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<sup>(1)</sup> Text with EEA relevance

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Notice concerning the entry into force of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products**

The procedures necessary for the entry into force of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products<sup>(1)</sup>, signed in Brussels on 17 May 2011, have been completed on 21 October 2011. Consequently, this Agreement will enter into force, in accordance with its Article 3(3), on 1 December 2011.

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<sup>(1)</sup> OJ L 297, 16.11.2011, p. 3.

**Notice concerning the entry into force of the Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products**

The procedures necessary for the entry into force of the Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products <sup>(1)</sup>, signed in Brussels on 17 May 2011, have been completed on 21 October 2011. Consequently, this Agreement will enter into force, in accordance with its Article 3, on 1 December 2011.

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<sup>(1)</sup> OJ L 297, 16.11.2011, p. 49.

# REGULATIONS

## COUNCIL REGULATION (EU) No 1183/2011

of 14 November 2011

### amending Regulation (EC) No 521/2008 setting up the Fuel Cells and Hydrogen Joint Undertaking

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 187 and 188 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with a special legislative procedure,

Whereas:

(1) The Fuel Cells and Hydrogen Joint Undertaking (hereinafter referred as the 'FCH Joint Undertaking') was set up on 30 May 2008 under Council Regulation (EC) No 521/2008 <sup>(2)</sup> by its founding members, the European Fuel Cell and Hydrogen Joint Technology Initiative Industry Grouping Aisbl (hereinafter referred as the 'Industry Grouping') and the Commission.

(2) The Research Grouping became a member of the FCH Joint Undertaking on 14 July 2008. The Research Grouping contributes both financially and in kind to the objectives of the FCH Joint Undertaking. Given the specific composition of the FCH Joint Undertaking, as well as its rules and the nature, objectives and scope of its activities, the members of the Research Grouping may benefit from the results achieved in the same manner as the members of the Industry Grouping. Therefore, it is justified to allow the in-kind contribution from both the Industry Grouping and Research Grouping to be counted as matching funds.

(3) The Research Grouping became a member of the FCH Joint Undertaking, and it is therefore appropriate to

consider that in-kind contributions from research organisations (including universities and research centres) match the contribution of the Union, within the meaning of the Statutes of the FCH Joint Undertaking annexed to Regulation (EC) No 521/2008 (hereinafter referred as the 'Statutes').

(4) The FCH Joint Undertaking has been operating for more than 2 years, and during this period the entire operational cycle with publishing calls for proposals, evaluations of proposals, negotiations of funding and conclusion of grant agreements has been completed. Experience gained during this period has shown that the maximum funding levels in FCH Joint Undertaking projects had to be reduced significantly for all participants. As a result, the level of participation in the actions of the FCH Joint Undertaking proved to be significantly below initial expectations.

(5) The Governing Board approved the amendments to Regulation (EC) No 521/2008, in accordance with the Statutes.

(6) Allowing in-kind contributions from all legal entities participating in the activities to be counted as matching funding would recognise the membership of the Research Grouping and would improve the funding levels while still respecting the fundamental principle of matching, as well as the need to apply fair and balanced funding reductions to the different types of participants.

(7) The running costs of the Programme Office of the FCH Joint Undertaking (hereinafter referred as the 'Programme Office') should be covered by its three members. It is appropriate to provide that all members of the FCH Joint Undertaking have the same payment schedule.

(8) The Commission should be given some flexibility regarding the measures to be taken in case of insufficient matching.

(9) Currently the level of funding is determined after each evaluation of proposals received. To enable beneficiaries to estimate the extent of the potential funding, it should be possible for each call to specify the minimum level of funding.

<sup>(1)</sup> Opinion of 13 September 2011 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 153, 12.6.2008, p. 1.

- (10) Regulation (EC) No 521/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 521/2008 is hereby amended as follows:

- (1) in Article 6, paragraph 2 is replaced by the following:

‘2. The FCH Joint Undertaking may have its own internal audit capability.’;

- (2) the Annex is amended in accordance with the Annex to this Regulation.

*Article 2*

Notwithstanding Article 12(3) of the Annex to Regulation (EC) No 521/2008, this amending Regulation shall not affect the rights and obligations arising under the grant agreements and other contracts concluded by the FCH Joint Undertaking before the entry into force of this Regulation. In particular, it shall not affect the upper funding limits set out therein.

*Article 3*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

However, point 2(a) of the Annex to this Regulation shall apply from 14 July 2008.

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

Done at Brussels, 14 November 2011.

*For the Council*  
*The President*  
M. SAWICKI

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## ANNEX

The Statutes of the Fuel Cells and Hydrogen Joint Undertaking as set out in the Annex to Regulation (EC) No 521/2008 are hereby amended as follows:

(1) Article 2 is amended as follows:

(a) in paragraph 2, the first and second indents are replaced by the following:

‘— ensure that its contribution to the resources of the FCH Joint Undertaking, in accordance with Article 12 of these Statutes, is provided in advance as a cash contribution to cover 50 % of the running costs of the FCH Joint Undertaking and transferred to the budget of the FCH Joint Undertaking in agreed instalments,

— ensure that industry’s contribution to the achievement of the RTD activities funded by the FCH Joint Undertaking, together with contributions from other beneficiaries, at least matches the Union contribution;’

(b) in paragraph 3, second subparagraph, the fourth indent is replaced by the following:

‘— ensure that its contribution to the resources of the FCH Joint Undertaking, in accordance with Article 12 of these Statutes, is provided in advance as a cash contribution to cover 1/12 of the running costs of the FCH Joint Undertaking and transferred to the budget of the FCH Joint Undertaking in agreed instalments;’

(2) Article 12 is amended as follows:

(a) paragraph 3 is replaced by the following:

‘3. The operational costs of the FCH Joint Undertaking shall be covered through the financial contribution of the Union, and through in-kind contributions from the legal entities participating in the activities. The contribution from the participating legal entities shall at least match the financial contribution of the Union.

Receipts shall be dealt with in accordance with the Rules of Participation set out in the Decision No 1982/2006/EC.

This paragraph shall apply from the date on which the Research Grouping became member of the FCH Joint Undertaking;’

(b) in paragraph 7, the second and third subparagraphs are replaced by the following:

‘If the assessment determines that the in-kind contribution from the participating legal entities does not reach the required level, the Commission may reduce its contribution the following year.

If it is determined that, for 2 consecutive years, the in-kind contribution from the participating legal entities does not reach the required level the Commission may propose to the Council to terminate the FCH Joint Undertaking;’

(3) the following paragraph is added to Article 15:

‘4. The Governing Board may decide to specify a minimum level of funding for each category of participant for a particular Call for proposals.’

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**COMMISSION REGULATION (EU) No 1184/2011****of 14 November 2011****establishing a prohibition of fishing for saithe in IIIa and IV; EU waters of IIa, IIb, IIc, and Subdivisions 22-32 by vessels flying the flag of Sweden**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters <sup>(2)</sup>, lays down quotas for 2011.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the 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, 14 November 2011.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 24, 27.01.2011, p. 1.



## ANNEX

No	73/T&Q
Member State	Sweden
Stock	POK/2A34.
Species	Saithe ( <i>Pollachius virens</i> )
Zone	IIIa and IV; EU waters of IIa, IIIb, IIIc, and Subdivisions 22-32
Date	31.10.2011

**COMMISSION REGULATION (EU) No 1185/2011****of 14 November 2011****establishing a prohibition of fishing for redfish in EU and international waters of V; international waters of XII and XIV by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters <sup>(2)</sup>, lays down quotas for 2011.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 14 November 2011.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 24, 27.01.2011, p. 1.

## ANNEX

No	72/T&Q
Member State	Portugal
Stock	RED/51214D
Species	Redfish (deep pelagic) - ( <i>Sebastes</i> spp.)
Zone	EU and international waters of V; international waters of XII and XIV
Date	24.10.2011

**COMMISSION REGULATION (EU) No 1186/2011****of 15 November 2011****establishing a prohibition of fishing for herring in EU and Norwegian waters of IV north of 53° 30' N by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters <sup>(2)</sup>, lays down quotas for 2011.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the 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, 15 November 2011.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 24, 27.01.2011, p. 1.

## ANNEX

No	75/T&Q
Member State	France
Stock	HER/4AB.
Species	Herring ( <i>Clupea harengus</i> )
Zone	EU and Norwegian waters of IV north of 53° 30' N
Date	23.10.2011

**COMMISSION REGULATION (EU) No 1187/2011****of 15 November 2011****establishing a prohibition of fishing for ling in IIIa; EU waters of Subdivisions 22-32 by vessels flying the flag of Denmark**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters <sup>(2)</sup>, lays down quotas for 2011.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 15 November 2011.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 24, 27.01.2011, p. 1.

## ANNEX

No	70/T&Q
Member State	Denmark
Stock	LIN/3A/BCD
Species	Ling ( <i>Molva molva</i> )
Zone	IIIa; EU waters of Subdivisions 22-32
Date	17.10.2011

**COMMISSION REGULATION (EU) No 1188/2011****of 15 November 2011****establishing a prohibition of fishing for cod in IV; EU waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat by vessels flying the flag of Sweden**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters <sup>(2)</sup>, lays down quotas for 2011.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the 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, 15 November 2011.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 24, 27.01.2011, p. 1.



## ANNEX

No	74/T&Q
Member State	Sweden
Stock	COD/2A3AX4
Species	Cod ( <i>Gadus morhua</i> )
Zone	IV; EU waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat
Date	31.10.2011

**COMMISSION IMPLEMENTING REGULATION (EU) No 1189/2011****of 18 November 2011****laying down detailed rules in relation to certain provisions of Council Directive 2010/24/EU concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures <sup>(1)</sup>, and in particular Article 26 thereof,

Whereas:

(1) Directive 2010/24/EU has substantially changed the rules concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures and newly determined the implementing powers of the Commission, in relation to those laid down in Council Directive 2008/55/EC <sup>(2)</sup>. Therefore, it is appropriate to replace the existing implementing rules adopted by the Commission by a new implementing Regulation.

(2) In order to ensure a fast communication between the competent authorities, detailed rules should be adopted with regard to the practical arrangements and the time periods for communication between the requested and the applicant authorities.

(3) In order to ensure legal certainty, it is appropriate to specify that the validity of documents is not affected by the fact that they are transmitted electronically.

(4) In order to confirm that documents transmitted by post are sent by a competent authority, it is appropriate to provide specific rules with regard to this way of communication.

(5) In order to ensure that appropriate data and information are transmitted, models of the standard form accompanying the request for notification and of the instrument permitting enforcement in the requested Member State should be established.

(6) In order to ensure legal certainty, it is appropriate to state expressly the legal effect of the notifications made by the requested Member State at the request of the applicant Member State.

(7) In order to ensure legal certainty, it is also appropriate to specify that the notification or communication of the uniform instrument permitting enforcement in the requested Member State does not have any effect on the consequences of the notification of the initial instrument permitting enforcement, and that the revised instrument permitting enforcement in the requested Member State does not have any effect on the initial claim or the initial instrument permitting enforcement.

(8) Commission Regulation (EC) No 1179/2008 of 28 November 2008 laying down detailed rules for implementing certain provisions of Council Directive 2008/55/EC on mutual assistance for the recovery of claims relating to certain levies, duties, taxes and other measures <sup>(3)</sup> should be repealed.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Recovery Committee,

HAS ADOPTED THIS REGULATION:

**CHAPTER I****GENERAL PROVISIONS***Article 1*

This Regulation lays down the detailed rules for implementing Article 5(1), Articles 8, 10, 12(1), Article 13(2), (3), (4) and (5), Articles 15, 16(1) and 21(1) of Directive 2010/24/EU, including the detailed rules on conversion, transfer of sums recovered, as well as the means by which communications between authorities may be transmitted.

*Article 2*

1. All requests for information, notification, recovery or precautionary measures pursuant to Articles 5(1), 8, 10 and 16(1) of Directive 2010/24/EU (hereinafter 'the requests for assistance') and all accompanying instruments, forms and other documents, as well as any other information communicated with regard to these requests shall be sent by the CCN network, unless this is impracticable for technical reasons.

<sup>(1)</sup> OJ L 84, 31.3.2010, p. 1.

<sup>(2)</sup> OJ L 150, 10.6.2008, p. 28.

<sup>(3)</sup> OJ L 319, 29.11.2008, p. 21.

2. Documents transmitted in electronic form or print outs thereof shall be deemed to have the same legal effect as documents transmitted by post.

3. If a request cannot be transmitted by CCN network, it shall be transmitted by post. In that case the following rules shall apply:

- (a) the request shall be signed by an official of the applicant authority, duly authorised to make such a request;
- (b) the standard form accompanying the notification request, referred to in the second subparagraph of Article 8(1) of Directive 2010/24/EU (hereafter 'the uniform notification form') or the uniform instrument permitting enforcement in the requested Member State referred to in Article 12 of that Directive shall be signed by a duly authorized official of the applicant authority;
- (c) if the request is accompanied by a copy of a document other than the uniform notification form or the uniform instrument permitting enforcement in the requested Member State, the applicant authority shall certify the conformity of this copy with the original, by stating in this copy, in the official language or one of the official languages of the Member State in which it is situated, the words 'certified a true copy', the name of the certifying official and the date of that certification.

For the purposes of point (b) of the first subparagraph, the Member States shall use the uniform notification form established in accordance with the model set out in Annex I to this Regulation and the uniform instrument permitting enforcement in the requested Member State established in accordance with the model set out in Annex II to this Regulation.

4. Where the uniform notification form or the uniform instrument permitting enforcement in the requested Member State are transmitted by electronic means, their structure and lay-out may be adapted to the requirements of the electronic communication system in order to facilitate the communication between the competent authorities, provided that the set of data and information therein is not substantially altered with regard to the models set out in Annexes I and II.

#### Article 3

1. The applicant authority may make a request for assistance in respect of either a single claim or several claims where those are recoverable from one and the same person.

2. A request for information, recovery or precautionary measures may relate to any of the following persons:

- (a) the principal debtor or a co-debtor;
- (b) a person other than a (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims

relating to these taxes, duties and other measures under the law in force in the Member State in which the applicant authority is situated;

- (c) any third party holding assets belonging to or having debts towards one of the persons referred to in points (a) or (b).

#### Article 4

Information and other particulars communicated by the requested authority to the applicant authority pursuant to Articles 5(1), 8, 10 and 16(1) of Directive 2010/24/EU shall be conveyed in the official language or one of the official languages of the Member State of the requested authority or in another language agreed between the applicant and requested authorities.

#### Article 5

If the requested authority refuses to handle a request for assistance, it shall notify the applicant authority of the reasons for its refusal, specifying the provisions of Directive 2010/24/EU on which it relies. Such notification shall be given by the requested authority as soon as it has taken its decision and in any event within 1 month of the date of the acknowledgement of the receipt of the request.

#### Article 6

Each request for information or for recovery or precautionary measures shall indicate whether a similar request has been addressed to any other authority.

### CHAPTER II

#### REQUESTS FOR INFORMATION

#### Article 7

The requested authority shall acknowledge receipt of the request for information as soon as possible and in any event within seven calendar days of such receipt.

Upon receipt of the request the requested authority shall, where appropriate, ask the applicant authority to provide any additional information necessary. The applicant authority shall provide all additional necessary information to which it normally has access.

#### Article 8

1. The requested authority shall transmit each item of requested information to the applicant authority as and when it is obtained.

2. Where, with respect to the particularity of a case, all or some of the requested information cannot be obtained within a reasonable time the requested authority shall inform the applicant authority thereof and state the reasons.

In any event, at the end of 6 months from the date of acknowledgement of receipt of the request, the requested authority shall inform the applicant authority of the outcome of the investigations which it has conducted in order to obtain the information requested.

On the basis of the information received from the requested authority, the applicant authority may request the requested authority to continue its investigation. That request shall be made within 2 months of the receipt of the notification of the outcome of the investigations carried out by the requested authority, and shall be treated by the requested authority in accordance with the provisions applying to the initial request.

#### Article 9

The applicant authority may, at any time, withdraw the request for information which it has sent to the requested authority. The decision to withdraw shall be transmitted to the requested authority.

### CHAPTER III

#### REQUESTS FOR NOTIFICATION

##### Article 10

1. Any request for notification shall include the original or a certified copy of each document, notification of which is requested.

The uniform notification form accompanying the request pursuant to the second subparagraph of Article 8(1) of Directive 2010/24/EU shall be completed by or under the responsibility of the applicant authority. It shall provide information to the addressee with regard to the documents for which notification assistance has been requested.

2. With regard to the information mentioned in the uniform notification form, the following shall apply:

- (a) the amount of the claim shall be mentioned where already established;
- (b) the indication of the period within which notification is to be effected may be done by an indication of the date before which the applicant authority intends the notification to take place.

##### Article 11

The request for notification may relate to any person referred to in Article 3(c) of Directive 2010/24/EU who, in accordance with the law in force in the applicant Member State, is required to be informed of any document which concerns that person.

##### Article 12

1. The requested authority shall acknowledge receipt of the request for notification as soon as possible and in any event within seven calendar days of such receipt.

Upon receipt of the request for notification, the requested authority shall take the necessary measures to effect notification in accordance with the law in force in the Member State in which it is situated.

If necessary, without prejudice to the final date for notification indicated in the request for notification, the requested authority shall ask the applicant authority to provide additional information.

The applicant authority shall provide all additional information to which it normally has access.

2. The requested authority shall inform the applicant authority of the date of notification as soon as this has been effected, by certifying the notification in the request form returned to the applicant authority.

##### Article 13

1. A notification made by the requested Member State in accordance with the national laws, regulations and administrative practices in force in that State, shall be deemed to have the same effect in the applicant Member State as if it had been made by the applicant Member State itself in accordance with the national laws, regulations and administrative practices in force in the applicant Member State.

2. A notification of a document relating to more than one type of tax, duty or other measure, shall be deemed valid if it is made by an authority of the requested Member State which is competent for at least one of the taxes, duties or other measures mentioned in the notified document, provided that it is allowed under the national law of the requested Member State.

##### Article 14

For the purposes of notification, the requested Member State may use the uniform notification form, referred to in Article 10(1) in its official language or in one of its official languages in accordance with its national law.

### CHAPTER IV

#### REQUESTS FOR RECOVERY OR FOR PRECAUTIONARY MEASURES

##### Article 15

Requests for recovery or for precautionary measures shall include a declaration that the conditions laid down in Directive 2010/24/EU for initiating the mutual assistance procedure have been fulfilled.

*Article 16*

1. The uniform instrument permitting enforcement in the requested Member State accompanying the request for recovery or for precautionary measures shall be completed by or under the responsibility of the applicant authority, on the basis of the initial instrument permitting enforcement in the applicant Member State.

The administrative penalties, fines, fees and surcharges referred to in Article 2(2)(a) of Directive 2010/24/EU and the interest and costs referred to in Article 2(2)(c) of that Directive which, in accordance with the rules in force in the applicant Member State, may be due from the date of the initial instrument permitting enforcement until the date before the date on which the recovery request is sent, may be added in the uniform instrument permitting enforcement in the requested Member State.

2. A single uniform instrument permitting enforcement in the requested Member State may be issued in respect of several claims and several persons, corresponding to the initial instrument permitting enforcement in the applicant Member State.

3. In so far as initial instruments permitting enforcement for several claims in the applicant Member State have already been replaced by a global instrument permitting enforcement for all these claims in that Member State, the uniform instrument permitting enforcement in the requested Member State may be based on the initial instruments permitting enforcement in the applicant Member State or on that global instrument regrouping those initial instruments in the applicant Member State.

4. In order to enforce the claims for which recovery assistance is requested, the requested Member State may use the uniform instrument permitting enforcement in that Member State in its official language or in one of its official languages in accordance with its national law.

*Article 17*

The addressee of a request for recovery or precautionary measures may not rely on the notification or communication of the uniform instrument permitting enforcement in the requested Member State to claim a prolongation or a re-opening of the time period to contest the claim or the initial instrument permitting enforcement if that has been validly notified.

*Article 18*

1. If the currency of the requested Member State is different from the currency of the applicant Member State, the applicant authority shall express the amount of the claim to be recovered in both currencies.

2. The exchange rate to be used for the purposes of the recovery assistance shall be the last exchange rate published in the *Official Journal of the European Union* before the date the request is sent.

*Article 19*

1. The requested authority shall, as soon as possible or in any event within seven calendar days of receipt of the request for recovery or for precautionary measures, acknowledge the receipt of the request.

2. The requested authority may ask the applicant authority to provide additional information or to complete the uniform instrument permitting enforcement in the requested Member State, if required. The applicant authority shall provide all additional necessary information to which it normally has access.

*Article 20*

1. Where, with respect to the particularity of a case, all or part of the claim cannot be recovered or precautionary measures cannot be taken within a reasonable time, the requested authority shall inform the applicant authority thereof and state the reasons.

On the basis of the information received from the requested authority, the applicant authority may request the latter to re-open the procedure for recovery or for precautionary measures. That request shall be made within 2 months of the receipt of the notification of the outcome of that procedure, and shall be treated by the requested authority in accordance with the provisions applying to the initial request.

2. No later than at the end of each six-month period following the date of acknowledgement of the receipt of the request, the requested authority shall inform the applicant authority of the state of progress or the outcome of the procedure for recovery or for precautionary measures.

*Article 21*

1. Any action contesting the claim or the instrument permitting its enforcement which is taken in the Member State of the applicant authority shall be notified to the requested authority by the applicant authority immediately after the applicant authority has been informed of such action.

2. If the laws, regulations and administrative practices in force in the requested Member State do not permit precautionary measures or the recovery requested under the second and third subparagraphs of Article 14(4) of Directive 2010/24/EU, the requested authority shall notify the applicant authority thereof as soon as possible and in any event within 1 month of the receipt of the notification referred to in paragraph 1.

3. The requested authority shall notify any action taken in the requested Member State for reimbursement of sums recovered or for compensation in relation to recovery of contested claims under the third subparagraph of Article 14(4) of Directive 2010/24/EU to the applicant authority immediately after the requested authority has been informed of such action.

The requested authority shall as far as possible involve the applicant authority in the procedures for settling the amount to be reimbursed and the compensation due. Upon a reasoned request from the requested authority, the applicant authority shall transfer the sums reimbursed and the compensation paid within 2 months of the receipt of that request.

#### Article 22

1. If the request for recovery or for precautionary measures becomes devoid of purpose as a result of payment of the claim or of its cancellation or for any other reason, the applicant authority shall immediately inform the requested authority so that the latter may stop any action which it has undertaken.

2. Where the amount of the claim which is the subject of the request for recovery or for precautionary measures is adjusted by a decision of the competent body referred to in Article 14(1) of Directive 2010/24/EU, the applicant authority shall inform the requested authority of that decision and, if recovery is requested, communicate a revised uniform instrument permitting enforcement in the requested Member State. This revised uniform instrument permitting enforcement in the requested Member State shall be made by or under the responsibility of the applicant authority, on the basis of the decision adjusting the amount of the claim.

3. A revised uniform instrument permitting enforcement in the requested Member State does not have any consequences with regard to the possibilities to contest the initial claim, the initial instrument permitting enforcement in the applicant Member State or the decision referred to in the preceding subparagraph.

4. If the adjustment referred to in paragraph 2 entails a reduction in the amount of the claim, the requested authority shall continue its action to take recovery or precautionary measures, but that action shall be limited to the amount still outstanding.

If, at the time when the requested authority is informed of the reduction in the amount of the claim, an amount exceeding the amount still outstanding has already been recovered by it but the transfer procedure referred to in Article 23 has not yet been initiated, the requested authority shall repay the amount overpaid to the person entitled thereto.

5. If the adjustment referred to in paragraph 2 entails an increase in the amount of the claim, the applicant authority may address to the requested authority an additional request for recovery or for precautionary measures.

That additional request shall, as far as possible, be dealt with by the requested authority at the same time as the initial request from the applicant authority. Where, in view of the state of progress of the existing procedure, consolidation of the addi-

tional request with the initial request is not possible, the requested authority shall comply with the additional request only if it concerns an amount not less than that referred to in Article 18(3) of Directive 2010/24/EU.

6. In order to convert the amount of the claim resulting from the adjustment referred to in paragraph 2 into the currency of the Member State of the requested authority, the applicant authority shall use the exchange rate used in its initial request.

#### Article 23

1. The amounts that have to be remitted to the applicant authority, in accordance with Article 13(5) of Directive 2010/24/EU, shall be transferred to the applicant authority in the currency of the requested Member State.

The transfer of the recovered amounts shall take place within 2 months of the date on which recovery was effected.

However, if recovery measures applied by the requested authority are contested for a reason not falling within the responsibility of the applicant Member State, the requested authority may wait to transfer any sums recovered in relation to the applicant Member State's claim, until the dispute is settled, if the following conditions are simultaneously fulfilled:

- (a) the requested authority finds it likely that the outcome of this contestation will be favorable to the party concerned, and
- (b) the applicant authority has not declared that it will reimburse the sums already transferred if the outcome of that contestation is favorable to the party concerned.

If the applicant authority has made a declaration to reimburse in accordance with point (b) of the third subparagraph, it shall return the recovered amounts already transferred by the requested authority within 1 month of the receipt of the request for reimbursement. Any other compensation due shall, in that case, be borne solely by the requested authority.

2. The competent authorities of the Member States may agree on different arrangements for the transfer of amounts below the threshold applied in accordance with Article 18(3) of Directive 2010/24/EU.

#### Article 24

Regardless of any amounts collected by the requested authority by way of the interest referred to in Article 13(4) of Directive 2010/24/EU, a claim shall be deemed recovered in proportion to the recovery of the amount expressed in the national currency of the Member State of the requested authority, on the basis of the exchange rate referred to in Article 18(2) of this Regulation.



## CHAPTER V

**FINAL PROVISIONS***Article 25*

Regulation (EC) No 1179/2008 is hereby repealed.

*Article 26*

This Regulation shall enter into force the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2012.

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

Done at Brussels, 18 November 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX I

**Uniform notification form providing information about notified document(s) (to be transmitted to the addressee of the notification) <sup>(1)</sup>**

This document, accompanies document(s) hereby notified by the competent authority of [name of requested Member State].

This notification concerns documents of the competent authorities of [name of applicant Member State], which asked for notification assistance, in accordance with Article 8 of Council Directive 2010/24/EU of 16 March 2010.

**A. IDENTIFICATION OF THE ADDRESSEE OF THE NOTIFICATION**

1. Name:
2. Address:
3. Date of birth:
4. Place of birth:

**B. PURPOSE OF THE NOTIFICATION**

1. This notification is intended:

- ☐ to inform the addressee, about the document(s) to which this information document is attached,
- ☐ to interrupt the period of limitation with regard to the claim(s) mentioned in the notified document(s),
- ☐ to confirm the addressee, about his/her obligation to pay the amounts mentioned under point C,

Please note that in case of non-payment, the authorities may take enforcement and/or precautionary measures to ensure the recovery of the claim(s). This may cause extra costs charged to the addressee.

You are the addressee of this notification, as you are considered to be:

- ☐ the principal debtor,
- ☐ a co-debtor,
- ☐ a person other than the (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims relating to these taxes, duties and other measures, under the laws in force in the applicant State,
- ☐ a person other than the (co-)debtor, holding assets belonging to, or having debts towards, the (co-)debtor or to any other person liable,
- ☐ a third party which may become affected by enforcement measures concerning other persons,

*(The following information will appear if the addressee of the notification is a person other than the (co-)debtor, holding assets belonging to, or having debts towards, the (co-)debtor or to any other person liable, or a third party which may become affected by enforcement measures concerning other persons: the notified documents concern claims relating to taxes and duties, for which the following person(s) is (are) liable: [name and address (known or assumed)]).*

2. The applicant authority of [name of the applicant Member State] invited the competent authorities of [name of the requested Member State] to make this notification before [date]. Please note that this date is not specifically related to any period of limitation.

**C. DESCRIPTION OF THE NOTIFIED DOCUMENT(S)**

1. Reference number:

Date of establishment:

<sup>(1)</sup> The elements put in *Italic* are optional.



## 2. Nature of the notified document:

- ☐ Tax assessment,
- ☐ Payment order,
- ☐ Decision following an administrative appeal,
- ☐ Other administrative document:
- ☐ Judgment/order of:
- ☐ Other judicial document,

## 3. Name of the claim concerned (in the language of the applicant Member State):

## 4. Nature of the claim:

- ☐ a) customs duties,
- ☐ b) value added tax,
- ☐ c) excise duties,
- ☐ d) tax on income or capital,
- ☐ e) tax on insurance premiums,
- ☐ f) inheritance and gift taxes,
- ☐ g) national taxes and duties on immovable property, other than the above-mentioned ones,
- ☐ h) national taxes and duties on the use or ownership of means of transport,
- ☐ i) other taxes and duties levied by or on behalf of the applicant State,
- ☐ j) taxes and duties levied by or on behalf of territorial or administrative subdivisions of the applicant State, excluding taxes and duties levied by local authorities,
- ☐ k) taxes and duties levied by or on behalf of local authorities,
- ☐ l) other tax-based claim,
- ☐ m) refunds, interventions and other measures forming part of the system of total or partial financing of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), including sums to be collected in connection with these actions, and levies and other duties provided for under the common organisation of the market for the sugar sector

## 5. Amount of the claim concerned, in the currency of [Name of the applicant Member State]:

- ☐ Principal amount:
- ☐ Administrative penalties and fines:
- ☐ Interest up to [date]:
- ☐ Costs up to [date]:
- ☐ Fees for certificates and similar documents issued in connection with administrative procedures related to the claim mentioned under point 3:
- ☐ Total amount for this claim:

## 6. The amount mentioned under point 5 should be paid:

- ☐ before:

☐ within [number] calendar days following the date of this notification,

☐ without any further delay,

*This payment should be made to:*

*Reference to be used for the payment:*

7. You can reply to the document(s) that are hereby notified.

☐ Last day for replying:

☐ Time period for replying:

*Name and address of the authority to whom a reply can be sent:*

8. Contestation possibility

☐ The period for contestation of the claim or the notified document(s) has already come to its end,

☐ Last day for contestation:

☐ Time period for contestation:

☐ Name and address of the authority where a contestation has to be submitted:

*Please note that disputes concerning the claim, the instrument permitting enforcement or any other document originating from the authorities of [name of applicant Member State], fall within the competence of the competent bodies of [name of applicant Member State], in accordance with Article 14 of Council Directive 2010/24/EU.*

*Any such dispute is governed by the procedural and language rules applying in [name of applicant Member State].*

☐ Please note that the recovery may begin before the end of the contestation period.

9. Office responsible with regard to the attached document(s)

Name,

Address,

☐ Telephone,

☐ E-mail,

☐ Language in which this office can be contacted,

10. Further information about:

☐ the notified document(s)

☐ and/or the possibility to contest the obligations

can be obtained from:

☐ the office responsible with regard to the attached document(s), mentioned under point C.9.

