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I

(Resolutions, recommendations and opinions)

OPINIONS

EUROPEAN DATA PROTECTION SUPERVISOR

Opinion of the European Data Protection Supervisor on various legislative proposals imposing certain specific restrictive measures in respect of Somalia, Zimbabwe, the Democratic Republic of Korea and Guinea

(2010/C 73/01)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Article 16,

Having regard to the Charter of Fundamental Rights of the European Union, and in particular its Article 8,

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾, and in particular its Article 41,

Having regard to the requests for an opinion in accordance with Article 28(2) of Regulation (EC) No 45/2001 sent to the EDPS on 29 July, 18 September and 26 November 2009,

HAS ADOPTED THE FOLLOWING OPINION:

I. INTRODUCTION

1. On 27 July 2009, the Commission adopted a proposal for a Council Regulation imposing certain specific restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia as

well as a proposal for a Council Regulation amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe. On 18 September, the Commission also adopted a proposal for a Council Regulation amending Council Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea. Furthermore, on 23 November, the Commission adopted a proposal for a Council Regulation imposing certain specific restrictive measures in respect of Guinea. All these proposals were sent by the Commission to the EDPS for consultation, in accordance with Article 28(2) of Regulation (EC) No 45/2001. The EDPS recalls that he also provided informal comments on the drafts of these proposals, as well as on other draft proposals to amend analogous Council Regulations imposing freeze of funds and other restrictive measures.

2. The EDPS welcomes that he is consulted and that reference to this consultation is made in the preamble of the proposals, in a similar way as in a number of other legislative texts on which the EDPS has been consulted, in accordance with Regulation (EC) No 45/2001.

II. THE PROPOSALS AND THE FOCUS OF THIS EDPS OPINION

3. All these proposals, by amending current legislation or putting forward new legal instruments, envisage fighting terrorism or human rights abuses by imposing restrictive measures — notably, assets-freezing, travel bans — with regard to natural and legal persons suspected of being associated with terrorist organisations and/or with certain governments. In this perspective, the European Commission publishes and publicises 'blacklists' of natural or legal persons concerned by these restrictive measures.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

4. The EDPS already issued on 28 July 2009 an opinion on the proposal for a Council Regulation amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban ('Al-Qaida proposal'). That opinion welcomed the intention of the Commission to better ensure the protection of fundamental rights, including the protection of personal data, and recommended to amend and/or clarify certain aspects of the proposal in order to meet essential EU data protection principles. The EDPS has closely followed the developments of the negotiations in the Council on the Al-Qaida proposal⁽¹⁾ and regrets that many of the provisions dealing with the protection of personal data have been deleted or substantially reduced.
5. The points already made in that opinion still remain valid and most of them apply to a certain extent also to the present proposals, which in many provisions reflect those of that proposal. The present opinion, taking into account all the proposals so far received for consultation by the EDPS as well as the developments of the negotiations in the Council, will address the application of data protection principles in the area of restrictive measures and will put forward recommendations for improvements. These recommendations will also take into account the entry into force of the Lisbon Treaty as well as the important policy guidelines laid down by the recently adopted Stockholm Programme⁽²⁾. This approach will allow the EDPS to issue further opinions on proposals for legislation in this area only insofar as those new proposals substantially diverge from the provisions of the current proposals.
6. This opinion focuses on those aspects of restrictive measures that are directly linked to the protection of personal data, and in particular on those aspects that the EDPS recommends being clarified in this area, in order to ensure certainty of law and efficiency of measures. This opinion does not address or affect other substantive questions that may be related to the inclusion in a list under the application of other rules.

III. THE LEGAL FRAMEWORK

7. The Commission proposals are aimed at addressing the case law of the Court of Justice, which reaffirmed on several occasions that the EU standards for protection of fundamental rights should be respected irrespective of

whether restrictive measures are adopted at EU level or stem from international organisations such as the United Nations⁽³⁾.

8. EU fundamental rights also include the right to the protection of personal data, which has been recognised by the Court of Justice as one of the principles stemming from Article 6(2) TEU and further confirmed by Article 8 of the EU Charter of Fundamental Rights⁽⁴⁾. In the context of restrictive measures, the right to the protection of personal data plays a crucial role, being also instrumental to the effective respect of other fundamental rights, such as the right of defence, the right to be heard and the right to an effective judicial protection.
9. In this perspective, the EDPS, as already done in his opinion of 28 July 2009 with regard to restrictive measures with regard to Al-Qaida, welcomes the intention of the Commission to improve the current legal framework by enhancing the listing procedure and by taking explicitly into account the right to the protection of personal data. Restrictive measures are based on processing of personal data, which by itself — irrespective of the freezing of assets — is subject to data protection rules and guarantees. Therefore, it is extremely important to provide clarity and legal certainty on the applicable rules for processing of personal data of listed individuals, also with a view to ensuring the lawfulness and legitimacy of the restrictive measures.
10. The Stockholm Programme makes it clear that 'when it comes to assessing the individual's privacy in the area of freedom, security and justice, the right to freedom is overarching' and that the EU should promote the application of data protection principles within the EU and in its relations with other countries.
11. The entry into force of the Lisbon Treaty strengthens the legal framework in this area. On the one hand, it establishes two new legal bases (Articles 75 and 215 TFEU) allowing the EU to adopt restrictive measures against natural or legal persons and groups or non-State entities. On the other hand, Articles 16 TFEU and 39 TEU reaffirm the right to data protection and the need for data protection rules and guarantees in all fields of activity of the European Union, and the EU Charter of Fundamental Rights acquires a binding value, which, as the Stockholm Programme explicitly recognises, 'will reinforce the obligation of the Union, including its institutions, to ensure that in all its areas of activity, fundamental rights are actively promoted'⁽⁵⁾.

⁽¹⁾ See Council document 12883/09.

⁽²⁾ The Stockholm Programme — An open and secure Europe serving and protecting the citizens, adopted by the European Council on 10-11 December 2009.

⁽³⁾ ECJ 3 September 2008, *Kadi and Al Barakaat International Foundation v. Council*, C-402/05 P and C-415/05 P, nyr., see notably paragraph 285.

⁽⁴⁾ ECJ 29 January 2008, *Promusicae v. Telefonica*, C-275/06, see notably paragraph 61-70.

⁽⁵⁾ Paragraph 2.1.

12. In particular, with regard to the processing of personal data carried out by EU institutions Article 16 TFEU applies to all activities of the EU, including the Common Foreign and Security Policy, while Article 39 TEU foresees a different decision-making procedure with regard to processing of personal data carried out by Member States within the scope of the Common Foreign and Security Policy. Furthermore, the Court of Justice becomes fully competent, even in the area of the Common Foreign and Security Policy, to assess the legality — and in particular the respect of fundamental rights — of decisions providing for restrictive measures against natural or legal persons (Article 275 TFEU).
13. Furthermore, the EU accession to the European Convention of Human Rights, foreseen by the Lisbon Treaty, will make the positions taken by the Council of Europe with regard to blacklisting ⁽¹⁾ and the case law of the European Court of Human Rights even more relevant for the EU legal framework.
14. Against this background, Article 8 of the Charter of Fundamental Rights has a special importance, especially where it spells out that personal data shall be processed on a legitimate basis laid down by law and that ‘everyone has the right of access to data which have been collected concerning him or her’. These essential elements of data protection must be respected by all EU measures and individuals may even be in a position to claim the direct effect — irrespective of any explicit recognition in secondary EU legislation — of the rights conferred by this Article.
15. The new legal framework brought by the entry into force of the Lisbon Treaty provide the legislator with the tools and the obligation to lay down comprehensive and consistent rules for the protection of personal data, also in the area of restrictive measures. This obligation is even more important in the light of the proliferation and of the increasing duration of this kind of measures, which have far-reaching consequences for the individuals concerned.
16. In this perspective, the EDPS highly recommends the Commission to abandon the current piecemeal approach — whereby specific, and sometimes different, rules on the processing of personal data are adopted for each country or organisation — and to propose a general and consistent framework for all targeted sanctions implemented by the EU against natural or legal persons, entities or bodies, which ensures the respect of fundamental rights of individuals concerned, and in particular the respect of the fundamental right to the protection of personal data.

⁽¹⁾ Council of Europe Parliamentary Assembly Resolution 1597 on United Nations Security Council and European Union blacklists, 23 January 2008, based on the report prepared by Mr Dick Marty (doc. No 11454).

Necessary restrictions to these rights should be clearly laid down by law, be proportionate and in any case respect the essence of these rights.

17. According to the EDPS, this effort should be carried out in parallel with the objective laid down by the European Council in the Stockholm Programme to ‘work towards enhancing the design, implementation and effectiveness of sanctions by the UN Security Council with a view to safeguarding fundamental rights and ensuring fair and clear procedures’ ⁽²⁾.
18. The following paragraphs, on the analysis of the current proposals, will not only provide recommendations for improving the provisions of these proposals but will also highlight those data protection aspects which are currently not addressed and which the EDPS recommends to clarify either in these legal instruments or in a more general framework.

IV. ANALYSIS OF THE MAIN PROVISIONS AND PRINCIPLES RELATING TO THE PROCESSING OF PERSONAL DATA IN CONNECTION WITH RESTRICTIVE MEASURES DIRECTED AGAINST INDIVIDUALS

IV.1. Applicable data protection law

19. As already stated in the EDPS opinion of 28 July 2009, data protection rules laid down by Regulation (EC) No 45/2001 are applicable to the processing of personal data carried out by EU institutions in the area of restrictive measures, even if these measures originate from international organisations or Common Positions adopted in the framework of the Common Foreign and Security Policy.
20. In this perspective, the EDPS welcomes the references in the current proposals to the applicability of Regulation (EC) No 45/2001, as well as to the data subjects’ rights stemming from it. However, the EDPS regrets that the developments of the negotiations relating to the restrictive measures in respect of Al-Qaida have resulted in the deletion of some of these references.
21. In this respect, the EDPS would like to stress that these deletions do not exclude or limit the applicability of those obligations and data subjects’ rights that are no longer explicitly mentioned in the legal instruments. However, the EDPS considers that explicitly mentioning and addressing the data protection aspects in the legal instruments on restrictive measures not only enhances the protection of fundamental rights, but also avoids that delicate issues remain unclear and are therefore brought before the Courts.

⁽²⁾ Paragraph 4.5.

22. In a more general perspective, the EDPS stresses that, pursuant to Article 8 of the EU Charter of Fundamental Rights, 'everyone has the right to the protection of personal data'. This fundamental right should thus be guaranteed in the European Union, irrespective of the nationality, the place of residence or the professional activities of the persons concerned. This means that, while restrictions of this right may well be necessary in the framework of restrictive measures, no in-principle or blanket exclusion of this right can be made with regard to categories of individuals, such as those having links with a third country government.

IV.2. Data quality and purpose limitation

23. According to applicable data protection rules (Article 4 of Regulation (EC) No 45/2001), personal data must be: processed fairly and lawfully; collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes; adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed. Personal data must also be accurate and kept up to date: every reasonable step must be taken to ensure that data which are inaccurate or incomplete are erased or rectified. Furthermore, personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which they were collected or are further processed.

24. The EDPS welcomes that all Commission proposals⁽¹⁾ explicitly define the categories of personal data that will be processed in the framework of restrictive measures and explicitly regulate the processing of personal data relating to criminal offences, convictions and security measures.

25. Against this background, the EDPS welcomes the principle laid down in paragraph 3, according to which the name and surname of the natural person's parents may be included in the Annex only when they are necessary in a specific case for the sole purpose of verification of the identity of the listed natural person in question. This

⁽¹⁾ See Proposal for a draft Council Regulation amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, Al-Qaida network and the Taliban, Article 7(d)(2) and 7(e); Proposal for a Council Regulation amending Regulation (EC) No 314/2004 imposing certain restrictive measures directed against Zimbabwe, Article 11(c)(2) and (3); Proposal for a Council Regulation imposing certain restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia, Article 14(2) and (3); Proposal for a Council Regulation amending Regulation (EC) No 329/2007 imposing certain restrictive measures directed against the Democratic Republic of Korea, Article 6(3); Proposal for a Council Regulation imposing certain restrictive measures directed against Guinea, Article 11(1) and (2).

provision well reflects also the data protection principle of purpose limitation, which lays down that personal data shall be collected for specified purposes and not further processed in a way incompatible with those purposes.

26. In order to ensure that this principle is adequately specified and applied with regard to all processing of personal data in this area, the EDPS recommends explicitly applying this principle to all categories of data, by amending relevant articles in such a way that the Annex with the listed persons 'shall only include the information necessary for the purpose of verification of the identity of the listed natural persons and in any case no more than the following information'. This amendment would allow avoiding the collection and the publication of unnecessary information about listed natural persons and about their families.

27. Furthermore, the EDPS suggests that the proposals explicitly state that personal data will be deleted or made anonymous as soon as they are no longer necessary in each case for the implementation of the restrictive measures or for ongoing litigation before the Court of Justice.

28. With regard to the obligation to keep personal data accurate and up to date, the current proposals take different approaches. The proposal on Somalia, mirroring the one on Al-Qaida, establishes that when the UN decides to de-list a person, the Commission should modify the EU list accordingly (Article 11.4). The proposal on the Democratic People's Republic of Korea instead establishes an obligation to review the EU list at regular intervals and at least every 12 months (Article 6.2). The other proposals do not refer to any of these mechanisms.

29. Nonetheless, all the EU lists, irrespective of the country they target and of whether they are adopted directly at EU level or implement UN decisions, have to comply with the principle of data quality, which in the area of restrictive measures has a crucial importance. Indeed, as the Court of First Instance recently pointed out⁽²⁾, when the restrictive measures are based on police and security enquiries, the developments in these enquiries — such as the closing of an investigation, the abandoning of prosecution or the acquittal in the criminal proceedings — should be duly taken into account when reviewing the lists, so as to avoid that a person's funds are frozen indefinitely, beyond review by any court and whatever the results of any judicial proceedings taken.

