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⁽¹⁾ Text with EEA relevance

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 387/2010

of 6 May 2010

amending Regulation (EC) No 1121/2009 introducing detailed rules for the application of Council Regulation (EC) No 73/2009, as regards the minimum area requirement for the transitional fruit and vegetable payments in Cyprus and the single area payment scheme for farmers in Poland and Slovakia

THE EUROPEAN COMMISSION,

States under the single area payment scheme provided for in Article 122 of that Regulation.

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular Article 142(c) and (e) thereof,

Whereas:

(1) Under Article 5(1) of Commission Regulation (EC) No 1121/2009 of 29 October 2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof ⁽²⁾, the transitional fruit and vegetable payments referred to in Article 1(1)(g) of that Regulation may be granted only for the areas which have been the subject of an aid application in respect of at least 0,3 hectares. By letters of 18 February 2010 and 1 March 2010, Cyprus has informed the Commission about specific size of agricultural holdings and the structure of aid applications in respect of transitional fruit and vegetable payments granted for citrus fruits. As a result, the minimum area for which this payment shall be granted needs to be decreased to 0,1 hectares.

(2) Article 124(1) of Regulation (EC) No 73/2009 lays down the rules fixing the agricultural area of the new Member

(3) In accordance with Article 89 of Regulation (EC) No 1121/2009, the agricultural areas for Poland and Slovakia are set out in Annex VIII to that Regulation.

(4) By letter of 1 December 2009, Poland has informed the Commission that it had reviewed its utilised agricultural area eligible for the single area payment scheme, as referred to in Article 124(1) of Regulation (EC) No 73/2009. The revision follows the updating of the identification system for agricultural parcels referred to in Article 17 of Regulation (EC) No 73/2009, which has shown that the part of the utilised agricultural area maintained in good agricultural condition on 30 June 2003 was less than previously estimated. The agricultural area for the single area payment scheme should therefore be reduced to 14 137 000 ha.

(5) By letter of 4 January 2010, Slovakia has informed the Commission that it had reviewed its utilised agricultural area eligible for the single area payment scheme, as referred to in Article 124(1) of Regulation (EC) No 73/2009. The revision is a consequence of the experience gained in recent years from the verification of the eligibility conditions for the single area payment under the single area payment scheme, which has shown that the utilised agricultural area maintained in good agricultural condition on 30 June 2003 is less than previously estimated. The agricultural area for the single area payment scheme should therefore be reduced to 1 865 000 ha.

(6) Regulation (EC) No 1121/2009 should therefore be amended accordingly.

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 316, 2.12.2009, p. 27.

- (7) The amendment proposed by this Regulation should apply to premium periods starting from 1 January 2010.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1121/2009 is amended as follows:

1. in Article 5(1), the third subparagraph is replaced by the following:

'In the case of Greece and Cyprus, the transitional fruit and vegetable payments referred to in Article 1(1)(g) shall be granted only for the areas, per each type of crop, which

have been the subject of application in respect of at least 0,1 hectares, where each cultivated parcel exceeds the minimum size set by the Member State within the limit provided for in Article 13(9) of Regulation (EC) No 1122/2009.';

2. Annex VIII is amended as follows:

- (a) The row concerning Poland is replaced by the following:

'Poland	14 137'
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- (b) The row concerning Slovakia is replaced by the following:

'Slovakia	1 865'
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Article 2

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

It shall apply to aid applications relating to premium periods starting from 1 January 2010.

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

Done at Brussels, 6 May 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 388/2010

of 6 May 2010

implementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the maximum number of pet animals of certain species that may be the subject of non-commercial movement

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

requirements laid down in specific Community rules referred to in Annex A (1) to Directive 90/425/EEC (2) generally applies to trade.

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

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (1), and in particular Article 19 thereof,

Whereas:

(1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applying to checks on such movements. It applies to movements between Member States or from third countries of pet animals of the species listed in Annex I thereto. Dogs, cats and ferrets are listed in Parts A and B of that Annex.