☐ the following office:

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## ANNEX II

**Uniform instrument permitting enforcement in the requested Member State <sup>(1)</sup>**

☐ UNIFORM INSTRUMENT PERMITTING ENFORCEMENT OF CLAIMS COVERED BY COUNCIL DIRECTIVE 2010/24/EU

Date of issue:

☐ REVISED UNIFORM INSTRUMENT PERMITTING ENFORCEMENT OF CLAIMS COVERED BY COUNCIL DIRECTIVE 2010/24/EU

Date of issue of the original uniform instrument:

Date of revision:

Reason for the revision: ☐ judgment/order of [name of the Court] ☐ administrative decision of [date]

Reference number:

EU Member State where this document is issued:

Each EU Member State can request recovery assistance from other Member States for unpaid claims referred to in Article 2 of Council Directive 2010/24/EU of 16 March 2010.

Recovery measures taken by the requested Member State are based on:

☐ a uniform instrument permitting enforcement, in accordance with Article 12 of this Directive,

☐ a revised uniform instrument permitting enforcement, in accordance with Article 15 of this Directive (to take account of the decision of the competent body referred to in Article 14(1) of this Directive),

This document is the [revised] uniform instrument permitting enforcement. It concerns the claim(s) mentioned below, which remain(s) unpaid in [name of applicant Member State]. The initial instrument for the enforcement of this/these claim(s) has been notified in so far as required under the national law of [name of applicant Member State].

Disputes concerning the claim(s) fall exclusively within the competence of the competent bodies of [name of applicant Member State], in accordance with Article 14 of Directive 2010/24/EU. Any such action must be brought before them in accordance with the procedural and language rules in force in [name of applicant Member State].

## DESCRIPTION OF THE CLAIM(S) AND THE PERSON(S) CONCERNED

## IDENTIFICATION OF THE CLAIM

1. Reference:

2. Nature of the claim:

☐ a) customs duties,

☐ b) value added tax,

☐ c) excise duties,

☐ d) tax on income or capital,

☐ e) tax on insurance premiums,

<sup>(1)</sup> The elements put in *Italic* are optional.

- ☐ f) inheritance and gift taxes,
- ☐ g) national taxes and duties on immovable property, other than the above-mentioned ones,
- ☐ h) national taxes and duties on the use or ownership of means of transport,
- ☐ i) other taxes and duties levied by or on behalf of the (applicant) State,
- ☐ j) taxes and duties levied by or on behalf of territorial or administrative subdivisions of the (applicant) State, excluding taxes and duties levied by local authorities,
- ☐ k) taxes and duties levied by or on behalf of local authorities,
- ☐ l) other tax-based claim,
- ☐ m) refunds, interventions and other measures forming part of the system of total or partial financing of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), including sums to be collected in connection with these actions, and levies and other duties provided for under the common organisation of the market for the sugar sector

3. Name of the tax/duty concerned:

4. Period or date concerned:

5. Date establishment of the claim:

6. Date on which enforcement becomes possible:

7. Amount of the claim (initially due – still due):

- ☐ principal amount:
- ☐ administrative penalties and fines:
- ☐ interest till date before the day the request is sent:
- ☐ costs till date before the day the request is sent:
- ☐ fees for certificates and similar documents issued in connection with administrative procedures related to the tax/duty concerned:
- ☐ total amount of this claim:

8. Date of notification of the initial instrument permitting enforcement in [name of the applicant State]

9. Office responsible for the assessment of the claim: name, address and other contact details:

10. Further information concerning the claim or the possibilities for contesting the payment obligation can be obtained from:

- ☐ the office responsible for the assessment of the claim, mentioned under point 9,
- ☐ the office responsible for the Uniform instrument permitting enforcement: name, address and other contact details,

## IDENTIFICATION OF THE PERSON(S) CONCERNED IN THE NATIONAL INSTRUMENT(S) PERMITTING ENFORCEMENT

1. Name

2. Address

3. Cause of liability:

☐ principal debtor,☐ co-debtor,☐ a person other than the (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims relating to these taxes, duties and other measures,

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1190/2011****of 18 November 2011****amending Regulations (EC) No 1730/2006 and (EC) No 1138/2007 as regards the name of the holder of the authorisation of the feed additive benzoic acid (VevoVitall)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

- (4) To allow the applicant to exploit its marketing rights under the name of Emerald Kalama Chemical BV it is necessary to change the terms of the authorisations.

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

- (5) Regulations (EC) No 1730/2006 and (EC) No 1138/2007 should therefore be amended accordingly.

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(1)</sup> and in particular Article 13(3) thereof,

- (6) Since the modifications to the conditions of authorisation are not related to safety reasons, it is appropriate to provide for a transitional period during which existing stocks may be used up.

Whereas:

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

- (1) Emerald Kalama Chemical BV has submitted applications under Article 13(3) of Regulation (EC) No 1831/2003 proposing to change the name of the holder of the authorisation as regards Commission Regulation (EC) No 1730/2006 of 23 November 2006 concerning the authorisation of benzoic acid (VevoVitall) as a feed additive <sup>(2)</sup> and as regards Commission Regulation (EC) No 1138/2007 of 1 October 2007 concerning the authorisation of a new use of benzoic acid (VevoVitall) as a feed additive <sup>(3)</sup>.