⁽²⁾ CFI 30 September 2009, *Sison v. Council*, T-341/07, nyr, paragraph 116.

30. Against this background, the EDPS recommends that effective mechanisms to de-list natural persons as well as to review EU lists at regular intervals, are implemented with regard to all current and future proposals in this area.

IV.3. Information to the listed persons

31. In his opinion of 28 July 2009, the EDPS welcomed the intention of the Commission to enhance the respect of fundamental rights by providing the persons concerned with means to be informed about the reasons for inclusion in the lists as well as with an opportunity to express his or her views on the matter. The same kind of provision is now proposed with regard to Somalia ⁽¹⁾ and Guinea ⁽²⁾, while with regard to Zimbabwe ⁽³⁾ the right to be informed about the reasons for inclusion and to state one's views is limited to those persons not linked with the government. The proposal on the Democratic Republic of Korea does not even mention this possibility.
32. The EDPS recalls the obligation to provide information to the data subject pursuant to Article 11 and in particular Article 12 of Regulation (EC) No 45/2001, dealing with information to be supplied when the data have not been obtained from the data subject. These provisions have to be respected with regard to all individuals, irrespective of their nationality or their link with the government of a certain country. Of course, different modalities of providing information to the listed persons are available and may be adapted to the specific political context of the restrictive measures. Furthermore, restrictions or exceptions can be enacted pursuant to Article 20 of Regulation (EC) No 45/2001 ⁽⁴⁾ to the extent in which they are necessary in specific circumstances, but a blanket and unlimited exclusion of the obligation to provide information is not possible.
33. Against this background, the EDPS recommends to address more explicitly in all current and future proposals in this area the right of information of the listed persons, as well as the conditions and the modalities of the restrictions which may be necessary.

IV.4. Data subjects' rights, notably the right to have access to personal data concerning them

34. Article 8.2 of the EU Charter of Fundamental Rights states that '[e]veryone has the right of access to data which has

been collected concerning him or her, and the right to have it rectified', making the right of access one of the core elements of the fundamental right to the protection of personal data. In the same line, Article 13 of Regulation (EC) No 45/2001 grants the data subject the right to obtain, without constraint, at any time within three months from the receipt of the request and free of charge from the controller, inter alia, communication in an intelligible form of the data undergoing processing (see subparagraph (c)).

35. In the area of restrictive measures, personal data concerning listed individuals, and notably those data relating to the reasons on the basis of which individuals are listed, are often contained in classified documents. With regard to these documents, all Commission proposals put forward identical provisions: firstly, it is stated that if the UN or a State submits classified information, the Commission must treat such information in accordance with the internal Commission provisions on security (Decision 2001/844/EC, ECSC, Euratom ⁽⁵⁾) and, where relevant, agreements on the security of classified information concluded between the EU and the submitting State; secondly, it is specified that documents classified at a level corresponding to 'EU Top Secret', 'EU Secret' or 'EU Confidential' will not be released without the consent of the originator ⁽⁶⁾.
36. The EDPS already analysed in details these provisions in his opinion of 28 July 2009 ⁽⁷⁾, and noted that neither the internal Commission rules on security nor the agreements with individual Member States or UN address the issue of the access by data subjects to personal data concerning them. Furthermore, even if restrictions of the right of access may well be envisaged in the area of restrictive measures, the current provisions do not ensure that a restriction only takes place when it is necessary and do not provide substantive criteria to assess its necessity. Indeed, according to the proposals, the right of access would be subject to an unconditional obligation to obtain the consent of the originator, which would leave

⁽⁵⁾ Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

⁽⁶⁾ See Proposal for a Council Regulation amending Regulation (EC) No 314/2004 imposing certain restrictive measures directed against Zimbabwe, Article 11(b); Proposal for a Council Regulation imposing certain restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia, Article 13; Proposal for a Council Regulation amending Regulation (EC) No 329/2007 imposing certain restrictive measures directed against the Democratic Republic of Korea, Article 13(5) and (6); Proposal for a Council Regulation imposing certain restrictive measures directed against Guinea, Article 12(6) and (7). The former Proposal for a draft Council Regulation amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, Al-Qaida network and the Taliban, contained such a provision in Article 7(d), which has been deleted in the current version.

⁽⁷⁾ Paragraphs 18-32.

⁽¹⁾ Proposal for a Council Regulation imposing certain restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia, Article 11(2).

⁽²⁾ Proposal for a Council Regulation imposing certain restrictive measures directed against Guinea, Article 12(2).

⁽³⁾ Proposal for a Council Regulation amending Regulation (EC) No 314/2004 imposing certain restrictive measures directed against Zimbabwe, Article 11(a)(2).

⁽⁴⁾ See below para. III.6.

a full discretion to the originator of the information, which includes parties which are not subject to EU law and EU standards of protection of fundamental rights.

37. The negotiations in the Council have led to the deletion of this provision in the proposal on Al-Qaida.

38. Against this background, the EDPS strongly recommends the legislator to address in the current and future proposals the essential issue of the right of listed individuals to have access — directly or indirectly through other authorities ⁽¹⁾ — to the personal data concerning them contained in classified documents, subject to the proportionate restrictions that may be necessary in certain circumstances.

39. The EDPS would also like to recall that Regulation (EC) No 45/2001 lays down other data subjects' rights which the legislator may consider addressing in these or future proposals. In particular, Article 14 of Regulation (EC) No 45/2001 establishes an obligation for the controller to rectify without delay inaccurate or incomplete personal data, while Article 17 obliges to notify rectification or erasure of data — as in the case of de-listing — to third parties to whom data have been disclosed, unless this proves impossible or involves a disproportionate effort.

40. Furthermore, the EDPS welcomes that all proposals envisage the explicit appointment of a unit of the European Commission as controller, thus enhancing the visibility of the controller and facilitating the exercise of data subjects' rights as well as the allocation of responsibilities under Regulation (EC) No 45/2001.

IV.5. Safeguards for exchanges of data with third countries and international organisations

41. An important question, which is currently not explicitly addressed by the proposals but is implicit in the listing procedure, is ensuring that personal data are adequately protected when they are exchanged by the EU with third countries and international organisations, such as the United Nations.

42. In this regard, the EDPS would like to draw attention to Article 9 of Regulation (EC) No 45/2001, which lays down the conditions for transfer of personal data to recipients, other than Community bodies, which are not subject to Directive 95/46/EC. A broad gamut of solutions is available, ranging from the consent of the data subject (paragraph 6(a)) and the exercise of legal claims (paragraph 6(d)) — which could be useful in case the information has been provided by the listed person with a view to trigger a

review of the listing — to the existence within the UN or the relevant third country of mechanisms to ensure an adequate protection for personal data transmitted from the EU.

43. The EDPS, recalling that the various processing activities envisaged should be in line with this system, recommends the legislator to ensure that adequate mechanisms and safeguards — such as specifications in the proposals as well as arrangements with the UN or other relevant third countries — are put in place with a view to ensure an adequate protection of personal data exchanged with third countries and international organisations.

IV.6. Necessary restrictions and limitations to data protection rights

44. The EDPS considers that the issue of restrictions and limitations to certain fundamental rights, such as the protection of personal data, plays a crucial role in the area of restrictive measures, since they may be necessary in order to ensure the effective and proper enforcement of the restrictive measures.

45. The European Convention of Human Rights, the EU Charter of Fundamental Rights as well as the specific legal instruments on data protection, including Article 20 of Regulation (EC) No 45/2001, allow this possibility, subject to certain conditions which have been reaffirmed and clarified both by the European Court of Human Rights and the European Court of Justice ⁽²⁾. In a nutshell, these restrictions to the fundamental right to data protection should be based on legislative measures and shall comply with a strict proportionality test, i.e. should be limited — both in their substance and in their application in time — to what is necessary to pursue the public interest at stake, as confirmed by the extensive case law of the Court of Justice, also in the area of restrictive measures. General, disproportionate or unforeseeable restrictions would not meet this test.

46. For example, information to the persons concerned will need to be delayed, insofar as it is needed to preserve the 'surprise effect' of the decision to list this person and to freeze his or her assets. However, as the CFI pointed out in its case law ⁽³⁾, further refusing or delaying this information, even after the freezing, would be unnecessary and thus disproportionate. Proportionate and temporary restrictions to the right of access by listed persons to personal data concerning them — including information on the decisions on which the listing is based — may also

⁽¹⁾ See below paragraphs III.6.

⁽²⁾ European Court of Human Rights, *S. and Marper v. the United Kingdom*, Judgement of 4 December 2008; ECJ, 20 May 2003, *Rechnungshof*, C-465/00, paragraphs 76-90.

⁽³⁾ CFI, 12 December 2006, *Organisation des Modjahedines du peuple d'Iran v. Council*, T-228/02, paragraphs 128-137.

be envisaged, but a blanket and permanent exclusion of this right would not respect the essence of the fundamental right to the protection of personal data.

47. Regulation (EC) No 45/2001 already offers a legal framework allowing for both restrictions and safeguards. Paragraphs 3 and 4 of Article 20 contain rules relating to the application of a restriction. According to paragraph 3, the institution involved should inform the data subject of the principal reasons on which the restriction is based and of his or her right to have recourse to the EDPS. Paragraph 4 contains a further rule which relates specifically to a restriction of the right of access. It states that the EDPS, when investigating a complaint on the basis of the previous paragraph, shall only inform the data subject of whether the data have been processed correctly and if not, whether any necessary corrections have been made ⁽¹⁾.

48. All the current proposals address the issue of the restrictions to data protection rights only partly or implicitly, thus leaving room for conflicting norms and different possible interpretations that are likely to end up before the courts. The negotiations on the proposal on Al-Qaida seem to go in the direction of reducing the references to data protection rights and necessary restrictions.

49. Against this background, the EDPS recommends the legislator to address this delicate issue, by clarifying in the current proposals or in another legal instrument the restrictions to data protection principles as well as the safeguards that may be necessary in the area of restrictive measures. This would make restrictions foreseeable and proportionate, thus ensuring at the same time the effectiveness of the restrictive measures, the respect of fundamental rights and the reduction of the litigation before the courts. Furthermore, this reflects the Stockholm Programme where it clearly states that the EU shall foresee and regulate the circumstances in which interference by public authorities with the exercise of data protection rights is justified ⁽²⁾.

IV.7. Liability in case of unlawful processing of personal data

50. Pursuant to Article 32(4) of Regulation (EC) No 45/2001, as well as Article 23 of Directive 95/46/EC, any person who has suffered damage as a result of unlawful processing of data is entitled to receive compensation from the controller for the damage suffered, unless the controller proves that he is not responsible for the event giving

⁽¹⁾ The provision of information mentioned in Article 20(3) and (4) may be deferred for as long as such information would deprive the restriction of its effect (see Article 20(5)).

⁽²⁾ Paragraphs 2.5.

rise to the damage. It is a specification of the general legal notion of liability, by a reversal of the burden of proof.

51. In this perspective, restrictive measures are based on processing and publication of personal data, which in case of unlawfulness may by itself — irrespective of the restrictive measures taken — give rise to non-material damage, as already recognised by the CFI ⁽³⁾.

52. The EDPS points out that this non-contractual liability for a processing of personal data in breach of applicable data protection law remains valid and cannot be deprived of its essential content, even if some of the current proposals ⁽⁴⁾ exclude liability, except in case of negligence, for those natural and legal persons implementing restrictive measures.

IV.8. Effective judicial remedies and independent supervision

53. Listed individuals have the right to judicial remedy as well as to administrative remedies before competent data protection supervisory authorities. The latter remedies include hearing complaints lodged by data subjects, pursuant to Article 32 of Regulation (EC) No 45/2001, and rely on the power of the EDPS to obtain from a controller or Community institution or body access to all personal data and to all information necessary for his enquiries (see Article 47(2)(b) of Regulation (EC) No 45/2001).

54. Independent supervision of compliance with data protection rules is a cornerstone principle of data protection, now explicitly reaffirmed, with regard to processing of personal data carried out in all EU activities, not only by Article 8 of the EU Charter of Fundamental Rights, but also by Article 16 TFEU and Article 39 TEU.

55. As already mentioned in his opinion of 28 July 2009 ⁽⁵⁾, the EDPS is concerned that the condition contained in the current proposals that classified information shall only be

⁽³⁾ CFI 12 September 2007, *Kalliopi Nikolau v. Commission*, T-259/03, [2007] ECR II-99; CFI 8 July 2008, *Franchet and Byk v. Commission*, T-48/05, nyr.

⁽⁴⁾ See Proposal for a Council Regulation amending Regulation (EC) No 881/2002 imposing certain restrictive measures directed against Al-Qaida network and the Taliban, Article 6; Proposal for a Council Regulation imposing certain restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia, Article 6; Proposal for a Council Regulation amending Regulation (EC) No 329/2007 imposing certain restrictive measures directed against the Democratic Republic of Korea, Article 11(1); Proposal for a Council Regulation imposing certain restrictive measures directed against Guinea, Article 8. On the contrary, the Proposal for a Council Regulation amending Regulation (EC) No 314/2004 imposing certain restrictive measures directed against Zimbabwe does not contain a similar provision.

⁽⁵⁾ Paragraphs 27-32.

released with the consent of the originator may not only impinge on the supervisory powers of the EDPS in this area, but may also affect the effectiveness of the judicial review, by impinging on the ability of the ECJ to review whether a fair balance is struck between the need to combat international terrorism and the protection of fundamental rights. As stated by the CFI in its judgment of 4 December 2008, access to classified information can be necessary to enable the Court to do so ⁽¹⁾.

56. Against this background, the EDPS recommends that the current proposals ensure that the existing judicial remedies and independent supervision by data protection supervisory authorities are fully applicable and that their effectiveness is not prejudiced by the conditions imposed on the access to classified documents. In this respect, a first step would be replacing in relevant Articles of current proposals ⁽²⁾ the word 'released' with 'publicly disclosed'.

V. CONCLUSIONS

57. The EDPS firmly believes that fighting those who undermine the respect of fundamental rights shall be done through the respect of fundamental rights.

58. In this perspective, as already done in his opinion of 28 July 2009 with regard to restrictive measures with regard to Al-Qaida, the EDPS welcomes the intention of the Commission to improve the current legal framework by enhancing the listing procedure and by taking explicitly into account the right to the protection of personal data.

59. In the light of the tools offered by the Lisbon Treaty as well as of the long-term vision put forward by the Stockholm Programme, the EDPS highly recommends the Commission to abandon the current piecemeal approach — whereby specific, and sometimes different, rules on the processing of personal data are adopted for each country or organisation — and to propose a general and consistent framework for all targeted sanctions implemented by the EU against natural or legal persons, entities or bodies, which ensures the respect of fundamental rights of individuals concerned, and in particular the respect of the fundamental right to the protection of personal data.

⁽¹⁾ CFI 4 December 2008, *PMOI v. Council*, T-284/08, n.y.r, see notably paragraphs 74-76.

⁽²⁾ See Proposal for a Council Regulation amending Regulation (EC) No 314/2004 imposing certain restrictive measures directed against Zimbabwe, Article 11(b)(2); Proposal for a Council Regulation imposing certain restrictive measures directed against certain natural and legal persons, entities and bodies in view of the situation in Somalia, Article 13(2); Proposal for a Council Regulation amending Regulation (EC) No 329/2007 imposing certain restrictive measures directed against the Democratic Republic of Korea, Article 13(6); Proposal for a Council Regulation imposing certain restrictive measures directed against Guinea, Article 12(7).

Necessary restrictions to these rights should be clearly laid down by law, be proportionate and in any case respect the essence of these rights.

60. The EDPS welcomes the references in the current proposals to the applicability of Regulation (EC) No 45/2001, as well as to the data subjects' rights stemming from it.

61. With regard to data quality and purpose limitation, the EDPS recommends some amendments in order to ensure that only necessary data are processed, that these data are kept up to date and for no longer than necessary. In particular, the EDPS recommends that effective mechanisms to de-list natural persons as well as to review EU lists at regular intervals, are implemented with regard to all current and future proposals in this area.

62. The EDPS recommends addressing more explicitly, in all current and future proposals in this area, the right of information of the listed persons, as well as the conditions and the modalities of the restrictions which may be necessary.

63. The EDPS strongly recommends the legislator to address in the current and future proposals the essential issue of the right of listed individuals to have access to the personal data concerning them contained in classified documents, subject to the proportionate restrictions that may be necessary in certain circumstances.

64. The EDPS recommends the legislator to ensure that adequate mechanisms and safeguards — such as specifications in the proposals, as well as arrangements with the UN or other relevant third countries — are put in place with a view to ensure an adequate protection of personal data exchanged with third countries and international organisations.

65. The EDPS recommends the legislator to clarify in the current proposals or in another legal instrument the restrictions to data protection principles as well as the safeguards that may be necessary in the area of restrictive measures, with a view to making restrictions foreseeable and proportionate.

66. The EDPS notes that the principle of liability for unlawful processing of personal data remains valid and cannot be deprived of its essential content.

67. The EDPS recommends ensuring that the existing judicial remedies and independent supervision by data protection supervisory authorities are fully applicable and that their effectiveness is not prejudiced by the conditions imposed on the access to classified documents.

Done at Brussels, 16 December 2009.

Peter HUSTINX
European Data Protection Supervisor

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case COMP/M.5806 — KKR & CO/Pets at Home)****(Text with EEA relevance)**

(2010/C 73/02)

On 17 March 2010, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32010M5806. EUR-Lex is the on-line access to the European law.

Non-opposition to a notified concentration**(Case COMP/M.5554 — Havi/Keylux/STI Freight JV)****(Text with EEA relevance)**

(2010/C 73/03)

On 16 March 2010, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- in the merger section of the Competition website of the Commission (<http://ec.europa.eu/competition/mergers/cases/>). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,
- in electronic form on the EUR-Lex website (<http://eur-lex.europa.eu/en/index.htm>) under document number 32010M5554. EUR-Lex is the on-line access to the European law.

COMMISSION DECISION**of 19 March 2010****appointing the member of the European Consumer Consultative Group for Malta and its alternate**

(2010/C 73/04)

THE EUROPEAN COMMISSION,

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

Having regard to Commission Decision 2009/705/EC of 14 September 2009 setting up a European Consumer Consultative Group ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) The mandate of the members of the European Consumer Consultative Group expired on 14 November 2009.
- (2) New members and alternates were appointed by Commission Decision of 17 February 2010 for a three-year period.
- (3) It is necessary to appoint a full and an alternate member representing consumer organisations from Malta for the remainder of the three-year term of office, on the basis of the proposals put forward by national authorities from Malta,

HAS DECIDED AS FOLLOWS:

Sole Article

The following persons are appointed member or alternate of the European Consumer Consultative Group for the remainder of its term of office:

Member	Alternate
Renald BLUNDELL (MT)	Stefan XUEREB (MT)

Done at Brussels, 19 March 2010.

*For the Commission,
On behalf of the President,
Robert MADELIN
Director-General for Health and Consumers*

⁽¹⁾ OJ L 244, 16.9.2009, p. 21.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates ⁽¹⁾

22 March 2010

(2010/C 73/05)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,3471	AUD	Australian dollar	1,4815
JPY	Japanese yen	121,25	CAD	Canadian dollar	1,3788
DKK	Danish krone	7,4404	HKD	Hong Kong dollar	10,4552
GBP	Pound sterling	0,89900	NZD	New Zealand dollar	1,9205
SEK	Swedish krona	9,7585	SGD	Singapore dollar	1,8923
CHF	Swiss franc	1,4348	KRW	South Korean won	1 529,88
ISK	Iceland króna		ZAR	South African rand	9,9494
NOK	Norwegian krone	8,0445	CNY	Chinese yuan renminbi	9,1961
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,2600
CZK	Czech koruna	25,465	IDR	Indonesian rupiah	12 296,59
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,4757
HUF	Hungarian forint	265,30	PHP	Philippine peso	61,530
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	39,9540
LVL	Latvian lats	0,7080	THB	Thai baht	43,592
PLN	Polish zloty	3,9250	BRL	Brazilian real	2,4384
RON	Romanian leu	4,0915	MXN	Mexican peso	17,0644
TRY	Turkish lira	2,0884	INR	Indian rupee	61,4080

⁽¹⁾ Source: reference exchange rate published by the ECB.

NOTICES FROM MEMBER STATES

Information from the European Commission, published in accordance with Article 22(2) of Council Regulation (EC) No 1005/2008, concerning flag State notifications (List of States and their competent authorities), according to Article 20(1), (2), (3), and Annex III of Regulation (EC) No 1005/2008

(2010/C 73/06)

In accordance with Article 20(1), (2), (3) and Annex III of Council Regulation (EC) No 1005/2008 ⁽¹⁾, the following third countries have notified to the European Commission the public authorities which, in relation with the catch certification scheme established by Article 12 of the Regulation, are empowered to:

- (a) register fishing vessels under their flag;
- (b) grant, suspend and withdraw fishing licences to their fishing vessels;
- (c) attest the veracity of information provided in the catch certificates referred to in Article 12 and validate such certificates;
- (d) implement, control and enforce laws, regulations and conservation and management measures which must be complied with by their fishing vessels;
- (e) carry out verifications of such catch certificates to assist the competent authorities of the Member States through the administrative cooperation referred to in Article 20(4);
- (f) communicate sample forms of their catch certificates in accordance with the specimen in Annex II; and
- (g) update such notifications.

Third country	Competent authorities
ALBANIA	(a): — Albanian General Harbour Masters (Ministry of Public Work, Transportation and Telecommunication) (b): — National Licensing Centre (Ministry of Economy, Trade and Energy) (c), (d), (e): — Fishery Inspectorate (Ministry of Environment, Forestry and Water Administration) (f), (g): — Directorate of Fisheries Policies (Ministry of Environment, Forestry and Water Administration)
ANGOLA	(a): — Conservatória do registo de propriedade subordinada ao Ministério da Justiça/Capitania dos portos subordinadas ao Ministério dos Transportes (b): — Ministro das Pescas (c): — Serviço Nacional de Fiscalização Pesqueira e da Aquicultura (SNFPA)/Direcção Nacional de Pescas e Protecção dos Recursos Pesqueiros (DNPPRP) (d): — Serviço Nacional de Fiscalização Pesqueira e da Aquicultura (SNFPA) (e), (f), (g): — Direcção Nacional de Pescas e Protecção dos Recursos Pesqueiros/Órgão do Ministério das Pescas

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

Third country	Competent authorities
ANTIGUA AND BARBUDA	(a) to (g): — Chief Fisheries Officer, Fisheries Division, Ministry of Agriculture, Lands Housing and Environment
ARGENTINA	(a) to (f): — Subsecretario de Pesca y Acuicultura Director Nacional de Coordinación Pesquera (g): — Embajada Argentina ante la UE
AUSTRALIA	(a) to (e): — Australia Fisheries Management Authority Fisheries WA, Department of Resources Fisheries, Queensland Primary Industries and Fisheries (f) to (g): — The Australian Government Department of Agriculture, Fisheries and Forestry
BENIN	(a): — Direction de la Marine Marchande (b) to (g): — Direction des Pêches
BRAZIL	(a), (b), (d), (e), (f), (g): — Ministry of Fisheries and Aquaculture (c): — Ministry of Fisheries and Aquaculture/Ministry of Agriculture, Livestock and Food Supply
CAMEROON	(a): — Ministère des Transports (b) to (g): — Ministère de l'Élevage, des Pêches et Industries Animales
CANADA	(a) to (f): — Assistant Deputy Minister of Fisheries and Aquaculture
CAPE VERDE	(a): — Institut Maritime et Portuaire (b), (d), (f), (g): — Direction Générale des Pêches (c), (e): — Direction Générale des Pêches Institut National Développement des Pêches
CHILE	(a): — Dirección General del Territorio Marítimo y Marine Mercante de la Armada de Chile (b): — Subsecretaría de Pesca (c) to (g): — Servicio Nacional de Pesca
CHINA	(a) to (g): — Bureau of Fisheries
COLOMBIA	(a): — Dirección General Marítima (b) to (f): — Instituto Colombiano de Desarrollo Rural

Third country	Competent authorities
COSTA RICA	(g): — Director de Pesca y Acuicultura (a): — Oficina de Bienes Muebles (b): — Presidente Ejecutivo, Instituto Costarricense de Pesca y Acuicultura (c), (f): — Dirección General Técnica, Instituto Costarricense de Pesca y Acuicultura (d): — Unidad de Control Pesquero, Instituto Costarricense de Pesca y Acuicultura Director General del Servicio Nacional de Guardacostas (e): — Departamento de Cooperación Internacional, Instituto Costarricense de Pesca y Acuicultura
CROATIA	(g): — Ministro de Agricultura y Ganadería (a) to (g): — Department of Fisheries, Ministry of Agriculture, Fishery and Rural Development
ECUADOR	(a), (c), (e): — Director de Gestión y Desarrollo Sustentable Pesquero and Director Regional de Pesca (b): — Director General de Pesca (d): — Director de Control Pesquero (f), (g): — Subsecretario de Recursos Pesqueros
EL SALVADOR	(a): — Autoridad Marítima Portuaria (b) to (g): — Centro de Desarrollo de la Pesca y la Acuicultura
ERITREA	(a), (f): — Ministry of Fisheries (b): — Fisheries Resource Regulatory Department (c): — Fish Quality Inspection Division (d): — Monitoring Controlling and Surveillance, Ministry of Fisheries (e): — Liaison Division, Ministry of Fisheries (g): — Government of the State of Eritrea
FALKLAND ISLANDS	(a): — Registrar of Shipping, Customs and Immigration Department (b) to (g): — Director of Fisheries, Fisheries Department

Third country	Competent authorities
FAEROE ISLANDS	(a): — FAS Faeroe Islands National and International Ship Register (b): — Ministry of Fisheries Faeroe Islands Fisheries Inspection (c): — not relevant (d): — Ministry of Fisheries, The Faeroe Islands Fisheries Inspection, The Police and Public Prosecution Authority (e): — The Faeroe Islands Fisheries Inspection (f), (g): — Ministry of Fisheries
FRENCH POLYNESIA	(a): — Direction Polynésienne des Affaires Maritimes (b), (c), (e), (f): — Service de la Pêche (d): — Service de la Pêche and Haut Commissariat de la République en Polynésie française and Service des Affaires Maritimes (g): — Direction des Pêches Maritimes et de l'Aquaculture
FIJI	(a): — Fiji Islands Maritime and Safety Administration (b) to (f): — Fisheries Department (g): — Ministry of Health
GABON	(a), (b): — Ministre de l'Économie Forestière, des Eaux et de la Pêche (c) to (g): — Directeur Général des Pêches et de l'Aquaculture
GAMBIA	(a): — The Gambia Maritime Administration (b) to (g): — Director of Fisheries
GHANA	(a) to (g): — Directorate of Fisheries
GREENLAND	(a): — The Danish Maritime Authority (b) to (g): — The Greenland Fisheries Licence Control Authority
GRENADA	(a) to (g): — Fisheries Division

Third country	Competent authorities
GUATEMALA	(a), (d): — Unidad de Manejo de la Pesca y Acuicultura (b), (c), (e), (f), (g): — Ministerio de Agricultura, Ganadería y Alimentación
GUINEA	(a): — Agence Nationale de Navigation Maritime (b): — Direction Nationale de la Pêche Maritime (c), (d), (f): — Centre National de Surveillance et de Protection des Pêches (e): — Service Industries Assurance Qualité des Produits de la Pêche et de l'Aquaculture (g): — Ministère de la Pêche et de l'Aquaculture
GUYANA	(a) to (f): — Fisheries Department
ICELAND	(a), (b): — Directorate of Fisheries (c), (e), (f), (g): — Directorate of Fisheries, The Icelandic Food and Veterinary Authority (d): — Directorate of Fisheries, The Icelandic Coast Guards
INDIA	(a), (b): — Marine Products Exports Development Authority, Director General of Shipping, Ministry of Shipping, Department of Fisheries of State (Provincial) Governments of West Bengal, Gujarat, Kerala, Orissa, Andhra Pradesh, Karnataka, Maharastra, and Tamil Nadu (c), (e): — Marine Products Exports Development Authority (d): — Director General of Shipping, Marine Products Exports Development Authority, Coast Guard and Department of Fisheries of the State Governments (f): — Department of Commerce, Ministry of Commerce and Industry (g): — Department of Commerce, Ministry of Commerce and Industry and Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture
INDONESIA	(a), (b): — Heads of Marine and Fisheries Services Province, Director General of Capture Fisheries (c): — Heads of Fishing Ports, Directorate General of Capture Fisheries Fisheries Inspectors, Directorate General of Marine and Fisheries Resources Surveillance and Control (d): — Director General of marine and Fisheries Resources, Surveillance and Control (e): — Director General of Capture Fisheries (f), (g): — Director General of Fisheries Product Processing and Marketing

Third country	Competent authorities
IVORY COAST	(a): — Directeur des Affaires Maritimes et Portuaires (b), (f), (g): — Ministre de la Production Animale et des Ressources Halieutiques (c), (e): — Service d'Inspection et de Contrôles Sanitaires Vétérinaires en Frontières (d): — Directeur des Productions Halieutiques
JAPAN	(a): — Fisheries Management Division, Bureau of Fisheries, Department of Fisheries and Forestry, Hokkaido Government — Aomori Prefectural Government — Hachinohe Fisheries Office, Sanpachi District Administration Office, Aomori Prefectural Government — Mutsu Fisheries Office, Department of Agriculture, Forestry and Fisheries, Seihoku District Administration Office, Aomori Prefectural Government — Ajigasawa Fisheries Office, Department of Agriculture, Forestry and Fisheries, Seihoku District Administration Office, Aomori Prefectural Government — Fisheries Industry Promotion Division, Department of Agriculture, Forestry and Fisheries, Iwate Prefectural Government — Fisheries Department, Kuji Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Miyako Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Kamaishi Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Ofunato Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Industry Promotion Division, Agriculture Forestry and Fisheries Department, Miyagi Prefectural Government — Fisheries and Fishing Ports Division, Department of Agriculture, Forestry and Fisheries, Akita Prefectural Government — Fisheries Division, Industrial and Economic Affairs Department Shonai Area General Branch Administration Office, Yamagata Prefectural Government — Fishery Division, Fukushima Prefectural Government — Fishery Office, Fukushima Prefectural Government — Fisheries Administration Division, Ibaraki Prefectural Government — Marine Industries Promotion Division, Chiba Prefectural Government — Fishery section, Agriculture, Forestry and Fishery Division, Bureau of Industrial and Labour Affairs, Tokyo Metropolitan Government — Fisheries Division, Environment and Agriculture Department, Kanawaga Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Niigata Prefectural Government — Promotion Division, Agriculture, Forestry and Fisheries Promotion Department, Sado Regional Promotion Bureau, Niigata Prefectural Government — Fisheries and Fishing Port Division, Toyama Prefectural Government — Fishery Division, Agriculture, Forestry and Fisheries Department, Ishikawa Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Fukui Prefectural Government — Reinan Regional Promotion Bureau, Fukui Prefectural Government — Office of Fishery Management, Division of Fishery, Department of Industry, Shizuoka Prefectural Government — Fisheries Administration Division, Department of Agriculture, Forestry and Fisheries, Aichi Prefectural Government

Third country	Competent authorities
	— Fisheries Resource Office, Department of Agriculture, Fisheries, Commerce and Industry, Mie Prefectural Government
	— Fisheries Division, Department of Agriculture, Forestry and Fisheries, Kyoto Prefectural Government
	— Fisheries Office, Kyoto Prefectural Government
	— Fisheries Division, Department of Environment, Agriculture, Forestry and Fisheries, Osaka Prefectural Government
	— Fisheries Division, Agriculture, Forestry and Fisheries Bureau, Agriculture and Environmental Department, Hyogo Prefectural Department
	— Kobe Agriculture, Forestry and Fisheries Office, Kobe District Administration Office, Hyogo Prefectural Government
	— Kakogawa Agriculture, Forestry and Fisheries Office, Higashi-Harima District Administration Office, Hyogo Prefectural Government
	— Himeji Agriculture, Forestry and Fisheries Office, Naka-Harima District Administration Office, Hyogo Prefectural Government
	— Koto Agriculture, Forestry and Fisheries Office, Nishi-Harima District Administration Office, Hyogo Prefectural Government
	— Tajima Fisheries Office, Tajima District Administration Office, Hyogo Prefectural Government
	— Sumoto Agriculture, Forestry and Fisheries Office, Awaji District Administration Office, Hyogo Prefectural Government
	— Wakayama Prefectural Government
	— Kaisou Promotions Bureau, Wakayama Prefectural Government
	— Arida Promotions Bureau, Wakayama Prefectural Government
	— Hidaka Promotions Bureau, Wakayama Prefectural Government
	— Nishimuro Promotion Bureau, Wakayama Prefectural Government
	— Higashimuro Promotion Bureau, Wakayama Prefectural Government
	— Fishery Division, Fishery Development Bureau, Department of Agriculture, Forestry and Fishery, Tottori Prefectural Government
	— Fisheries Division, Department of Agriculture, Forestry and Fisheries, Shimane Prefectural Government
	— Fisheries Office, Oki Branch Office, Shimane Prefectural Government
	— Matsue Fisheries Office, Shimane Prefectural Government
	— Hamada Fisheries Office, Shimane Prefectural Government
	— Okayama Prefectural Government
	— Hiroshima Prefectural Government
	— Fisheries Promotion Division, Yamaguchi Prefectural Government
	— Fisheries Division, Agriculture, Forestry and Fisheries Department, Tokushima Prefectural Government
	— Fisheries Division, Agricultural Administration and Fisheries Department, Kagawa Prefectural Government
	— Fisheries Promotion Division, Fisheries Bureau, Agriculture, Forestry and Fisheries Department, Ehime Prefectural Government
	— Fisheries Management Division, Kochi Prefectural Government
	— Fishery Administration Division, Fishery Bureau, Department of Agriculture, Forestry and Fisheries, Fukuoka Prefectural Government
	— Fisheries Division, Saga Prefectural Government
	— Resource Management Division, Fisheries Department, Nagasaki Prefectural Government
	— Department of Agriculture, Forestry and Fisheries, Kumamoto Prefectural Government
	— Tamana Regional Promotion Bureau, Kumamoto Prefectural Government
	— Yatsushiro Regional Promotion Bureau, Kumamoto Prefectural Government
	— Amakusa Regional Promotion Bureau, Kumamoto Prefectural Government

Third country	Competent authorities
	<ul style="list-style-type: none"> — Oita Prefectural Government — Fisheries Administration Division, Agriculture and Fisheries Department, Miyazaki Prefectural Government — Fisheries Promotion Division, Kagoshima Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries Department, Miyazaki Prefectural Government — Fisheries Promotion Division, Kagoshima Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Okinawa Prefectural Government — Agriculture, Forestry and Fisheries Management Division, Miyako Regional Agriculture Forestry and Fisheries Promotions Center, Okinawa Prefectural Government — Agriculture, Forestry and Fisheries Management Division, Yaeyama Regional Agriculture, Forestry and Fisheries Promotions Center, Okinawa Prefectural Government
	(b):
	<ul style="list-style-type: none"> — Fisheries Management Division, Bureau of Fisheries, Department of Fisheries and Forestry, Hokkaido Government — Aomori Prefectural Government — Hachinohe Fisheries Office, Sanpachi District Administration Office, Aomori Prefectural Government — Mutsu Fisheries Office, Department of Agriculture, Forestry and Fisheries, Seihoku District Administration Office, Aomori Prefectural Government — Ajigasawa Fisheries Office, Department of Agriculture, Forestry and Fisheries, Seihoku District Administration Office, Aomori Prefectural Government — Fisheries Industry Promotion Division, Department of Agriculture, Forestry and Fisheries, Iwate Prefectural Government — Fisheries Department, Kuji Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Miyako Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Kamaishi Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Ofunato Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Industry Promotion Division, Agriculture Forestry and Fisheries Department, Miyagi Prefectural Government — Fisheries and Fishing Ports Division, Department of Agriculture, Forestry and Fisheries, Akita Prefectural Government — Fisheries Division, Industrial and Economic Affairs Department Shonai Area General Branch Administration Office, Yamagata Prefectural Government — Fishery Division, Fukushima Prefectural Government — Fishery Office, Fukushima Prefectural Government — Fisheries Administration Division, Ibaraki Prefectural Government — Marine Industries Promotion Division, Chiba Prefectural Government — Fishery Section, Agriculture, Forestry and Fishery Division, Bureau of Industrial and Labor Affairs, Tokyo Metropolitan Government — Fisheries Division, Environment and Agriculture Department, Kanawaga Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Niigata Prefectural Government — Promotion Division, Agriculture, Forestry and Fisheries Promotion Department, Sado Regional Promotion Bureau, Niigata Prefectural Government — Fisheries and Fishing Port Division, Toyama Prefectural Government — Fishery Division, Agriculture, Forestry and Fisheries Department, Ishikawa Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Fukui Prefectural Government — Reinan Regional Promotion Bureau, Fukui Prefectural Government

Third country	Competent authorities
	— Office of Fishery Management, Division of Fishery, Department of Industry, Shizuoka Prefectural Government
	— Fisheries Administration Division, Department of Agriculture, Forestry and Fisheries, Aichi Prefectural Government
	— Fisheries Resource Office, Department of Agriculture, Fisheries, Commerce and Industry, Mie Prefectural Government
	— Fisheries Division, Department of Agriculture, Forestry and Fisheries, Kyoto Prefectural Government
	— Fisheries Office, Kyoto Prefectural Government
	— Fisheries Division, Department of Environment, Agriculture, Forestry and Fisheries, Osaka Prefectural Government
	— Fisheries Division, Agriculture, Forestry and Fisheries Bureau, Agriculture and Environmental Department, Hyogo Prefectural Department
	— Kobe Agriculture, Forestry and Fisheries Office, Kobe District Administration Office, Hyogo Prefectural Government
	— Kakogawa Agriculture, Forestry and Fisheries Office, Higashi-Harima District Administration Office, Hyogo Prefectural Government
	— Himeji Agriculture, Forestry and Fisheries Office, Naka-Harima District Administration Office, Hyogo Prefectural Government
	— Koto Agriculture, Forestry and Fisheries Office, Nishi-Harima District Administration Office, Hyogo Prefectural Government
	— Tajima Fisheries Office, Tajima District Administration Office, Hyogo Prefectural Government
	— Sumoto Agriculture, Forestry and Fisheries Office, Awaji District Administration Office, Hyogo Prefectural Government
	— Wakayama Prefectural Government
	— Kaisou Promotions Bureau, Wakayama Prefectural Government
	— Arida Promotions Bureau, Wakayama Prefectural Government
	— Hidaka Promotions Bureau, Wakayama Prefectural Government
	— Nishimuro Promotion Bureau, Wakayama Prefectural Government
	— Higashimuro Promotion Bureau, Wakayama Prefectural Government
	— Fishery Division, Fishery Development Bureau, Department of Agriculture, Forestry and Fishery, Tottori Prefectural Government
	— Fisheries Division, Department of Agriculture, Forestry and Fisheries, Shimane Prefectural Government
	— Fisheries Office, Oki Branch Office, Shimane Prefectural Government
	— Matsue Fisheries Office, Shimane Prefectural Government
	— Hamada Fisheries Office, Shimane Prefectural Government
	— Okayama Prefectural Government
	— Hiroshima Prefectural Government
	— Fisheries Promotion Division, Yamaguchi Prefectural Government
	— Fisheries Division, Agriculture, Forestry and Fisheries Department, Tokushima Prefectural Government
	— Fisheries Division, Agricultural Administration and Fisheries Department, Kagawa Prefectural Government
	— Fisheries Promotion Division, Fisheries Bureau, Agriculture, Forestry and Fisheries Department, Ehime Prefectural Government
	— Fisheries Management Division, Kochi Prefectural Government
	— Fishery Administration Division, Fishery Bureau, Department of Agriculture, Forestry and Fisheries, Fukuoka Prefectural Government
	— Fisheries Division, Saga Prefectural Government
	— Resource Management Division, Fisheries Department, Nagasaki Prefectural Government
	— Department of Agriculture, Forestry and Fisheries, Kumamoto Prefectural Government

Third country	Competent authorities
	<ul style="list-style-type: none"> — Tamana Regional Promotion Bureau, Kumamoto Prefectural Government — Yatsushiro Regional Promotion Bureau, Kumamoto Prefectural Government — Amakusa Regional Promotion Bureau, Kumamoto Prefectural Government — Oita Prefectural Government — Fisheries Administration Division, Agriculture and Fisheries Department, Miyazaki Prefectural Government — Fisheries Promotion Division, Kagoshima Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries Department, Miyazaki Prefectural Government — Fisheries Promotion Division, Kagoshima Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Okinawa Prefectural Government — Agriculture, Forestry and Fisheries Management Division, Miyako Regional Agriculture Forestry and Fisheries Promotions Center, Okinawa Prefectural Government — Agriculture, Forestry and Fisheries Management Division, Yaeyama Regional Agriculture, Forestry and Fisheries Promotions Center, Okinawa Prefectural Government — Fishery Agency, Ministry of Agriculture, Forestry and Fisheries — Iwate Regional Marine Fisheries Management Commission — Fisheries Division, Tsu Agriculture, Forestry, Fisheries, Commerce, Industry and Environment Office, Mie Prefectural Government — Fisheries Division, Ise Agriculture, Forestry, Fisheries, Commerce, Industry and Environment Office, Mie Prefectural Government — Fisheries Division, Owase Agriculture, Forestry, Fisheries, Commerce, Industry and Environment Office, Mie Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Kyoto Prefectural Government
	(c), (e), (f), (g):
	<ul style="list-style-type: none"> — Fisheries Agency, Ministry of Agriculture, Forestry and Fisheries
	(d):
	<ul style="list-style-type: none"> — Fisheries Management Division, Bureau of Fisheries, Department of Fisheries and Forestry, Hokkaido Government — Fisheries Agency, Ministry of Agriculture, Forestry and Fisheries — Aomori Prefectural Government — Fisheries Industry Promotion Division, Department of Agriculture, Forestry and Fisheries, Iwate Prefectural Government — Iwate Regional Marine Fisheries Management Commission — Fisheries Department, Kuji Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Miyako Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Kamaishi Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Department, Ofunato Regional Promotion Bureau, Iwate Prefectural Government — Fisheries Industry Promotion Division, Agriculture Forestry and Fisheries Department, Miyagi Prefectural Government — Fisheries and Fishing Ports Division, Department of Agriculture, Forestry and Fisheries, Akita Prefectural Government — Fisheries Division, Industrial and Economic Affairs Department Shonai Area General Branch Administration Office, Yamagata Prefectural Government — Fishery Division, Fukushima Prefectural Government — Fisheries Administration Division, Ibaraki Prefectural Government — Marine Industries Promotion Division, Chiba Prefectural Government — Fishery Section, Agriculture, Forestry and Fishery Division, Bureau of Industrial and Labor Affairs, Tokyo Metropolitan Government

Third country	Competent authorities
	<ul style="list-style-type: none"> — Fisheries Division, Environment and Agriculture Department, Kanawaga Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Niigata Prefectural Government — Fisheries and Fishing Port Division, Toyama Prefectural Government — Fishery Division, Agriculture, Forestry and Fisheries Department, Ishikawa Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Fukui Prefectural Government — Reinan Regional Promotion Bureau, Fukui Prefectural Government — Office of Fishery Management, Division of Fishery, Department of Industry, Shizuoka Prefectural Government — Fisheries Administration Division, Department of Agriculture, Forestry and Fisheries, Aichi Prefectural Government — Fisheries Resource Office, Department of Agriculture, Fisheries, Commerce and Industry, Mie Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Kyoto Prefectural Government — Fisheries Division, Department of Environment, Agriculture, Forestry and Fisheries, Osaka Prefectural Government — Fisheries Division, Agriculture, Forestry and Fisheries Bureau, Agriculture and Environmental Department, Hyogo Prefectural Department — Wakayama Prefectural Government — Fishery Division, Fishery Development Bureau, Department of Agriculture, Forestry and Fishery, Tottori Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries, Shimane Prefectural Government — Okayama Prefectural Government — Hiroshima Prefectural Government — Fisheries Promotion Division, Yamaguchi Prefectural Government — Fisheries Division, Agriculture, Forestry and Fisheries Department, Tokushima Prefectural Government — Fisheries Division, Agricultural Administration and Fisheries Department, Kagawa Prefectural Government — Fisheries Promotion Division, Fisheries Bureau, Agriculture, Forestry and Fisheries Department, Ehime Prefectural Government — Fisheries Management Division, Kochi Prefectural Government — Fishery Administration Division, Fishery Bureau, Department of Agriculture, Forestry and Fisheries, Fukuoka Prefectural Government — Fisheries Division, Saga Prefectural Government — Resource Management Division, Fisheries Department, Nagasaki Prefectural Government — Department of Agriculture, Forestry and Fisheries, Kumamoto Prefectural Government — Oita Prefectural Government — Fisheries Administration Division, Agriculture and Fisheries Department, Miyazaki Prefectural Government — Fisheries Promotion Division, Kagoshima Prefectural Government — Fisheries Division, Department of Agriculture, Forestry and Fisheries Department, Okinawa Prefectural Government
KENYA	<ul style="list-style-type: none"> (a): <ul style="list-style-type: none"> — Kenya Maritime Authority (b) to (g): <ul style="list-style-type: none"> — Ministry of Fisheries Development

Third country	Competent authorities
KOREA	(a), (b), (d), (f), (g): — Ministry for Food, Agriculture, Forestry and Fisheries (c), (e): — National Fisheries Products Quality Inspection Service and its 13 branch offices: — Seoul Branch Office — Incheon Branch Office — Janghang Branch Office — Yeosu Branch Office — Mokpo Branch Office — Wando Branch Office — Jeju Branch Office — Busan Branch Office — Tongyoung Branch Office — Pohang Branch Office — Gangneung Branch Office — Incheon International Airport Branch Office — Pyeongtaek Branch Office
MADAGASCAR	(a): — Agence Portuaire Maritime et Fluviale, Service Regional de la Pêche et des Ressources Halieutiques de Diana, Sava, Sofia, Boeny, Melaky, Analanjiforo, AtsinananNan, Atsimo-Atsinanana, Vatovavy Fitovinany, Menabe, Atsimo-Andrefana, Anosy, Androy (b): — Ministère chargé de la Pêche (c), (d): — Centre de Surveillance des Pêches (e), (f), (g): — Direction Générale de la Pêche et des Ressources Halieutiques
MALAYSIA	(a), (b): — Department of Fisheries Malaysia, Department of Fisheries Sabah (d): — Department of Fisheries Malaysia, Department of Fisheries Sabah, Fisheries Development Authority of Malaysia, Malaysian Quarantine and Inspection Services Royal, Malaysian Police Royal, Malaysian Navy

Third country	Competent authorities
MALDIVES	(c): — not relevant (e), (f): — Department of Fisheries, Malaysia (g): — Department of Fisheries Malaysia, Ministry of Agriculture and Agro-based (a): — Ministry of Housing, Transport and Environment (b): — Ministry of Fisheries and Agriculture, Ministry of Economic Development (c), (e), (f), (g): — Ministry of Fisheries and Agriculture (d): — Coast Guard, Maldives National Defense Force, Maldives Police Service
MAURITANIA	(a): — Direction de la Marine Marchande (b): — Direction de la Pêche Industrielle (c) to (f): — Délégation à la Surveillance des Pêches et au Contrôle en Mer (DSPCM) (g): — Ministre des Pêches et de l'Économie Maritime
MAURITIUS	(a) to (g): — Fishery Division, Ministry of Agro Industry, Food Production and Security
MAYOTTE	(a), (b), (c), (e), (g): — Monsieur le Préfet de Mayotte (d): — Monsieur le Préfet de la Réunion
MEXICO	(a), (c), (g): — Director General de Planeación, Programación y Evaluación (b): — Director General de Ordenamiento Pesquero y Acuícola (d), (e): — Director General de Inspección y Vigilancia (f): — Comisión Nacional de Acuicultura y Pesca
MONTENEGRO	(a): — Ministry of Transport, Maritime Affairs and Telecommunications (b) to (g): — Ministry of Agriculture, Forestry and Watermanagement
MOROCCO	(a), (b), (e), (f): — Direction des Pêches Maritimes et de l'Aquaculture

Third country	Competent authorities
	(c): — Délégations des Pêches Maritimes de Jebha, Nador, Al Hoceima, M'diq, Tanger, Larache, Kenitra-Mehdia, Mohammedia, Casablanca, El Jadida, Safi, Essaouira, Agadir, Sidi Ifni, Tan-Tan, Laâyoune, Boujdour, Dakhla (d): — Direction des Pêches Maritimes Délégations des Pêches Maritimes de Jebha, Nador, Al Hoceima, M'diq, Tanger, Larache, Kenitra-Mehdia, Mohammedia, Casablanca, El Jadida, Safi, Essaouira, Agadir, Sidi Ifni, Tan-Tan, Laâyoune, Boujdour, Dakhla (g): — Secrétariat général du Département de la Pêche Maritime
MOZAMBIQUE	(a): — National Marine Institute (b) to (g): — National Directorate of Fisheries Administration
NAMIBIA	(a): — Ministry of Works, Transport and Communication (b), (d), (f), (g): — Ministry of Fisheries and Marine Resources (c), (e): — Ministry of Fisheries and Marine Resources (Walvis Bay), Ministry of Fisheries and Marine Resources (Lüderitz)
NEW CALEDONIA	(a), (b), (c), (e), (f), (g): — Service des Affaires Maritimes, de la Marine Marchande et des Pêches Maritimes (d): — État-Major Inter-Armées
NEW ZEALAND	(a), (b), (c), (d), (f), (g): — Ministry of Fisheries (e): — New Zealand Food Safety Authority, Ministry of Fisheries
NICARAGUA	(a): — Dirección General de Transporte Acuático del Ministerio de Transporte e Infraestructura (b), (d), (f), (g): — Presidente Ejecutivo, Instituto Nicaragüense de la Pesca y Acuicultura (INPESCA) (c): — Delegaciones Departamentales de INPESCA: Puerto Cabezas, Chinandega, Bluefields, Rivas (e): — Dirección de Monitoreo, Vigilancia y Control, INPESCA
NIGERIA	(a): — Nigerian Maritime Administration and Safety Agency (b), (e), (g): — Federal Ministry of Agriculture and Water Resources (c), (d): — Federal Department of Fisheries (f): — Fisheries Resources Monitoring, Control and Surveillance

Third country	Competent authorities
NORWAY	(a), (b), (c), (e), (f), (g): — Directorate of Fisheries (d): — Directorate of Fisheries, The Norwegian Coastguard, The Police and the Public Prosecuting Authority
OMAN	(a) to (c): — Ministry of Fisheries Wealth, Directorate General of Fisheries, Dhofar Region, Department of Fisheries Affairs (d) to (f): — Ministry of Fish Wealth
PAKISTAN	(a): — Mercantile Marine Department (b), (d): — Marine Fisheries Department, Directorate of Fisheries of Balochistan, Directorate of Fisheries of Sindh (c), (e), (f): — Marine Fisheries Department (g): — Ministry of Livestock and Dairy Development
PANAMA	(a): — Dirección General de Marina Mercante de la Autoridad Marítima de Panamá and Autoridad de los Recursos Acuáticos de Panamá (b), (c), (e), (f), (g): — Autoridad de los Recursos Acuáticos de Panamá (d): — Ministerio de Salud, Ministerio de Comercio Exterior, Autoridad de los Recursos Acuáticos de Panamá and Autoridad Marítima de Panamá
PAPUA NEW GUINEA	(a) to (g): — PNG National Fisheries Authority
PERU	(a): — Director General de Extracción y Procesamiento pesquera del Ministerio (b): — Director General de Extracción y Procesamiento pesquera del Ministerio and Dirección de Seguimiento, Control y Vigilancia del Ministerio de la Producción (c): — Dirección General de Seguimiento, Control y Vigilancia del Ministerio de Producción and Direcciones Regionales de la Producción de los Gobiernos Regionales de Tumbes, Piura, Lambayeque, La Libertad, Ancash, Lima, Callao, Ica, Arquipa, Moquegua y Tacna (d), (e), (f): — Director General de Seguimiento, Control y Vigilancia del Ministerio de la Producción (g): — Viceministro de Pesquería del Ministerio de la Producción
PHILIPPINES	(a): — Maritime Industry Authority (b) to (g): — Bureau for Fisheries and Aquatic Resources, Department of Agriculture

Third country	Competent authorities
SAINT-PIERRE-ET-MIQUELON	(a), (c), (d), (e), (f), (g): — Service des Affaires Maritimes de Saint-Pierre-et-Miquelon (b): — Préfet de Saint-Pierre-et-Miquelon
SENEGAL	(a): — Agence Nationale des Affaires Maritimes (b): — Ministre de la Pêche (c): — Directeur des Industries de Transformation de la Pêche, Directeur de la Protection et de la Surveillance des Pêches (d), (e), (f), (g): — Directeur de la Protection et de la Surveillance des Pêches
SEYCHELLES	(a): — Seychelles Maritime Safety Administration (b): — Seychelles Licensing Authority (c) to (g): — Seychelles Fishing Authority
SOLOMON ISLANDS	(a): — Marine Division, Ministry of Infrastructure and Development (MID) (b) to (g): — Ministry of Fisheries and Marine Resources (MFMR)
SOUTH AFRICA	(a) to (g): — Marine and Coastal Management, Department of Environmental Affairs
SRI LANKA	(a) to (g): — Department of Fisheries and Aquatic Resources
ST HELENA	(a): — Registrar of Shipping (b), (d), (e), (f), (g): — Senior Fisheries Officer, Directorate of Fisheries (c): — H.M. Customs, Government of St. Helena
SURINAME	(a): — Maritime Authority Suriname (b) to (g): — Ministry of Agriculture, Animal Husbandry and Fisheries
TAIWAN	(a): — Council of Agriculture (b) to (g): — Fisheries Agency

Third country	Competent authorities
FRENCH SOUTHERN TERRITORIES	(a) to (g): — Monsieur le Préfet Administrateur Supérieur des Terres Australes et Antarctiques Françaises
TANZANIA	(a) to (g): — Director of Fisheries Development, Ministry of Livestock Development and Fisheries
THAILAND	(a) to (g): — The Department of Fisheries of Thailand
TUNISIA	(a): — Office de la Marine Marchande et des Ports/Ministère du Transport (b) to (d): — Arrondissement de la Pêche et de l'Aquaculture de Jendouba, Bizerte, Ariana, Tunis, Nabeul, Sousse, Monastir, Mahdia and Gabes and Division de la Pêche et de l'Aquaculture de Sfax and Médenine (e) to (f): — Direction Générale de la Pêche et de l'Aquaculture/Ministère de l'Agriculture et des Ressources hydrauliques
TURKEY	(a), (b): — 81 provincial Directorates of the Ministry of Agriculture and Rural Affairs (c): — General Directorate for Protection and Conservation, 81 Provincial Directorates of the Ministry of Agriculture and Rural Affairs, and 24 Districts Directorate of the Ministry of Agriculture and Rural Affairs (d): — General Directorate for Protection and Conservation, 81 Provincial Directorates of the Ministry of Agriculture and Rural Affairs, Turkish Coast Guard Command (e), (f), (g): — General Directorate for Protection and Conservation
URUGUAY	(a) to (g): — Dirección Nacional de Recursos Acuáticos
USA	(a): — United States Coast Guard (b) to (g): — National Marine Fisheries Service
VIETNAM	(a), (b), (c): — Department of Capture Fisheries and Resources Protection (DECAFIREP) and Department of Capture Fisheries and Resources Protection of Provinces Division (d): — Inspection of DECAFIREP and Inspection of Agriculture and Rural Development Division belonging to the provinces (e), (f), (g): — Department of Capture Fisheries and Resources Protection
VENEZUELA	(a) to (g): — Presidente del Instituto Socialista de la Pesca y Acuicultura
WALLIS AND FUTUNA	(a): — Le chef du Service des Douanes et des Affaires Maritimes (b) to (f): — Le Directeur du Service d'État de l'Agriculture, de la Forêt et de la Pêche

Third country	Competent authorities
YEMEN	<p>(g):</p> <ul style="list-style-type: none">— Le Préfet, Administrateur supérieur du Territoire <p>(a):</p> <ul style="list-style-type: none">— Maritime Affairs Authority — Ministry of Transport <p>(b) to (g):</p> <ul style="list-style-type: none">— Production and Marketing Services Sector, Ministry of Fish Wealth and its branches of Aden, Alhodeidah, Hadramout and Almahara

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

MEDIA 2007

Call for proposals — EACEA/04/10

Support for the implementation of Pilot Projects

(2010/C 73/07)

1. Objectives and description

This notice of call for proposals is based on Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) ⁽¹⁾.

One of the measures to be implemented under this Decision is to support the implementation of Pilot Projects.

The programme may support Pilot Projects to ensure that it adapts to market developments, with a particular emphasis on the introduction and utilisation of information and communication technologies.

2. Eligible applicants

This notice is aimed at European companies whose activities contribute to the above-mentioned objectives.

Applicants must be established in one of the following countries:

- the 27 countries of the European Union,
- the EFTA countries,
- Switzerland,
- Croatia.

3. Eligible actions

The following actions are eligible under this call for proposals:

1. Distribution: new ways of creating and distributing European audiovisual content via non-linear services.
2. Open Media Production Environment.
3. Distribution — Promotion & Marketing: the use of web techniques to develop local Cinema Communities.
4. 'Junction Media Portal': to widen and improve the access and the exploitation of structured information of European audiovisual content.
5. Previously funded Pilot Projects: Actions which have received funding under a previous MEDIA Pilot Projects Call for Proposals.

⁽¹⁾ OJ L 327, 24.11.2006, p. 12.

The maximum duration of the actions is 12 months.

The actions have to start on 1 January 2011 and finish on 31 December 2011.

4. Award criteria

Each submitted eligible action will be assessed in the light of the following award criteria:

- relevance of the activity with respect to the programme's objectives (20 %),
- european dimension of the activity (20 %),
- clarity of objectives and target groups (15 %),
- clarity and consistency of the general design of the action and likelihood of attaining the desired goals within the action's period (15 %),
- cost effectiveness of the action (10 %),
- experience of the participating organisations and quality of the management plan of the action (10 %).
- Quality and effectiveness of the plan for dissemination of the results (10 %).

5. Budget

The total budget available is EUR 1,5 million.

There is no maximum amount.

The financial contribution will take the form of a grant. The financial contribution awarded will in no event exceed 50 % of the eligible costs.

The Agency reserves the right not to allocate all the funds available.

6. Deadline for submission of applications

Applications must be submitted to the Executive Agency (EACEA) no later than 14 June 2010.

Only applications submitted on the official application form, duly signed by the person entitled to enter into legally binding commitments on behalf of the applicant organisation will be accepted. Envelopes must clearly mention:

MEDIA 2007 — Pilot Projects — EACEA/04/10

Applications must be sent by registered mail or courier service (at the applicant's own expense) to the following address:

Education, Audiovisual and Culture Executive Agency
MEDIA 2007 — Pilot Projects — EACEA/04/10
Mr Constantin Daskalakis
Avenue du Bourget/Bourgetlaan 1
BOUR 03/30
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Applications sent by fax or email will be rejected.

7. Full details

The detailed guidelines, together with the application forms, can be found at the following Internet address:
http://ec.europa.eu/information_society/media/newtech/pilot/index_en.htm

Applications must comply with all the terms of the guidelines and be submitted on the forms provided.

MEDIA 2007**Call for proposals — EACEA/05/10****Support to Video on Demand and Digital Cinema Distribution**

(2010/C 73/08)

1. Objectives and description

This notice of call for proposals is based on Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007).

One of the measures to be implemented under this Decision is to support Video on Demand and Digital Cinema Distribution.

The Video on Demand and Digital Cinema Distribution scheme constitutes one of the ways in which the MEDIA 2007 programme ensures that the latest technologies and trends are incorporated into the business practices of beneficiaries of the programme.

The main objective of this scheme is to support the creation and exploitation of catalogues of European works to be distributed digitally across borders to a wider audience and/or to cinema exhibitors through advanced distribution services, integrating where necessary digital security systems in order to protect online content.

2. Eligible applicants

This notice is aimed at European companies whose activities contribute to the above-mentioned objectives.

Applicants must be established in one of the following countries:

- the 27 countries of the European Union,
- the EFTA countries,
- Switzerland,
- Croatia.

3. Eligible actions

The following actions are eligible under this call for proposals:

1. Video on Demand (VoD): service enabling individuals to select audiovisual works from a central server for viewing on a remote screen by streaming and/or downloading.
2. Digital Cinema Distribution (DCD): digital delivery (to an acceptable commercial standard) of 'Core Content', i.e. feature films, TV films or series, shorts (fiction, animation and creative documentary) to cinemas for theatrical exploitation (via hard disc, satellite, online ...).

The maximum duration of the actions is 18 months.

The actions have to start between 1 July 2010 and 1 January 2011. The actions have to finish on 31 December 2011.

4. Award criteria

Each submitted eligible action will be assessed in the light of the following award criteria:

- catalogue and editorial line (10 %),
- European dimension of the catalogue (20 %),

- quality and cost-effectiveness of the business model submitted (20 %),
- marketing Strategy (20 %),
- innovative aspects of the action (10 %),
- grouping and Networking Dimension (10 %),
- target audience and Potential impact (10 %).

5. Budget

The total budget available is EUR 7 million.

There is no maximum amount.

The financial contribution will take the form of a grant. The financial contribution awarded will in no event exceed 50 % of the eligible costs.

The Agency reserves the right not to allocate all the funds available.

6. Deadline for submission of applications

Applications must be submitted to the Executive Agency (EACEA) no later than 21 June 2010.

Only applications submitted on the official application form, duly signed by the person entitled to enter into legally binding commitments on behalf of the applicant organisation will be accepted. Envelopes must clearly mention:

MEDIA 2007 — Video on Demand and Digital Cinema Distribution — EACEA/05/10

Applications must be sent by registered mail or courier service (at the applicant's own expense) to the following address:

Education, Audiovisual and Culture Executive Agency
MEDIA 2007 — Video on Demand and Digital Cinema Distribution — EACEA/05/10
Mr Constantin Daskalakis
Avenue du Bourget 1
BOUR 03/30
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Applications sent by fax or email will be rejected.

7. Full details

The detailed guidelines, together with the application forms, can be found at the following Internet address:
http://ec.europa.eu/information_society/media/newtech/vod_dcc/index_en.htm

Applications must comply with all the terms of the guidelines and be submitted on the forms provided.

CALL FOR PROPOSALS EACEA/10/10 UNDER THE LIFELONG LEARNING PROGRAMME**Support for European cooperation in education and training**

(2010/C 73/09)

Part A — Raising national awareness of lifelong learning strategies and of European cooperation in education and training

Part B — Support for transnational cooperation in the development and implementation of national and regional lifelong learning strategies

1. Objectives and description

The objectives of the call for proposals are to support the establishment and implementation of coherent and comprehensive lifelong learning strategies and policies at national, regional and local level, covering and inter-linking all types (formal, non-formal, informal) and levels of learning (pre-school, primary, secondary, tertiary, adult, initial and continuing vocational education and training), including links to other relevant policy sectors (e.g. employment and social inclusion), through:

- awareness-raising activities and the establishment of national and transnational fora and networks,
- to support the identification of the main critical factors influencing the successful putting into place of lifelong learning strategies and policies,
- to exchange experiences and good practice and to jointly experiment, test and transfer innovative practices in relation to the development and implementation of lifelong learning strategies and policies,
- to ensure strong institutional commitment, coordination, consultation and partnership with all relevant stakeholders and practitioners.
- to implement efficient and equitable lifelong learning strategies and policies to achieve social inclusion.

2. Eligible applicants

This call is open to organisations established in the countries participating in the Lifelong Learning Programme.

Applications must be submitted by a legal person having the legal capacity. Natural persons may not apply for a grant.

Beneficiaries can be national or regional ministries in charge of education and training, other public bodies and stakeholders' organisations active in the field of lifelong learning (pre-primary, schools, VET, higher education and adult learning). Stakeholders' organisations include European, national and regional associations or organisations whose main activities or core responsibilities are directly linked to any education and training sector.

Part A — Raising national awareness of lifelong learning strategies and of European cooperation in education and training

Applications for funding may be made by one organisation or by a partnership composed of several organisations drawn from one or more eligible countries.

Part B — Support for transnational cooperation in the development and implementation of national and regional lifelong learning strategies

Applications for funding may only be made by partnerships composed of at least five organisations drawn from three or more eligible countries.

Applications may be submitted by organisations (including all partner organisations) established in one of the following countries:

- the 27 EU Member States,
- the three EFTA-EEA countries (Iceland, Liechtenstein, Norway),
- Turkey.

At least one country of the partnership must be an EU Member State (applies only to Part B of this call).

There are on-going negotiations with Croatia, the Former Yugoslav Republic of Macedonia and Switzerland as regards their future participation in the LLP, which is subject to the result of these negotiations. Please consult the websites of the Education, Audiovisual and Culture Executive Agency for updates to the list of participating countries.

3. Eligible activities

Part A — Raising national awareness of lifelong learning strategies and of European cooperation in education and training

The activities to be financed under this part of the call include:

- awareness-raising activities supporting national debates and dialogue linked to the establishment and implementation of lifelong learning strategies and policies (such as national or regional conferences, seminars or workshops),
- the establishment of fora and other activities which will contribute to better coherence and coordination in the process of establishing and implementing coherent and comprehensive national lifelong learning strategies,
- dissemination and awareness-raising activities under the E&T 2020 reference framework of tools or reference material (e.g. information activities, including media campaigns, publicity events, etc.),
- follow-up action linked to existing national programmes aiming at establishing and implementing the Education and Training Open Method of Coordination under the E&T 2020 reference framework at national level.

Part B — Support for transnational cooperation in the development and implementation of national and regional lifelong learning strategies

The activities to be financed under this part of the call include:

- development, testing and transfer of innovative practices, which may include studies, analyses, conferences and seminars, aimed at transnational peer learning,
- actions aiming at the creation and development of networks at the regional, national and European level.

Activities must start between 1 January 2011 and 31 March 2011. The maximum duration of projects is 12 months for Part A and 24 months for Part B. No applications will be accepted for projects scheduled to run for a longer period than that specified in this call for proposals.

4. Award criteria

Eligible applications/projects will be assessed on the basis of the following criteria:

Part A — Raising national awareness of lifelong learning strategies and of European cooperation in education and training

1. Relevance: the grant application and the results foreseen are clearly positioned in the specific, operational and broader objectives of the call for proposals. The objectives are clear, realistic and address relevant issues and target groups, including a wide range of key stakeholders at all levels concerned by the establishment and implementation of lifelong learning strategies, including policy and decision makers, practitioners, providers, social partners, representatives of civil society and learners (40 %).
2. Quality of the plan of actions: the organisation of the work is clear and appropriate to achieving the objectives; tasks/activities are defined in such a way that the results will be achieved on time and to budget (10 %).
3. Quality of the methodology: the tools and practical approaches proposed are coherent and appropriate to address the identified needs for clearly identified target groups (10 %).
4. Quality of the project team: the project team includes all the skills, recognised expertise and competences required to carry out all aspects of the plan of actions, and there is an appropriate distribution of tasks across its members (10 %).
5. The Cost-Benefit Ratio: the grant application demonstrates value for money in terms of the activities planned relative to the budget foreseen (10 %).
6. Impact: the foreseeable impact on the approaches, target groups and systems concerned is clearly defined and measures are in place to ensure that the impact can be achieved. The results of the activities are likely to be significant (10 %).
7. Quality of the Valorisation Plan (Dissemination and Exploitation of Results): the planned dissemination and exploitation activities will ensure optimal use of the results beyond the participants in the proposal, during and beyond the lifetime of the project (10 %).

Part B — Support for transnational cooperation in the development and implementation of national and regional lifelong learning strategies

1. Relevance: the grant application and the results foreseen are clearly positioned in the specific, operational and broader objectives of the call for proposals. The objectives are clear, realistic and address relevant issues and target groups, including key stakeholders concerned by the implementation and delivery of lifelong learning policies, including policy and decision makers, practitioners, providers, partners, representatives of civil society and learners (40 %).
2. Quality of the plan of actions: the organisation of the work is clear and appropriate to achieving the objectives; tasks/activities are distributed among the partners in such a way that the results will be achieved on time and to budget (10 %).
3. Quality of the methodology: the tools and practical approaches proposed are coherent, innovative and appropriate to address the identified needs for clearly identified target groups (10 %).
4. Quality of the Consortium: the consortium includes all the skills, recognised expertise and competences required to carry out all aspects of the plan of actions, and there is an appropriate distribution of tasks across the partners (10 %).
5. The Cost-Benefit Ratio: the grant application demonstrates value for money in terms of the activities planned relative to the budget foreseen (10 %).

6. Impact and European Added Value: the foreseeable impact on the approaches, target groups and systems concerned is clearly defined and measures are in place to ensure that the impact can be achieved. The results of the activities are likely to be significant and the benefits of and need for European cooperation (on top of national, regional or local approaches) are clearly demonstrated (10 %).
7. Quality of the Valorisation Plan (Dissemination and Exploitation of Results): the planned dissemination and exploitation activities will ensure optimal use of the results beyond the participants in the proposal, during and beyond the lifetime of the project (10 %).

5. Budget

The total budget earmarked for the co-financing of projects amounts to EUR 2,8 million.

Financial contribution from the Agency cannot exceed 75 % of the total eligible costs.

The maximum grant per project will be EUR 120 000 for Part A and EUR 350 000 for Part B.

The Agency intends to allocate the amount available according to the following indicative proportion: 1/2 for Part A — 1/2 for Part B. However, the final allocation depends on to the number and quality of the proposals received for Parts A and B.

The Agency reserves the right not to distribute all the funds available.

6. Deadline for submission

Only applications submitted on the correct form, duly completed (application package Part 1, 2 and 3) dated, showing a balanced budget (revenue/expenditure), containing the required annexes, submitted in one original clearly identified as such and signed in original on the declaration on honour by the person authorised to enter into legally binding commitments on behalf of the applicant organisation, plus three copies, will be accepted.

Applications which are not submitted before the deadline will not be considered.

Applications must be despatched, date as postmark, to the Education, Audiovisual and Culture Executive Agency, no later than 16 July 2010 to:

Education, Audiovisual and Culture Executive Agency
Lifelong Learning Programme, Key Activity 1
Call for Proposals EACEA/10/10 Part A or Part B
Avenue du Bourget 1
BOU2 2/145
1140 Bruxelles/Brussel
BELGIQUE/BELGIË

In addition to the paper version, an electronic version of the application package (application form, budgetary tables, declaration on honour) without its annexes should be sent on or before the deadline of 16 July 2010 to the following e-mail address:

EACEA-LLP-ECET@ec.europa.eu

Applications sent by fax or only by e-mail will not be accepted.

7. Further information

Detailed guidelines of the call for proposals and the application package are available on the following website:

http://eacea.ec.europa.eu/llp/funding/2010/call_ecet_en.php

Applications must be submitted using the forms provided and contain all the annexes and information as required in the detailed guidelines.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of the expiry of certain anti-dumping measures

(2010/C 73/10)

Further to the publication of a notice of impending expiry ⁽¹⁾ following which no request for a review was lodged, the Commission gives notice that the anti-dumping measure mentioned below will shortly expire.

This notice is published in accordance with Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 ⁽²⁾ on protection against dumped imports from countries not members of the European Community.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry
Certain compressors	People's Republic of China	Anti-dumping duty	Council Regulation (EC) No 261/2008 (OJ L 81, 20.3.2008, p. 1)	21.3.2010

⁽¹⁾ OJ C 252, 22.10.2009, p. 18.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION
POLICY

EUROPEAN COMMISSION

**Communication from the Minister for Economic Affairs of the Kingdom of the Netherlands
pursuant to Article 3(2) of Directive 94/22/EC of the European Parliament and of the Council on
the conditions for granting and using authorisations for the prospection, exploration and
production of hydrocarbons**

(2010/C 73/11)

The Minister for Economic Affairs hereby gives notice that an application has been received for authorisation to prospect for hydrocarbons in a segment of block D12 as indicated on the map appended as Annex 3 to the Mining Regulation (*Mijnbouwregeling*) (Government Gazette (*Staatscourant*) 2002, No 245). The area in question is to be designated block segment D12b.

With reference to the Directive mentioned in the introduction and Article 15 of the Mining Act (*Mijnbouwwet*) (Bulletin of Acts and Decrees (*Staatsblad*) 2002, No 542), the Minister for Economic Affairs hereby invites interested parties to submit a competing application for authorisation to prospect for hydrocarbons in block segment D12b of the Dutch continental shelf.

Block segment D12b is delimited by the parallel arcs between vertex pairs B-C and D-E and passing through vertex F, by the meridian arcs between vertex pairs C-D and E-F, by the great circle between vertex pairs A and B and by the boundary of the Dutch portion of the continental shelf between vertices A and G.

The coordinates of the vertices are as follows:

Vertex	°	'	" E	°	'	" N
A	2	49	14,424	54	28	58,850
B	2	52	0,000	54	24	54,000
C	2	47	18,000	54	24	54,000
D	2	47	18,000	54	22	14,000
E	2	49	23,000	54	22	14,000
F	2	49	23,000	54	20	0,000
G	the intersection of the meridian arc passing through vertex F and the boundary of the Dutch portion of the continental shelf					

The above-mentioned vertices are defined by their geographical coordinates, calculated according to the European Terrestrial Reference System.

Block segment D12b covers an area of 40,5 km².

The Minister for Economic Affairs is the competent authority for the granting of authorisations. The criteria, conditions and requirements referred to in Articles 5(1) and (2) and 6(2) of the above-mentioned Directive are set out in the Mining Act (Bulletin of Acts and Decrees 2002, No 542).

Applications may be submitted during the 13 weeks following the publication of this notice in the *Official Journal of the European Union* and should be sent to:

De Minister van Economische Zaken
ter attentie van J.C. De Groot, directeur Energiemarkt
ALP/562
Bezuidenhoutseweg 30
Postbus 20101
2500 EC Den Haag
NEDERLAND

Applications received after the expiry of this period will not be considered.

A decision on the applications will be taken no later than 12 months after this period has expired.

Further information can be obtained by calling Mr E.J. Hoppel on the following telephone +31 703797088.

OTHER ACTS

EUROPEAN COMMISSION

Publication of an amendment application pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(2010/C 73/12)

This publication confers the right to object to the amendment application pursuant to Article 7 of Council Regulation (EC) No 510/2006 ⁽¹⁾. Statements of objections must reach the Commission within six months of the date of this publication.

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006**Amendment application according to Article 9****'POMODORO S. MARZANO DELL'AGRO SARNESE-NOCERINO'****EC No: IT-PDO-0117-1524-10.04.2003****PGI () PDO (X)****1. Heading in the specification affected by the amendment:**

- Name of product

- Description of product

- Geographical area

- Proof of origin

- Method of production

- Link

- Labelling

- National requirements

- Other (to be specified)

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

2. Type of amendment(s):

- Amendment to Single Document or Summary Sheet
- Amendment to specification of registered PDO or PGI for which neither the Single Document nor Summary has been published
- Amendment to specification that requires no amendment to the published Single Document (Article 9(3) of Regulation (EC) No 510/2006)
- Temporary amendment to specification resulting from imposition of obligatory sanitary or phytosanitary measures by public authorities (Article 9(4) of Regulation (EC) No 510/2006)

3. Amendment(s):**3.1. Description:**

The description of the characteristics of the fruit has been changed to include two categories (standard 1 and standard 2) based on their morphological and qualitative characteristics.

Protection is to be extended to sliced tomatoes, the morphological and qualitative characteristics of which are now also described.

3.2. Geographical area:

The paragraph in the production specification dealing with the Campania regional authorities' remit in assessing possible extensions to land bordering on the production area has been deleted; such amendments can be made only on the basis of a request under Article 9 of Regulation (EC) No 510/2006.

3.3. Method of production:

Taking account of time-honoured local techniques, but without affecting the link with the region, the changes here serve better to specify planting distances or picking times, the maximum yield per unit of surface area and in terms of processed products and the percentage of drained product. Adjustments have also been made to the parameters for the optical refractometric residue of the fruit and provisions on packaging.

For the sliced product, an indication has been included of the main processing steps, as already laid down for whole peeled tomatoes. Citric acid has been included for possible use as a processing aid. Finally, the geographical link with the region has been strengthened by means of a condition whereby possible genetic improvements to the San Marzano ecotype, as referred to in the current production specification, are to be carried out only in the specific area identified.

The paragraph allowing the Campania Region to grant production permits to processing companies has been deleted.

The tomatoes may be grown in a protective environment to protect the crop from parasites and insect pests.

3.4. Labelling:

There is a requirement to indicate 'pomodori pelati a filetti' (sliced peeled tomatoes) on labels for the product in question. The characteristics and colouring of the PDO logo are described more precisely than is the case in the current specification.

3.5. National requirements:

Reference to the national penalties applicable for infringement of the specification provisions is withdrawn, since they apply in any case. The arrangements for inspections by the competent inspection body have been brought into line with Article 10 of Regulation (EC) No 510/2006.

SUMMARY

COUNCIL REGULATION (EC) No 510/2006

'POMODORO S. MARZANO DELL'AGRO SARNESE-NOCERINO'

EC No: IT-PDO-0117-1524-10.04.2003

PDO (X) PGI ()

This summary sets out the main elements of the product specification for information purposes.

1. Responsible department in the Member State:

Name: Ministero delle politiche agricole alimentari e forestali
Address: Via XX Settembre 20
00187 Roma RM
ITALIA
Tel. +39 0646655106
Fax +39 0646655306
E-mail: sacco7@politicheagricole.gov.it

2. Group:

Name: Consorzio per la Tutela del Pomodoro S. Marzano dell'Agro Sarnese-Nocerino
Address: Via Piave 120
84083 Castel San Giorgio SA
ITALIA
Tel. +39 0815161819
Fax +39 0815162610
E-mail: info@consorziosanmarzano.it
Composition: Producers/processors (X) Other ()

3. Type of product:

Class 1.6 — Fruit, vegetables and cereals

4. Specification:

(summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. Name:

'Pomodoro S. Marzano dell'Agro Sarnese-Nocerino'

4.2. Description:

The product offered for sale to consumers consists exclusively of tomatoes of the S. Marzano 2 and KIROS (ex Cirio 3 selection) varieties, or improved strains of these, grown in the Agro Sarnese-Nocerino area and processed into 'pelato' (peeled tomatoes) by means of an industrial processing procedure by operators established in the area of production. The product is generally presented for sale in glass jars or tins.

The vines and tomatoes of the S. Marzano 2 and KIROS varieties or improved strains of these that may be processed to produce 'Pomodoro San Marzano dell'Agro Sarnese-Nocerino' PDO tomatoes must fulfil the following requirements:

1. Plant characteristics:

- plants are not subject to any height specifications, but may not be of unspecified variety,
- foliage amply covering the fruit,
- gradual maturation,
- unripe tomatoes have 'green shoulders'.

2. Characteristics of fresh fruit suitable for peeling:

- (a) fruit with two or three lobular cavities, typical elongated parallelepiped shape with a length of 60 to 80 mm, measured from the stem joint to the stylar end for standard 1; elongated cylindrical form tending to a pyramid shape with a length of 60 to 80 mm, measured from the stem joint to the stylar end for standard 2;
- (b) angular cross-section for standard 1; rounded cross-section for standard 2;
- (c) axial ratio: no less than $2,2 + 0,2$ (based on the lengths of the longitudinal axis and the widest transversal mid-section axis);
- (d) absence of stalk;
- (e) red colour typical of the variety;
- (f) easily detachable cuticle;
- (g) small seed cavities;
- (h) pH value of no more than 4,50;
- (i) refractometric residue at 20 °C equal to or over 4,0 %;
- (j) limited presence of thickened vascular strands around the petiole (leaf stalk).

The following tolerances are applied for both standards:

At point (a): slightly irregularly shaped fruit, though still typical of the variety and not making up more than 5 % of the batch; at point (d): stalks may be present on a maximum of 1,1 % of the fruit; at point (e): a maximum of 2 cm² of the surface of a fruit may be yellow, but such fruit may not make up over 5 % of the batch; at point (i): tolerance of -0,2 applies to the refractometric residue at 20 °C.

'Pomodori pelati interi'/'pomodori pelati a filetti' — whole peeled tomatoes/sliced peeled tomatoes:

- red colour typical of the variety, assessed visually; a maximum of 2 cm² of the surface of a fruit may be yellow, but such fruit may not make up over 5 % of the sample in question, — absence of extraneous odours and tastes, — absence of parasite larvae or parasite damage (necrotic spots of any size affecting the flesh of the tomatoes); absence of internal rot along the stylar axis, — weight of drained product not less than 65 % of net weight; — cut in longitudinal segments in the case of sliced peeled tomatoes, or in the case of whole peeled tomatoes in a whole state or at least not damaged so as to alter the shape or volume of the fruit to an extent corresponding to more than 65 % of its drained weight, — net optical refractometric residue at 20 °C equal to or over 5,0 % with a 0,2 % tolerance; tomato peel accounting for no more than 2 cm² per 100 g on average (assessed on at least five containers); the peel content in any one container may not exceed four times this limit, — the mould content in preserved tomatoes (tomatoes and protective liquid) may not exceed 30 % of the range of products with an optical refractometric residue at 20 °C of less than 6,0 % and 40 % of the range of products with an optical refractometric residue at 20 °C equal to or over 6,0 %, — the total content of D and L lactic acids in the preserved tomatoes (tomatoes and protective liquid) may not exceed 0,4 g/kg; the pH value must be between 4,2 and 4,5, — table salt may be added up to 3 % of net weight. (The natural chloride content is considered to be equal to 2 % of the optical refractometric residue), — basil leaves may be added, — citric acid may be added as a processing aid up to 0,5 % of the weight of the product, — also permitted is the adding of juice, part-concentrated juice and semi-concentrate obtained exclusively from tomatoes of the S. Marzano 2 and KIROS varieties, or improved strains of these, produced in the Agro Sarnese-Nocerino area.