(2) The requirements laid down in Regulation (EC) No 998/2003 differ, depending on whether the pet animals are moved between Member States or from third countries to Member States. In addition, the requirements for such movements from third countries are further differentiated between third countries listed in Section 2 of Part B of Annex II to that Regulation and those third countries which are listed in Part C of that Annex.

(3) Third countries which apply to non-commercial movement of pet animals rules at least equivalent to the rules provided for in Regulation (EC) No 998/2003 are listed in Section 2 of Part B of Annex II to that Regulation.

(4) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health

(5) In order to avoid that commercial movements are fraudulently disguised as non-commercial movements of pet animals within the meaning of Regulation (EC) No 998/2003, Article 12 of that Regulation provides that the requirements and checks laid down in Directive 92/65/EEC are to apply to the movement of more than five pet animals where the animals are brought into the Community from a third country other than those listed in Section 2 of Part B of Annex II thereto.

(6) Experience in the application of Regulation (EC) No 998/2003 has shown that there is a high risk of commercial movements of dogs, cats and ferrets being fraudulently disguised as non-commercial movements, when those animals are moved into a Member State from another Member State or a third country listed in Section 2 of Part B of Annex II to that Regulation.

(7) In order to avoid such practices and ensure a uniform application of Regulation (EC) No 998/2003, provision should be made to establish the same rules where dogs, cats and ferrets are moved into a Member State from another Member State or a third country listed in Section 2 of Part B of Annex II to that Regulation.

(8) 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

The requirements and checks referred to in point (b) of the first paragraph of Article 12 of Regulation (EC) No 998/2003 shall apply to the movement of pet animals of the species listed in Parts A and B of Annex I to that Regulation where the total number of animals moved into a Member State from another Member State or a third country listed in Section 2 of Part B of Annex II to that Regulation, exceeds five.

(1) OJ L 146, 13.6.2003, p. 1.

(2) OJ L 268, 14.9.1992, p. 54.

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, 6 May 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 389/2010**of 6 May 2010****amending Regulation (EC) No 2104/2004, as regards the management of fishing fleets in certain French outermost regions**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions ⁽¹⁾, and in particular Articles 1(2) and 4(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2104/2004 ⁽²⁾ lays down detailed implementing rules for Council Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community outermost regions.
- (2) Commission Regulation (EC) No 1274/2007 ⁽³⁾ reviewed the reference levels for the fleets in Outermost Regions set out in the Annex to Regulation (EC) No 2104/2004, following the statement made jointly by the Council and the Commission during the Fisheries Council of 27 July 2006 ⁽⁴⁾.
- (3) In the case of certain fleet segments of the French outermost regions, Regulation (EC) No 1274/2007 sought the regularisation of an important number of vessels which carried out fishing activities before 31 December 2006 and were active without having been entered in the EU Fleet Register. These regularisations were considered as an extension of the development plans that had been presented for the outermost regions concerned.
- (4) A more recent and comprehensive inventory of the small-scale fleets operating in the most remote areas of the French outermost regions of Guyana and Martinique made by the French authorities has shown that the number of vessels requiring regularisation was under-

estimated at the time of the above-mentioned review of the reference levels. France has requested that a new regularisation be done for the unaccounted vessels as part of the development plans presented in 2007 for Guyana and Martinique.

- (5) The fleet segments concerned by the request for increase in reference level target their activities on coastal fish resources which, according to the most recent scientific information, do not show conservation concerns.
- (6) In order to contribute to the sustainable development of the fisheries sector in outermost regions, it is therefore appropriate to consider the need for regularisation of the concerned vessels in the framework of the development plans concerned and to increase the corresponding reference levels in order to allow the registration of these vessels in the EU Fleet Register.
- (7) Regulation (EC) No 2104/2004 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2104/2004 is amended in accordance with the Annex to this Regulation.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 6 May 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 102, 7.4.2004, p. 9.

⁽²⁾ OJ L 365, 10.12.2004, p. 19.

⁽³⁾ OJ L 284, 30.10.2007, p. 6.

⁽⁴⁾ Council Document No 11823/06 ADD 1, 20 July 2006.

ANNEX

In Section 'France' of the Annex to Regulation (EC) No 2104/2004, the entries concerning fleet segment 'French Guiana. Demersal and pelagic species. Length < 12 m' and fleet segment 'Martinique. Pelagic species. Length ≥ 12 m' are replaced by the following:

France			
Fleet segment	Segment code	GT	kW
'French Guiana. Demersal and pelagic species. Length < 12 m	4FF	903	11 644'
'Martinique. Pelagic species. Length ≥ 12 m	4FK	1 046	3 294'

COMMISSION REGULATION (EU) No 390/2010**of 6 May 2010****entering a name in the register of protected designations of origin and protected geographical indications (Hopfen aus der Hallertau (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) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, Germany's application to register the name 'Hopfen aus der Hallertau' 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, 6 May 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 223, 16.9.2009, p. 20.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.8 Other products of Annex I of the Treaty (spices etc.)

GERMANY

Hopfen aus der Hallertau (PGI)

COMMISSION REGULATION (EU) No 391/2010**of 6 May 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 7 May 2010.

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

Done at Brussels, 6 May 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	JO	68,6
	MA	68,1
	TN	123,7
	TR	109,7
	ZZ	92,5
0707 00 05	MA	58,3
	MK	59,4
	TR	119,6
	ZZ	79,1
0709 90 70	TR	98,2
	ZZ	98,2
0805 10 20	EG	43,6
	IL	57,1
	MA	52,7
	TN	47,4
	TR	49,3
	US	67,7
	ZZ	53,0
0805 50 10	TR	73,6
	ZA	73,4
	ZZ	73,5
0808 10 80	AR	86,0
	BR	76,8
	CL	85,0
	CN	78,2
	CR	59,1
	NZ	117,8
	US	120,8
	UY	81,7
	ZA	87,2
	ZZ	88,1

⁽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 392/2010**of 6 May 2010****granting no export refund for butter in the framework of the standing invitation to tender provided
for in Regulation (EC) No 619/2008**

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 164(2), in conjunction with Article 4, thereof,

Whereas:

(1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a permanent tender.

(2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export

refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 4 May 2010.

(3) 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

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 4 May 2010, no export refund shall be granted for the products and destinations referred to in points (a) and (b) of Article 1 and in Article 2 of that Regulation.

Article 2

This Regulation shall enter into force on 7 May 2010.

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

Done at Brussels, 6 May 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 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EU) No 393/2010**of 6 May 2010****granting no export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

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 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a standing invitation to tender procedure.
- (2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for

fixing export refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate not to grant any refund for the tendering period ending on 4 May 2010.

- (3) 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

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 4 May 2010, no export refund shall be granted for the product and destinations referred to in point (c) of Article 1 and in Article 2 respectively of that Regulation.

Article 2

This Regulation shall enter into force on 7 May 2010.

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

Done at Brussels, 6 May 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 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EU) No 394/2010**of 6 May 2010****amending Regulation (EU) No 374/2010 fixing the import duties in the cereals sector applicable from 1 May 2010**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) The import duties in the cereals sector applicable from 1 May 2010 were fixed by Commission Regulation (EU) No 374/2010 ⁽³⁾.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EU) No 374/2010.

- (3) Regulation (EU) No 374/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EU) No 374/2010 are hereby replaced by the text 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*.

It shall apply from 7 May 2010.

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

Done at Brussels, 6 May 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 110, 1.5.2010, p. 26.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 7 May 2010

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	31,76
1005 10 90	Maize seed other than hybrid	10,17
1005 90 00	Maize, other than seed ⁽²⁾	10,17
1007 00 90	Grain sorghum other than hybrids for sowing	31,76

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

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

30.4.2010-5.5.2010

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

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	157,20	111,53	—	—	—	—
Fob price USA	—	—	133,24	123,24	103,24	72,80
Gulf of Mexico premium	—	13,73	—	—	—	—
Great Lakes premium	18,66	—	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 26,59 EUR/t

Freight costs: Great Lakes–Rotterdam: 59,00 EUR/t

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