HAS ADOPTED THIS REGULATION:

*Article 1*

In column 2 of the Table of the Annex to Regulation (EC) No 1730/2006, the words 'DSM Special Products' are replaced by 'Emerald Kalama Chemical BV'.

*Article 2*

In column 2 of the Table of the Annex to Regulation (EC) No 1138/2007, the words 'DSM Special Products' are replaced by 'Emerald Kalama Chemical BV'.

*Article 3*

Existing stocks which are in conformity with the provisions applying before the date of entry into force of this Regulation may continue to be placed on the market and used until 9 June 2012.

*Article 4*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> OJ L 325, 24.11.2006, p. 9.

<sup>(3)</sup> OJ L 256, 2.10.2007, p. 8.

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

Done at Brussels, 18 November 2011.

*For the Commission*  
*The President*  
José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1191/2011****of 18 November 2011****amending Regulation (EU) No 479/2010 laying down rules for the implementation of Council Regulation (EC) No 1234/2007 as regards Member States' notifications to the Commission in the milk and milk products sector**

THE EUROPEAN COMMISSION,

with that notified on a daily basis. Therefore, additional information is required in the monthly notifications.

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

(6) Regulation (EU) No 479/2010 should therefore be amended accordingly.

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) <sup>(1)</sup>, and in particular Article 192(2) in conjunction with Article 4 thereof,

(7) 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:

Whereas:

*Article 1*

Regulation (EU) No 479/2010 is amended as follows:

(1) Article 2(4) of Commission Regulation (EU) No 479/2010 <sup>(2)</sup> provides that the 'ex-factory price' notified by the Member States to the Commission has to relate to the sales that have been invoiced in the reference period.

(1) Article 2 is amended as follows:

(2) Whilst invoices are reliable official accountancy documents, restricting the source of prices only to invoices may prevent Member States from using other available reliable sources of prices. Depending on the product, these other available reliable sources of prices may better reflect the prevailing market situation. Therefore, the notification of prices resulting from contracts concluded in the reference period should also be allowed.

(a) in paragraph 2, the introductory sentence is replaced by the following:

'2. Not later than the 15th of each month and in respect of ex-factory prices recorded in the previous month for the products listed in Annex I.B, Member States shall notify to the Commission:'

(3) Practice has shown that the notification deadline for the monthly prices referred to in Article 2(2) of Regulation (EU) No 479/2010 is difficult to be met in several Member States and does not allow them to provide the Commission with definitive prices. The accuracy of the notified prices should be improved by an extension of the deadline.

(b) paragraph 4 is replaced by the following:

'4. For the purpose of paragraphs 1 and 2, "ex-factory price" means the price at which the product is purchased from the enterprise, excluding taxes (VAT) and any other cost (transport, loading, handling, storage, pallets, insurance, etc.).

(4) It is appropriate to better describe the survey method used as regards the origin of the price data and the way that data should be collected by the competent authorities.

Member States shall ensure that the notified price is representative of the prevailing market situation. The notified price shall be based on the most adequate available source of information, namely on:

(5) It is necessary to reconcile the information on the export licences notified by the Member States on monthly basis

and/or

(a) sales that have been invoiced in the reference period;

(b) contracts concluded in the reference period for deliveries within three months.;

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.<sup>(2)</sup> OJ L 135, 2.6.2010, p. 26.



(2) in Article 7(1), points (a) and (b) are replaced by the following:

‘(a) the quantities, broken down by code of the export refund nomenclature for milk products, by destination code and date of lodging the application, covered by licence applications cancelled under the second subparagraph of Article 10(2) of Regulation (EC) No 1187/2009;

(b) the unused quantities on licences expired and returned in the previous month and which have been issued since 1 July of the current GATT-year, broken down by code of the export refund nomenclature for milk products and by destination code;’

(3) point 3(c) of Annex II is replaced by the following:

‘(c) the survey method: an indication shall be given from which stakeholders (producers, first buyers) the data are originating and by which way or method the data are collected;’.

#### *Article 2*

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

It shall apply from 1 December 2011.

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

Done at Brussels, 18 November 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1192/2011****of 18 November 2011****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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

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 hereto.

*Article 2*

This Regulation shall enter into force on 19 November 2011.

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

Done at Brussels, 18 November 2011.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	AL	49,9
	MA	48,9
	MK	64,0
	TR	86,5
	ZZ	62,3
0707 00 05	AL	64,0
	EG	161,4
	TR	101,9
	ZZ	109,1
0709 90 70	MA	57,3
	TR	133,9
	ZZ	95,6
0805 20 10	MA	91,7
	ZA	65,5
	ZZ	78,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	43,0
	IL	74,8
	MA	53,5
	TR	77,6
	UY	42,7
	ZA	62,9
	ZZ	59,1
0805 50 10	TR	56,4
	ZA	43,5
	ZZ	50,0
0806 10 10	BR	224,5
	CL	70,8
	EC	65,7
	LB	293,6
	PE	261,2
	TR	143,7
	US	270,3
	ZA	85,0
	ZZ	176,9
0808 10 80	CA	114,3
	CL	90,0
	MK	41,0
	NZ	76,3
	TR	95,1
	US	111,1
	ZA	104,2
	ZZ	90,3
0808 20 50	AR	43,9
	CL	73,3
	CN	54,3
	TR	85,0
	ZA	73,2
	ZZ	65,9

<sup>(1)</sup> 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'.









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