4.3. *Geographical area:*

To qualify for the 'Pomodoro S. Marzano dell'Agro Sarnese-Nocerino' PDO, tomatoes must be produced by agricultural undertakings and processed by industrial operators in areas belonging to the following municipalities:

Province of Salerno

Municipalities that are fully covered: S. Marzano sul Sarno, S. Valentino Torio, Scafati

Municipalities that are partially covered: Baronissi, Fisciano, Mercato S. Severino, Castel San Giorgio, Siano, Roccapiemonte, Nocera Superiore, Nocera Inferiore, Sarno, Pagani, Angri, Egidio Monte Albino

Province of Avellino

Municipalities that are partially covered: Montoro Superiore, Montoro Inferiore

Province of Naples

Municipalities that are fully covered: S. Antonio Abate, Pompei, S. Maria La Carità, Striano, Boscoreale, Poggioreale

Municipalities that are partially covered: Gragnano; Castellammare di Stabia, Acerra, Afragola, Brusiano, Caivano, Camposano, Casalnuovo, Castelcisterna, Cicciano, Cimitile, Mariglianella, Marigliano, Nola, Palma Campania, Pomigliano, Scisciano, S. Vitaliano

All the aforesaid municipalities are included in the Agro Sarnese-Nocerino area and neighbouring areas and cultivate tomatoes on the irrigated or irrigable arable land on their plains. Hillside areas are of course excluded as they are not irrigated.

4.4. *Proof of origin:*

Each stage in the production process is monitored, with all inputs and outputs recorded. This, along with the compilation of specific registers, managed by the inspection body, of growers, traders, processors and packagers, and timely notification to the inspection body of the quantities produced, ensures product traceability. All operators, whether legal or natural persons, registered in the relevant lists will be subject to checks by the inspection body.

4.5. *Method of production:*

The 'Pomodoro S. Marzano dell'Agro Sarnese-Nocerino' PDO is produced using exclusively, as raw material, tomatoes from vines of the S. Marzano 2 and KIROS varieties, or improved strains of these, produced in the Agro Sarnese-Nocerino area as specified at point 4.3. The tomatoes are collected and processed at plants located in the same area. The tomatoes may be grown in a protective environment to protect the crop from parasites and insect pests.

The S. Marzano tomatoes are grown exclusively on level, irrigated plots made up for the most part of pyroclastic material that is volcanic in origin and very deep, loose, naturally fertile, with good organic content and high levels of assimilable phosphorous and exchangeable potassium.

Transplanting generally takes place in the first half of April, but can extend into the first 10 days of May. Vines must be planted at least 40 cm apart along the row, with 110 cm between rows; they must be grown vertically with suitable staking and horizontal wires. In addition to normal growing techniques, shoot pruning and topping are also allowed. Any form of forcing intended to alter the natural biological cycle of the tomato — especially as regards ripening — is banned.

The tomatoes are picked in the period between 30 July and 30 September by hand only and at different times, as and when they are fully ripe.

They then have to be sorted and transported in plastic containers holding between 25 and 30 kg. For transfer from the undertaking's and/or collective's collection centre to the processing plant, they may first be put into large, individually marked crates holding no more than 250 kg.

Maximum yield is 80 tonnes/ha and yield in terms of processed product is no more than 80 %.

The fresh tomatoes are processed into peeled tomatoes in canning factories in the Agro Sarnese-Nocerino area.

The main steps involved in the production of the processed (peeled) product are as follows:

- whole peeled tomatoes: washing and grading — peeling — separation of peel — grading of product — canning — adding of protective liquid under atmospheric pressure or vacuum — sealing — sterilising — cooling of cans — storage (prepared in line with good production practice),
- sliced peeled tomatoes: washing and grading — peeling — separation of peel — grading of product — slicing — draining — canning — adding of protective liquid under atmospheric pressure or vacuum — sealing — sterilising — cooling of cans — storage (prepared in line with good production practice).

4.6. Link:

The soils in the Agro Sarnese-Nocerino area have their origins in the volcanic eruptions of Somma-Vesuvio and the surrounding pre-Appennine formations and the resulting physical and chemical characteristics make them among the best in Italy.

The Agro Sarnese-Nocerino's climate benefits from the influence of the sea. Temperatures are not particularly extreme: they may drop below zero occasionally, but not for long; hail is a fairly rare phenomenon. The dominant winds are the Maestro from the north and the Sirocco from the south. Rainfall is high in autumn, winter and spring, but sparse to non-existent in the summer. Despite the lack of rain in the summer months, the relative humidity of the air remains quite high. The area's hydrology is very rich thanks to its many springs and water tables at various depths.

This combination of soil, water and climatic conditions, together with the industriousness of the farmers, provides a unique basis defining the whole of the Agro Sarnese-Nocerino plain, which is dominated to the north-west by the volcanic Somma-Vesuvio range and to the south by the dolomitic massif of the Lattari Mountains.

The S. Marzano tomato has a highly pronounced geographical link with its most typical surroundings, the Agro Sarnese-Nocerino. Indeed, it is in these surroundings that the S. Marzano tomato originated and became most established among the area's small farmers; it is also here that the tomatoes have traditionally been processed into 'pelato' and from here that the processed product has found its way around the world to grace the tables of hundreds of millions of consumers down through the decades. According to a publication by Professor Luigi Leggieri ('S. Marzano and Lampadina tomatoes in the peeled tomato industry', *Fruit and vegetable growing in Italy*, December 1940) the 'S. Marzano' variety was isolated from tomatoes grown in the Fiano district, between Nocera Inferiore and Sarno and later cultivated in S. Marzano sul Sarno, under more favourable environmental conditions. With the development of the S. Marzano variety the peeled tomato industry started to take off to the extent of becoming 'the pride of Campania', as Professor Ferruccio Zago writes in his booklet 'An introduction to horticulture' (1934, Rome, Poligrafica R. Filippini) 'The peeled tomato industry is the pride of Campania. The variety of tomato used is known by the name of S. Marzano, also called "the long tomato" on account of its shape, and is extensively cultivated in the Agro Sarnese-Nocerino'.

4.7. Inspection body:

Name: IS.ME.CERT. — Istituto Mediterraneo di Certificazione Agroalimentare
Address: Via G. Porzio Centro Direzionale Isola G/1
80143 Napoli NA
ITALIA
Tel. +39 0817879789
Fax +39 0816040176
E-mail: info@ismecert.it

4.8. Labelling:

The product will be labelled in accordance with Legislative Decree No 109 of 27 January 1992. Processing companies operating in the area described at point 4.3 must include the following wording on the labels affixed to glass jars, tin cans and boxes in which the tomatoes are put:

- Pomodoro S. Marzano dell'Agro Sarnese-Nocerino,
- Denominazione di Origine Protetta — DOP,
- Pomodori pelati interi, pomodori pelati a filetti.
- the name of the producer's undertaking,
- the contents, i.e. the actual quantity concerned in accordance with the provisions in force,
- the year when the tomatoes were picked and processed,
- the 'best before' date,
- the 'Pomodoro San Marzano dell'Agro Sarnese-Nocerino' PDO logo.

The wording must appear in characters of a uniform size, font and colour, grouped together in the same part of the label and presented clearly, legibly, indelibly and large enough to stand out from the background on which they are printed, so as to be clearly distinguishable from all other text and graphics.



Publication of an application for recognition of a traditional term as provided for in Article 33 of Commission Regulation (EC) No 607/2009

(2010/C 73/13)

Under Article 33 of Commission Regulation (EC) No 607/2009 ⁽¹⁾, an application for recognition of a traditional term must be published in the C series of the Official Journal in order to inform third parties of the existence of that application, so as to allow possible objections to the recognition and protection of the traditional term to which the application relates.

PUBLICATION OF AN APPLICATION FOR RECOGNITION OF A TRADITIONAL TERM IN ACCORDANCE WITH ARTICLE 33 OF COMMISSION REGULATION (EC) No 607/2009

Date of receipt: 18.2.2010
Number of pages: 11
Language of the application: Spanish
File number: TDT-AR-N0004

Applicant:

Competent authority in the third country: Instituto Nacional de Vitivinicultura
San Martín n° 430
Ciudad de Mendoza
CP 5500
REPÚBLICA ARGENTINA
Tel. +54 2615216606
Fax +54 2615216604
presidencia@inv.gov.ar

Denomination: 'RESERVA'

— Traditional term under Article 118u(1)(b) of Regulation (EC) No 1234/2007

Language:

— Article 31(1)(a) of Commission Regulation (EC) No 607/2009

List of protected designations of origin or geographical indications concerned:

— The term 'Reserva', for which recognition is being requested, can be used in any of the recognised geographical areas included in the attached list, which can also be found on the website <http://www.inv.gov.ar>, provided that they comply with the definition of 'Reserva'

Categories of grapevine products:

— Wine/liqueur wine/sparkling wine (Annex XIb to Council Regulation (EC) No 1234/2007)

Definition:

— 'Reserva': the term 'Reserva' identifies wine made from the grapes listed in the Annex to Resolution INV C.22/08 or resulting from a blend of those grape varieties, which are suitable for making superior quality wine. 'Reserva' wines must be made using at least one hundred and thirty-five kilograms (135 kg) of grapes for each one hundred litres (100 l) of wine. Red 'Reserva' wines are aged for a minimum of twelve (12) months after they reach oenological stability. For white and rosé wines, the minimum ageing time may not be less than six (6) months. The INV's Declaration on the use of oak barrels for 'Reserva' wine is attached hereto. Resolution INV C.23/08, which stipulates that the terms 'Barrica', 'Criado en Barrica de Roble' and 'Crianza en Roble', or other similar terms, may be used on the label only if oak containers have actually been used to give the wine the particular characteristics of the wood, is also attached.

⁽¹⁾ OJ L 193, 24.7.2009, p. 60.

Publication of an application for recognition of a traditional term as provided for in Article 33 of Commission Regulation (EC) No 607/2009

(2010/C 73/14)

Under Article 33 of Commission Regulation (EC) No 607/2009 ⁽¹⁾, an application for recognition of a traditional term must be published in the C series of the Official Journal in order to inform third parties of the existence of that application, so as to allow possible objections to the recognition and protection of the traditional term to which the application relates.

PUBLICATION OF AN APPLICATION FOR RECOGNITION OF A TRADITIONAL TERM IN ACCORDANCE WITH ARTICLE 33 OF COMMISSION REGULATION (EC) No 607/2009

Date of receipt: 18.2.2010
Number of pages: 11
Language of the application: Spanish
File number: TDT-AR-N0005

Applicant:

Competent authority in the third country: Instituto Nacional de Vitivinicultura
San Martín n° 430
Ciudad de Mendoza
CP 5500
ARGENTINE REPUBLIC
Tel. +54 2615216606
Fax +54 2615216604
presidencia@inv.gov.ar

Denomination: 'GRAN RESERVA'

— Traditional term under Article 118u(1)(b) of Regulation (EC) No 1234/2007

Language:

— Article 31(1)(a) of Commission Regulation (EC) No 607/2009

List of protected designations of origin or geographical indications concerned:

— The term 'Gran Reserva', for which recognition is being requested, can be used in any of the recognised geographical areas included in the attached list, which can also be found on the website <http://www.inv.gov.ar>, provided that they comply with the definition of 'Gran Reserva'

Categories of grapevine products:

— Wine/liqueur wine/sparkling wine (Annex XIb to Council Regulation (EC) No 1234/2007)

Definition:

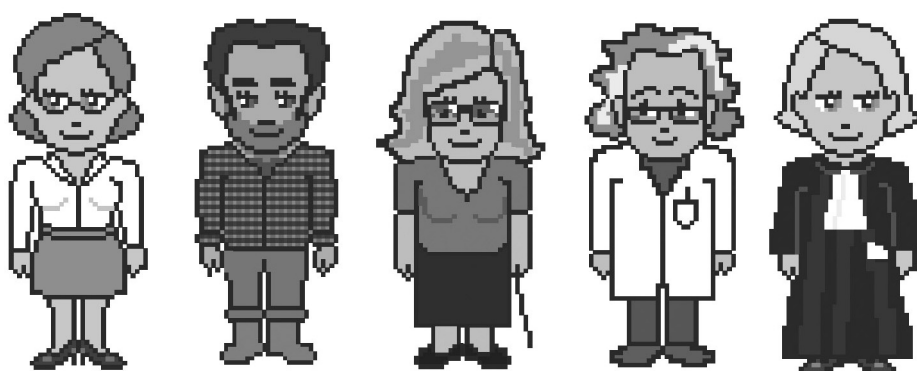
— 'Gran Reserva': the term 'Gran Reserva' identifies wine made from the grapes listed in the Annex to Resolution INV C.22/08 or resulting from a blend of those grape varieties, which are suitable for making superior quality wine. 'Gran Reserva' wines must be made using at least one hundred and forty kilograms (140 kg) of grapes for each one hundred litres (100 l) of wine. Red 'Gran Reserva' wines are aged for a minimum of twenty-four (24) months after they reach oenological stability. For white and rosé wines, the minimum ageing time may not be less than twelve (12) months. The INV's Declaration on the use of oak barrels for 'Gran Reserva' wine is attached hereto. Resolution INV C.23/08, which stipulates that the terms 'Barrica', 'Criado en Barrica de Roble' and 'Crianza en Roble', or other similar terms, may be used on the label only if oak containers have actually been used to give the wine the particular characteristics of the wood, is also attached.

⁽¹⁾ OJ L 193, 24.7.2009, p. 60.

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