union L 337 of 18 December 2009)

On page 29, point (c) of Article 2(2):

for: '(c) the following point shall be added:

"(h) 'personal data breach' means ...";

read: '(c) the following point shall be added:

"(i) 'personal data breach' means ...";

NOTICE TO READERS

Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union*

In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

Where it is not possible to publish the electronic edition of the Official Journal due to unforeseen and exceptional circumstances, the printed edition shall be authentic and shall have legal effect in accordance with the terms and conditions set out in Article 3 of Regulation (EU) No 216/2013.

NOTE TO READERS — WAY OF REFERRING TO ACTS

As of 1 July 2013 the way of referring to acts has changed.

During a transitional period this new practice will coexist with the previous one.

EUR-Lex (<http://new.eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN