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## I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

## REGULATIONS

## COUNCIL REGULATION (EC) No 1215/2009

of 30 November 2009

**introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process**

(codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000<sup>(1)</sup>, has been substantially amended several times<sup>(2)</sup>. In the interests of clarity and rationality the said Regulation should be codified.

(2) At its meeting in Lisbon on 23 and 24 March 2000, the European Council concluded that Stabilisation and Association Agreements with Western Balkan countries should be preceded by asymmetrical trade liberalisation.

(3) A continued Community market opening to imports from the Western Balkan countries is expected to contribute to the process of political and economic stabilisation in the region while not creating negative effects for the Community.

(4) It is, therefore, appropriate further to improve the Community's autonomous trade preferences by removing all remaining tariff ceilings for industrial products and by further improving access to the Community market for agricultural and fishery products, including processed products.

(5) These measures are proposed as part of the EU Stabilisation and Association process, in a response to the specific situation in the Western Balkans. They will not constitute a precedent for Community trade policy with other third countries.

(6) In accordance with the EU Stabilisation and Association process, based on the earlier Regional Approach and the Council Conclusions of 29 April 1997, the development of bilateral relations between the European Union and the Western Balkan countries is subject to certain conditions. The granting of autonomous trade preferences is linked to respect for fundamental principles of democracy and human rights and to the readiness of the countries concerned to develop economic relations between themselves. The granting of improved autonomous trade preferences in favour of countries participating in the EU Stabilisation and Association process should be linked to their readiness to engage in effective economic reforms and in regional cooperation, in particular through the establishment of free trade areas in accordance with relevant GATT/WTO standards. In addition, entitlement to benefit from autonomous trade preferences is conditional on the involvement of the beneficiaries in effective administrative cooperation with the Community in order to prevent any risk of fraud.

(7) Trade preferences can only be granted to countries or territories possessing a customs administration.

(8) Bosnia and Herzegovina, Serbia and Kosovo, as defined by the United Nations Security Council Resolution 1244 (1999) subject to international civil administration by the United Nations Mission in Kosovo (UNMIK) (hereinafter referred to as Kosovo), fulfil these conditions, and similar trade preferences should be granted to all of them in order to avoid discrimination within the region.

<sup>(1)</sup> OJ L 240, 23.9.2000, p. 1.

<sup>(2)</sup> See Annex III.

- (9) The trade measures provided for in this Regulation should take into account that Serbia and Kosovo each constitute a separate customs territory.
- (10) The Community has concluded an agreement on trade in textile products with Serbia <sup>(1)</sup>.
- (11) Albania, Croatia, the former Yugoslav Republic of Macedonia and Montenegro should remain beneficiaries of this Regulation only in so far as this Regulation provides for concessions which are more favourable than the concessions existing under the contractual regimes between the Community and those countries.
- (12) For the purposes of certification of origin and administrative cooperation procedures, the relevant provisions of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(2)</sup> should be applied.
- (13) For the sake of rationalisation and simplification, it is appropriate to provide that the Commission may, after consulting the Customs Code Committee and without prejudice to the specific procedures provided for in this Regulation, make any necessary changes and technical amendments necessary to this Regulation.
- (14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(3)</sup>.
- (15) The import arrangements provided for by this Regulation should be renewed on the basis of the conditions established by the Council and in the light of the experience gained in granting these arrangements under this Regulation. It is appropriate to limit the duration of the arrangements to 31 December 2010,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Preferential arrangements

1. Subject to the special provisions laid down in Article 3, products originating in Bosnia and Herzegovina or in the customs territories of Serbia or Kosovo, other than those of headings 0102, 0201, 0202, 0301, 0302, 0303, 0304, 0305, 1604, 1701, 1702 and 2204 of the Combined Nomenclature, shall be admitted for import into the Community without quantitative restrictions or measures having equivalent effect and with exemption from customs duties and charges having equivalent effect.
2. Imports of sugar products under headings 1701 and 1702 of the Combined Nomenclature originating in Bosnia and

Herzegovina or in the customs territories of Serbia or Kosovo shall benefit from concessions provided for in Article 3.

3. Products originating in Albania, in Croatia, in the former Yugoslav Republic of Macedonia or in Montenegro shall continue to benefit from the provisions of this Regulation where so indicated or from any measures provided for in this Regulation which are more favourable than the trade concessions provided for in the framework of bilateral agreements between the Community and these countries.

#### Article 2

##### Conditions for entitlement to the preferential arrangements

1. Entitlement to benefit from the preferential arrangements introduced by Article 1 shall be subject to the following:

- (a) compliance with the definition of 'originating products' provided for in Part I, Title IV, Chapter 2, Section 1, Subsection 1 of Regulation (EEC) No 2454/93;
- (b) the abstention of the countries and territories referred to in Article 1 from introducing new duties or charges having equivalent effect and new quantitative restrictions or measures having equivalent effect in respect of imports originating in the Community or from increasing existing levels of duties or charges or from introducing any other restrictions from 30 September 2000; and
- (c) the involvement of beneficiaries in effective administrative cooperation with the Community in order to prevent any risk of fraud.

2. Without prejudice to the conditions provided for in paragraph 1, entitlement to benefit from the preferential arrangements introduced by Article 1 shall be subject to the readiness of the beneficiary countries to engage in effective economic reforms and in regional cooperation with other countries concerned by the European Union's Stabilisation and Association process, in particular through the establishment of free trade areas in conformity with Article XXIV of the GATT 1994 and other relevant WTO provisions.

In the event of non-compliance in that respect, the Council may take the appropriate measures by a qualified majority vote, on the basis of a Commission proposal.

#### Article 3

##### Agricultural products — tariff quotas

1. For certain fishery products and for wine, as listed in Annex I, originating in the countries and territories referred to in Article 1, the customs duties applicable to imports into the Community shall be suspended during the periods, at the levels, within the limits of the Community tariff quotas and under the conditions indicated for each product and origin set out in that Annex.

<sup>(1)</sup> OJ L 90, 8.4.2005, p. 36.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

2. The customs duties applicable to imports into the Community of 'baby-beef' products defined in Annex II and originating in the countries and territories referred to in Article 1(1) shall be 20 % of the *ad valorem* duty and 20 % of the specific duty as laid down in the Common Customs Tariff, within the limit of an annual tariff quota of 11 475 tonnes expressed in carcass weight.

The volume of the annual tariff quota of 11 475 tonnes shall be distributed among the beneficiary countries and territories as follows:

- (a) 1 500 tonnes (carcass weight) for 'baby-beef' products originating in Bosnia and Herzegovina;
- (b) 9 175 tonnes (carcass weight) for 'baby-beef' products originating in the customs territories of Serbia or Kosovo.

Imports into the Community of 'baby-beef' products defined in Annex II and originating in Albania shall not benefit from a tariff concession.

Any request for import within these quotas shall be accompanied by an authenticity certificate issued by the competent authorities of the exporting country and attesting that the goods originate in the country or territory concerned and correspond to the definition in Annex II to this Regulation. This certificate shall be drawn up by the Commission in accordance with the procedure referred to in Article 195(2) of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>.

3. Imports of sugar products under headings 1701 and 1702 of the Combined Nomenclature originating in Bosnia and Herzegovina and the customs territories of Serbia or Kosovo shall be subject to the following annual duty-free tariff quotas:

- (a) 12 000 tonnes (net weight) for sugar products originating in Bosnia and Herzegovina;
- (b) 180 000 tonnes (net weight) for sugar products originating in the customs territories of Serbia or Kosovo.

4. Notwithstanding other provisions of this Regulation, and in particular Article 10, given the particular sensitivity of the agricultural and fishery markets, where imports of agricultural and fishery products cause serious disturbance to the Community markets and their regulatory mechanisms, the Commission may take the appropriate measures in accordance with the procedure referred to in Article 8(2).

#### Article 4

##### Implementation of tariff quotas for 'baby beef' and sugar

The detailed rules for implementing the tariff quota for 'baby-beef' products shall be determined by the Commission in

accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

The detailed rules for implementing the tariff quota for sugar products under heading Nos 1701 and 1702 of the Combined Nomenclature shall be determined by the Commission in accordance with the procedure referred to in Article 195(2) of Council Regulation (EC) No 1234/2007.

#### Article 5

##### Administration of tariff quotas

The tariff quotas referred to in Article 3(1) of this Regulation shall be administered by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Communication for that purpose between the Member States and the Commission shall be effected, as far as possible, by telematic link.

#### Article 6

##### Access to tariff quotas

Each Member State shall ensure that importers have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.

#### Article 7

##### Conferment of powers

The Commission shall, in accordance with the procedure referred to in Article 8(2), adopt the provisions necessary for the application of this Regulation, other than those provided for in Article 4, in particular:

- (a) amendments and technical adjustments necessary following amendments to the Combined Nomenclature codes and to the TARIC subdivisions;
- (b) necessary adjustments following the conclusion of other agreements between the Community and the countries and territories referred to in Article 1.

#### Article 8

##### Committee

1. The Commission shall be assisted by the Customs Code Committee established by Article 247a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(2)</sup> (hereinafter referred to as the 'Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at one month.

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

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

*Article 9***Cooperation**

Member States and the Commission shall cooperate closely to ensure that this Regulation, and in particular the provisions set out in Article 10(1), are complied with.

*Article 10***Temporary suspension**

1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase of exports into the Community above the level of normal production and export capacity or a failure of compliance with the provisions of Article 2(1) by countries and territories referred to in Article 1, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:

- (a) informed the Committee;
- (b) called on the Member States to take such precautionary measures as are necessary in order to safeguard the Community's financial interests and/or to secure compliance by the beneficiary countries and territories with Article 2(1);
- (c) published a notice in the *Official Journal of the European Union* stating that there are grounds for reasonable doubts about the application of the preferential arrangements and/or compliance with Article 2(1) by the beneficiary

country or territory concerned which may call into question its right to continue enjoying the benefits granted by this Regulation.

2. A Member State may refer the Commission decision to the Council within 10 days. The Council, acting by a qualified majority, may take a different decision within 30 days.

3. On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure following consultation of the Committee or to extend the suspension measure in accordance with paragraph 1.

*Article 11***Repeal**

Regulation (EC) No 2007/2000 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

*Article 12***Entry into force and application**

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

It shall apply until 31 December 2010.

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

Done at Brussels, 30 November 2009.

*For the Council*  
*The President*  
S. O. LITTORIN



## ANNEX I

## TARIFF QUOTAS REFERRED TO IN ARTICLE 3(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

| Order No | CN Code  | Description  | Quota volume per year (t) | Beneficiaries   | Rate of duty |
|----------|--|--|---------------------------|---|--------------|
| 09.1571  | 0301 91 10<br>0301 91 90<br>0302 11 10<br>0302 11 20<br>0302 11 80<br>0303 21 10<br>0303 21 20<br>0303 21 80<br>0304 19 15<br>0304 19 17<br>ex 0304 19 19<br>ex 0304 19 91<br>0304 29 15<br>0304 29 17<br>ex 0304 29 19<br>ex 0304 99 21<br>ex 0305 10 00<br>ex 0305 30 90<br>0305 49 45<br>ex 0305 59 80<br>ex 0305 69 80 | Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> ); live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption | 50 tonnes                 | Bosnia and Herzegovina, customs territories of Serbia or Kosovo | Exemption    |
| 09.1573  | 0301 93 00<br>0302 69 11<br>0303 79 11<br>ex 0304 19 19<br>ex 0304 19 91<br>ex 0304 29 19<br>ex 0304 99 21<br>ex 0305 10 00<br>ex 0305 30 90<br>ex 0305 49 80<br>ex 0305 59 80<br>ex 0305 69 80  | Carp: live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption   | 110 tonnes                | Bosnia and Herzegovina, customs territories of Serbia or Kosovo | Exemption    |
| 09.1575  | ex 0301 99 80<br>0302 69 61<br>0303 79 71<br>ex 0304 19 39<br>ex 0304 19 99<br>ex 0304 29 99<br>ex 0304 99 99<br>ex 0305 10 00<br>ex 0305 30 90<br>ex 0305 49 80<br>ex 0305 59 80<br>ex 0305 69 80   | Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.); live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption   | 75 tonnes                 | Bosnia and Herzegovina, customs territories of Serbia or Kosovo | Exemption    |
| 09.1577  | ex 0301 99 80<br>0302 69 94<br>ex 0303 77 00<br>ex 0304 19 39<br>ex 0304 19 99<br>ex 0304 29 99<br>ex 0304 99 99<br>ex 0305 10 00<br>ex 0305 30 90<br>ex 0305 49 80<br>ex 0305 59 80<br>ex 0305 69 80  | Sea bass ( <i>Dicentrarchus labrax</i> ); live; fresh or chilled; frozen; dried; salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption   | 60 tonnes                 | Bosnia and Herzegovina, customs territories of Serbia or Kosovo | Exemption    |

| Order No | CN Code  | Description   | Quota volume per year <sup>(1)</sup> | Beneficiaries  | Rate of duty |
|----------|--|---|--------------------------------------|--|--------------|
| 09.1561  | 1604 16 00<br>1604 20 40   | Prepared or preserved anchovies   | 60 tonnes                            | Bosnia and Herzegovina, customs territories of Serbia or Kosovo  | 12,5 %       |
| 09.1515  | ex 2204 21 79<br>ex 2204 21 80<br>ex 2204 21 84<br>ex 2204 21 85<br>2204 29 65<br>ex 2204 29 75<br>2204 29 83<br>ex 2204 29 84 | Wine of fresh grapes, of an actual alcoholic strength by volume not exceeding 15 % vol, other than sparkling wine | 129 000 hl <sup>(2)</sup>            | Albania <sup>(3)</sup> , Bosnia and Herzegovina <sup>(4)</sup> , Croatia, former Yugoslav Republic of Macedonia <sup>(5)</sup> , Montenegro <sup>(6)</sup> , customs territories of Serbia or Kosovo | Exemption    |

<sup>(1)</sup> One global volume per tariff quota accessible to imports originating in the beneficiaries.

<sup>(2)</sup> The volume of this global tariff quota shall be reduced if the quota volumes of the individual tariff quota applicable under order No 09.1588 for certain wines originating in Croatia are increased.

<sup>(3)</sup> Access for wine originating in Albania to this global tariff quota is subject to the prior exhaustion of the individual tariff quotas provided for in the Additional Protocol on wine concluded with Albania. These individual tariff quotas are opened under order Nos 09.1512 and 09.1513.

<sup>(4)</sup> Access for wine originating in Croatia to this global tariff quota is subject to the prior exhaustion of the individual tariff quotas provided for in the Additional Protocol on wine concluded with Croatia. These individual tariff quotas are opened under order Nos 09.1588 and 09.1589.

<sup>(5)</sup> Access for wine originating in the former Yugoslav Republic of Macedonia to this global tariff quota is subject to the prior exhaustion of the individual tariff quotas provided for in the Additional Protocol on wine concluded with the former Yugoslav Republic of Macedonia. These individual tariff quotas are opened under order Nos 09.1558 and 09.1559.

<sup>(6)</sup> Access for wine originating in Montenegro to the global tariff quota is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Montenegro. This individual tariff quota is opened under order No 09.1514.



## ANNEX II

**Definition of 'baby beef' products referred to in Article 3(2)**

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

| CN code       | TARIC subdivision | Description   |
|---------------|-------------------|---|
|               |                   | Live bovine animals:  |
|               |                   | - Other:  |
|               |                   | -- Domestic species:  |
|               |                   | --- Of a weight exceeding 300 kg:   |
|               |                   | ---- Heifers (female bovines that have never calved):   |
| ex 0102 90 51 |                   | ----- For slaughter:  |
|               | 10                | - Not yet having any permanent teeth, of a weight of 320 kg or more but not exceeding 470 kg <sup>(1)</sup>   |
| ex 0102 90 59 |                   | ----- Other:  |
|               | 11                | - Not yet having any permanent teeth, of a weight of 320 kg or more but not exceeding 470 kg <sup>(1)</sup>   |
|               | 21                |   |
|               | 31                |   |
|               | 91                |   |
|               |                   | ---- Other:   |
| ex 0102 90 71 |                   | ----- For slaughter:  |
|               | 10                | - Bulls and steers not yet having permanent teeth, of a weight of 350 kg or more but not exceeding 500 kg <sup>(1)</sup>  |
| ex 0102 90 79 |                   | ----- Other:  |
|               | 21                | - Bulls and steers not yet having permanent teeth, of a weight of 350 kg or more but not exceeding 500 kg <sup>(1)</sup>  |
|               | 91                |   |
|               |                   | Meat of bovine animals, fresh or chilled:   |
| ex 0201 10 00 |                   | - Carcasses and half-carcasses  |
|               | 91                | - Carcasses of a weight of 180 kg or more but not exceeding 300 kg, and half carcasses of a weight of 90 kg or more but not exceeding 150 kg, with a low degree of ossification of the cartilages (in particular those of the symphysis pubis and the vertebral apophyses), the meat of which is a light pink colour and the fat of which, of extremely fine texture, is white to light yellow in colour <sup>(1)</sup> |
|               |                   | - Other cuts with bone in:  |
| ex 0201 20 20 |                   | -- 'Compensated' quarters:  |
|               | 91                | - 'Compensated' quarters of a weight of 90 kg or more but not exceeding 150 kg, with a low degree of ossification of the cartilages (in particular those of the symphysis pubis and the vertebral apophyses), the meat of which is a light pink colour and the fat of which, of extremely fine texture, is white to light yellow in colour <sup>(1)</sup>   |
| ex 0201 20 30 |                   | -- Unseparated or separated forequarters:   |
|               | 91                | - Separated forequarters, of a weight of 45 kg or more but not exceeding 75 kg, with a low degree of ossification of the cartilages (in particular those of the vertebral apophyses), the meat of which is a light pink colour and the fat of which, of extremely fine texture, is white to light yellow in colour <sup>(1)</sup>   |
| ex 0201 20 50 |                   | -- Unseparated or separated hindquarters:   |
|               | 91                | - Separated hindquarters of a weight of 45 kg or more but not exceeding 75 kg (but 38 kg or more and not exceeding 68 kg in the case of 'Pistola' cuts), with a low degree of ossification of the cartilages (in particular those of the vertebral apophyses), the meat of which is a light pink colour and the fat of which, of extremely fine texture, is white to light yellow in colour <sup>(1)</sup>              |

<sup>(1)</sup> Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

## ANNEX III

**Repealed Regulation**

with list of its successive amendments

Council Regulation (EC) No 2007/2000  
(OJ L 240, 23.9.2000, p. 1).

Council Regulation (EC) No 2563/2000  
(OJ L 295, 23.11.2000, p. 1).

Commission Regulation (EC) No 2487/2001  
(OJ L 335, 19.12.2001, p. 9).

Commission Regulation (EC) No 607/2003                      only Article 1  
(OJ L 86, 3.4.2003, p. 18).

Council Regulation (EC) No 374/2005  
(OJ L 59, 5.3.2005, p. 1).

Commission Regulation (EC) No 1282/2005  
(OJ L 203, 4.8.2005, p. 6).

Council Regulation (EC) No 1946/2005  
(OJ L 312, 29.11.2005, p. 1).

Council Regulation (EC) No 530/2007  
(OJ L 125, 15.5.2007, p. 1).

Commission Regulation (EC) No 407/2008  
(OJ L 122, 8.5.2008, p. 7).

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## ANNEX IV

## Correlation table

| Regulation (EC) No 2007/2000                            | This Regulation   |
|---|---|
| Article 1(1)  | Article 1(1)  |
| Article 1(2)  | Article 1(3)  |
| Article 1(3)  | Article 1(2)  |
| Article 2   | Article 2   |
| Article 4(1)  | Article 3(1)  |
| Article 4(2), first subparagraph                        | Article 3(2), first subparagraph                        |
| Article 4(2), second subparagraph, introductory wording | Article 3(2), second subparagraph, introductory wording |
| Article 4(2), second subparagraph, point (a)            | Article 3(2), second subparagraph, point (a)            |
| Article 4(2), second subparagraph, point (d)            | Article 3(2), second subparagraph, point (b)            |
| Article 4(2), third and fourth subparagraphs            | Article 3(2), third and fourth subparagraphs            |
| Article 4(3)  | Article 3(4)  |
| Article 4(4)  | Article 3(3)  |
| Article 6   | Article 4   |
| Article 7   | Article 5   |
| Article 8   | Article 6   |
| Article 9   | Article 7   |
| Article 10  | Article 8   |
| Article 11  | Article 9   |
| Article 12  | Article 10  |
| Article 13  | —   |
| Article 14  | —   |
| Article 15  | —   |
| Article 16  | —   |
| —   | Article 11  |
| Article 17  | Article 12  |
| Annex I   | Annex I   |
| Annex II  | Annex II  |
| —   | Annex III   |
| —   | Annex IV  |

**COUNCIL REGULATION (EC) No 1216/2009****of 30 November 2009****laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products****(codified version)**

THE COUNCIL OF THE EUROPEAN UNION,

Community, relating to trade in these goods, in order to attain the objectives of the Treaty.

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 133 thereof,

(6) It is appropriate to take account of the constraints arising from the agreement on agriculture concluded in the multilateral trade negotiations under the Uruguay Round <sup>(4)</sup>.

Having regard to the proposal from the Commission,

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

(7) Certain goods not falling within Annex I of the Treaty and listed in Annex II to this Regulation are obtained using agricultural products subject to the common agricultural policy. The charges applied to imports of such goods should therefore, on the one hand, cover the difference between the world market prices and the prices on the Community market for the agricultural products used in their production and, on the other hand, ensure the protection of the processing industry concerned.

Whereas:

(1) Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.

(8) Under agreements entered into, the Community is to limit such charges to covering, in whole or in part, differences in the price of agricultural products used in the production of the goods in question. It is accordingly necessary to establish for these goods that part of the overall charge which covers the differences between the prices of the agricultural products taken into account.

(2) The Treaty provides for the establishment of a common agricultural policy covering the agricultural products listed in Annex I to the Treaty.

(3) Certain agricultural products are used in numerous goods not covered by Annex I to the Treaty.

(9) In addition, it is necessary to maintain a close link between the calculation of the agricultural component of the charge applicable to goods and that applicable to basic products imported in the unaltered state.

(4) It is necessary to provide for measures under the common agricultural policy and the common commercial policy to take account of the impact of trade in such goods on the objectives of Article 33 of the Treaty and of how measures adopted to implement Article 37 of the Treaty affect the economic position of such goods, given the differences between the costs of procuring agricultural products within and outside the Community and the differences in the prices of agricultural products.

(10) In order to avoid undue administrative formalities, negligible amounts should not be applied and Member States should be permitted to refrain from adjusting amounts relating to a given transaction where the balance of the amounts concerned is itself negligible.

(5) The Treaty lays down that the agricultural policy and the commercial policy are Community policies. It is necessary to establish for certain goods resulting from the processing of agricultural products general and comprehensive rules, applicable throughout the

(11) The implementation of preferential agreements should not complicate the procedures applicable to trade with third countries. The implementing rules should therefore ensure that goods declared for export under a preferential arrangement are not in fact exported in accordance with the general arrangements and vice versa.

<sup>(1)</sup> Opinion of 22 April 2009 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(3)</sup> See Annex IV.

<sup>(4)</sup> OJ L 336, 23.12.1994, p. 22.

- (12) Under certain preferential agreements reductions are granted on the agricultural components within the framework of the Community's commercial policy. These reductions are established with reference to the agricultural components applicable to non-preferential trade. These reduced amounts must therefore be converted into national currency at the same rate as applied for conversion of the non-reduced amounts.
- (13) Under certain preferential agreements concessions are granted within quota limits relating to both agricultural and non-agricultural protection, or non-agricultural protection is subject to reductions as a consequence of such agreements. It is essential that the management of the non-agricultural part of protection should be subject to the same rules as for the agricultural part.
- (14) Arrangements should be made for export refunds on certain agricultural products used in the manufacture of goods not covered by Annex I to the Treaty in order not to penalise producers of the said goods for the prices at which they are obliged to procure their supplies as a result of the common agricultural policy. Such refunds may cover only the difference between the price of an agricultural product on the Community market and world market respectively. These arrangements should accordingly be established as part of the common organisation of the markets concerned.
- (15) Articles 162, 163 and 164 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup> provide for the granting of such refunds. The implementing rules should be adopted under the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007. The amounts of the refunds should be fixed under the same procedure as the amounts of the refunds for the agricultural products exported in the unaltered state but the implementing rules for the said procedure should be established having regard essentially to the manufacturing processes of the goods concerned. The implementing rules should accordingly be established on the same basis.
- (16) In particular, there should be checks on expenditure on the basis of commitments through the issuing of certificates. However, as regards expenditure which has not been covered by obtaining a certificate or certificates, accounting of such expenditure will continue to be carried out on the basis of refund payments, if necessary in the form of an advance.
- (17) The Commission will take into consideration agricultural products processing enterprises as a whole, and, in particular, the situation of small and medium-sized enterprises, taking account of the impact of targeted measures relating to savings on export refunds. In view of their specific interests, small exporters should be exempted from submission of certificates under the export refund arrangements.
- (18) The mechanism of agricultural protection provided for by this Regulation may prove defective under exceptional circumstances. That risk may also arise in the context of preferential agreements. In order to avoid in such cases leaving the Community market without defence against disturbances which could result from this, it is appropriate to provide for all necessary measures to be taken rapidly.
- (19) Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community customs code <sup>(2)</sup> should be made applicable to trade covered by this Regulation.
- (20) The distinction drawn between agricultural products covered by Annex I to the Treaty and goods not covered by Annex I is a criterion specific to the Community, based on the situation of agriculture and the food industry in the Community. The situation may be appreciably different in certain third countries with which the Community concludes agreements. Therefore, provision should be made in such agreements for the possibility of extending the general rules applicable to processed agricultural products not covered by Annex I to the Treaty, *mutatis mutandis*, to certain agricultural products covered by Annex I to be Treaty.
- (21) Under agreements concluded in accordance with Article 300 of the Treaty, it is possible that the requirements for the processing industries in terms of agricultural raw materials may not be covered completely, under competitive conditions, by Community raw materials. Article 117(c) of Regulation (EEC) No 2913/92 admits goods under the inward processing arrangements subject to fulfilment of the economic conditions as defined by Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(3)</sup>. Having regard to the abovementioned agreements, there should also be provision for considering the economic conditions to have been fulfilled for the admission of certain quantities of certain agricultural products under the processing arrangements.

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

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

- (22) In order to safeguard the interests of producers of agricultural raw materials, in successive financial years, the necessary appropriations should be made available so that goods not covered by Annex I to the Treaty may benefit fully from a maximum use of the current WTO ceiling. There should also be overall checks, though the procedure laid down should be flexible, on the basis of a regularly revised forward estimate, of the quantities admitted under inward processing arrangements not subject to prior individual checks of the economic conditions (excluding those used for processing, the usual forms of handling or the manufacture of goods not eligible for refunds) and in compliance with the other general conditions relating to the inward processing arrangements. Finally, account should also be taken of the situation on the Community market for the commodities concerned, to ensure prudent management of the said quantities.
- (23) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

##### SUBJECT MATTER, DEFINITIONS AND SCOPE

###### Article 1

This Regulation determines the trade arrangements applicable to certain goods defined in Annex II.

###### Article 2

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) 'agricultural products' means products covered by Annex I to the Treaty;
- (b) 'goods' means products not covered by Annex I to the Treaty and listed in Annex II to this Regulation.

However, the term 'goods', used in Chapter III and in Article 12, shall relate to products not covered by Annex I to the Treaty and contained in Annex XX of the Single CMO Regulation.

2. For the purposes of the application of certain preferential agreements, the following definitions shall apply:

- (a) 'agricultural component' means the part of the charge corresponding to the Community Customs Tariff duties applicable to the agricultural products listed in Annex I or, where appropriate, the duties applicable to agricultural

products originating in the countries concerned for the quantities of these agricultural products considered to have been used, as referred to in Article 14;

- (b) 'non-agricultural component' means the part of the charge corresponding to the Common Customs Tariff duties, reduced by the agricultural component defined in point (a);
- (c) 'basic products' means certain agricultural products covered by Annex I to this Regulation or assimilated to those products or resulting from their processing, for which the duties published in the Common Customs Tariff serve to determine the agricultural component of the charge applicable to the goods.

#### Article 3

This Regulation may also apply to certain agricultural products in the framework of preferential trade.

In that case the list of those agricultural products subject to the rules governing trade in goods shall be established by the agreement concerned.

#### CHAPTER II

##### IMPORTATION

###### SECTION I

##### *Trade with third countries*

###### Article 4

1. Save where otherwise provided in this Regulation, the Common Customs Tariff duties shall apply to the goods listed in Annex II.

For the goods listed in Table 1 of Annex II, the charge shall consist of an *ad valorem* duty, designated the 'fixed component', and a specific amount set in euros, designated the 'agricultural component'.

For the goods listed in Table 2 of Annex II, the agricultural component of the charge shall be part of the charge applicable to imports of such goods.

2. Subject to Articles 10 and 11, the levying of any customs duty or charge having equivalent effect other than the charge provided for in paragraph 1 of this Article shall be prohibited.

3. The general rules for interpretation of the Combined Nomenclature and the special rules for application of the Nomenclature shall apply for the purposes of classification of the products covered by this Regulation; the tariff nomenclature resulting from application of this Regulation shall be included in the Common Customs Tariff.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

4. The detailed rules for application of this Regulation shall be adopted in accordance with the procedure laid down in Article 16(2).

#### Article 5

1. Where the Common Customs Tariff lays down a maximum charge, the charge provided for in Article 4 may not exceed this maximum.

Where the maximum charge referred to in the previous subparagraph may be applied only under specific conditions, these conditions shall be determined in accordance with the procedure laid down in Article 10(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>.

2. Where the maximum charge consists of an *ad valorem* duty plus an additional duty on various kinds of sugar, expressed as sucrose (AD S/Z), or on flour (AD F/M), such additional duty shall be that laid down in the Common Customs Tariff.

#### SECTION II

### Preferential trade

#### Article 6

1. The agricultural component applicable in the framework of preferential trade shall be the specific amount fixed in the Common Customs Tariff.

However, where the country or countries concerned satisfy the requirements of Community legislation for processed products, adopt the same basic products as the Community, cover the same goods and use the same coefficients as the Community:

- (a) this agricultural component may be determined on the basis of the quantities of basic products actually used if the Community has concluded a customs cooperation agreement covering the establishment of such quantities;
- (b) the duty applicable on importation of the basic product may be replaced by an amount established on the basis of the difference between agricultural prices in the Community and those in the country or region concerned, or by an amount offsetting a jointly established price for the region concerned;
- (c) where the application of point (b) results in amounts with little impact on the goods covered, this arrangement may be replaced by a system of flat rate amounts or rates.

2. The agricultural components, with any reductions, applicable to imports under a preferential agreement shall be converted into national currency by applying the same exchange rate as applicable to non-preferential trade.

3. The *ad valorem* duties corresponding to the agricultural component of the charge for the goods in Table 2 of Annex II may be replaced by another agricultural component where provided for by a preferential agreement.

4. The detailed rules for applying this Article shall be adopted in accordance with the procedure referred to in Article 16(2).

If necessary, those detailed rules shall cover in particular:

- (a) completion and circulation of the documents necessary for granting the preferential arrangements provided for in paragraphs 1 and 3 of this Article;
- (b) the measures necessary to avoid diversions of trade;
- (c) the list of basic products.

5. Where methods of analysing the agricultural products used are necessary, the methods specified for the agricultural products in question in the case of refunds on exports to third countries shall be used.

6. The Commission shall publish the charges resulting from application of the agreements referred to in paragraphs 2 and 3.

#### Article 7

1. Where a preferential agreement provides for the reduction or phasing-out of the non-agricultural part of the charge, this shall be the fixed component in the case of the goods listed in Table 1 of Annex II.

2. Where a preferential agreement provides for a reduction in the agricultural component, whether or not within the limits of a tariff quota, the detailed rules for determining and managing such reduced agricultural components shall be adopted in accordance with the procedure referred to in Article 16(2), provided the agreement specifies:

- (a) the products eligible for these reductions;
- (b) the quantities of goods or value of any quotas to which these reductions apply or the method of calculating these quantities or values;
- (c) the factors determining the reduction in the agricultural component.

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.



3. The detailed rules necessary for initiating and managing reductions in the non-agricultural components of the charge shall be adopted in accordance with the procedure referred to in Article 16(2).

4. The Commission shall publish the charges resulting from application of the preferential agreements referred to in paragraphs 1 and 2.

### CHAPTER III

#### EXPORTATION

##### Article 8

1. On exportation of the goods, the agricultural products which have been used and which satisfy the conditions laid down in Article 23(2) of the Treaty may qualify for refunds established pursuant to the Single CMO Regulation. No export refund may be granted on agricultural products incorporated into goods not covered by a common organisation of the market providing for export refunds on products exported in the form of such goods.

2. The list of goods qualifying for refunds shall be established, taking account of:

- (a) the impact of the difference between the prices on the Community market and on the world market of the agricultural products used in their production;
- (b) the need to cover this difference in whole or in part, to allow the exportation of the agricultural products used in the goods concerned.

The list shall be drawn up pursuant to the Single CMO Regulation in the agricultural sector.

3. The common implementing rules for the refund arrangements referred to in this Article shall be adopted in accordance with the procedure referred to in Article 16(2).

The amounts of the refunds shall be fixed in accordance with the same procedure as for the granting of refunds on the agricultural products concerned when they are exported in the unprocessed state.

4. Where the arrangements for the direct offsetting referred to in Article 6(1)(b) are established within the framework of a preferential agreement, the amounts payable on exports to the country or countries concerned by the agreement shall be determined jointly and on the same basis as the agricultural component of the charge under the conditions laid down in the agreement.

These amounts shall be established in accordance with the procedure referred to in Article 16(2). The implementing rules

which may be necessary pursuant to this paragraph, and in particular measures to ensure that goods declared for export under a preferential arrangement are not in fact exported under a non-preferential arrangement or vice versa, shall be adopted by the same procedure.

Where methods of analysing the agricultural products used are necessary, the methods specified for the agricultural products in question in the case of refunds on exports to third countries shall be used.

5. Compliance with the limits arising from agreements concluded in accordance with Article 300 of the Treaty shall be ensured on the basis of certificates issued in respect of the reference periods laid down, supplemented by the amount provided for in respect of small exporters.

6. The amount below which small exporters may be exempted from presentation of certificates under the export refund arrangements shall be set at EUR 50 000 per year. This ceiling may be adjusted, in accordance with the procedure referred to in Article 16(2).

##### Article 9

Where, pursuant to the Single CMO Regulation as regards a particular market, levies, charges or other measures are applied to exports of an agricultural product listed in Annex I, appropriate measures with regard to certain goods the export of which is likely to hinder the achievement of the objective in the agricultural sector in question, because of their high content of the agricultural product concerned and the uses to which they may be put, may be decided, in accordance with the procedure referred to in Article 16(2), taking due account of the specific interest of the processing industry.

### CHAPTER IV

#### GENERAL PROVISIONS

##### Article 10

Where there is a danger that a reduction in the agricultural component applicable to imports of goods under a preferential agreement could disturb the agricultural markets or the markets in the goods concerned, the safeguard clauses applicable to imports of the agricultural products concerned shall also apply to the goods listed in Annex II.

For the purposes of assessing the disturbances in question, account shall be taken of the characteristics of the goods actually imported under the preferential arrangements, compared with the characteristics of the goods traditionally imported prior to the introduction of these arrangements.

### Article 11

1. In order to prevent or counteract adverse effects on the Community market which may result from imports of certain goods resulting from the processing of agricultural products, listed in Annex III, the importation at the rate of duty provided for in the Common Customs Tariff of one or more of such goods shall be subject to the payment of an additional import duty if the conditions set out in Article 5 of the Agreement on Agriculture have been fulfilled unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

2. The trigger prices below which an additional import duty may be imposed shall be those forwarded to the World Trade Organisation by the Community.

The trigger quantities which must be exceeded in order for an additional import duty to be imposed shall be determined, inter alia, on the basis of imports into the Community in the three years preceding that in which the adverse effects referred to in paragraph 1 arise or seem likely to arise.

3. The import prices to be taken into consideration when imposing an additional import duty shall be determined on the basis of the cif import prices of the consignment concerned.

4. The detailed implementing rules for this Article shall be adopted in accordance with the procedure referred to in Article 16(2).

Those rules shall cover in particular:

- (a) the goods to which additional import duties are applied under Article 5 of the Agreement on Agriculture;
- (b) the other criteria necessary for application of paragraph 1 in accordance with Article 5 of the Agreement on Agriculture.

### Article 12

1. Admission of agricultural products under the inward processing arrangements shall be subject to a prior check on compliance with the economic conditions referred to in Article 117(c) of Regulation (EEC) No 2913/92. These conditions shall be considered fulfilled in accordance with Article 552 of Regulation (EEC) No 2454/93.

Moreover, and in accordance with Regulation (EEC) No 2454/93, the economic conditions referred to in Article 117(c) of Regulation (EEC) No 2913/92 shall also be considered fulfilled for certain quantities of basic products used for the manufacture of goods. These quantities shall be determined with the aid of a balance drawn up by the Commission, based on a comparison between the required available funds and the forecast refund requirements, and

taking account, in particular, of the estimated volume of exports of the goods concerned and the internal and external market situation of the relevant basic products. This balance, and hence these quantities, shall be reviewed at regular intervals in order to take account of developments in economic and regulatory factors.

The detailed rules for the application of the second subparagraph, making it possible to determine the basic products to be admitted under inward processing arrangements and check and plan the quantities thereof, shall guarantee greater clarity for operators through prior publication of indicative import quantities for each individual common organisation of markets. These shall be published on a regular basis, depending in particular on the use of such quantities. The detailed application rules shall be adopted in accordance with the procedure referred to in Article 16(2).

The term 'basic product' used in this Article shall concern the products listed by CN code in the table in Annex I, including solely note 1 concerning cereals.

2. The quantity of goods, admitted under inward processing arrangements, other than those referred to in the second subparagraph of paragraph 1, and therefore not subject to the charge provided for in Article 4 for the purpose of, or as a result of, exporting other goods shall be that actually used in the manufacture of the goods.

### Article 13

1. Table 2 of Annex II may be amended in accordance with the procedure referred to in Article 16(2), in order to adapt it to the agreements concluded by the Community.

2. The Commission shall adapt this Regulation or Regulations adopted pursuant thereto to any amendments to the Combined Nomenclature.

### Article 14

This Article shall apply to all preferential trade for which determination of the agricultural component of the charge, possibly reduced under the conditions laid down in Article 7, is not based on the actual content referred to in Article 6(1)(a) and/or for which the basic amounts are not based on the price differences referred to in Article 6(1)(b).

The characteristics of the basic products and the quantities of the basic products to be taken into account shall be those laid down by Commission Regulation (EC) No 1460/96 of 25 July 1996 establishing the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, as provided for in Article 7 of Council Regulation (EC) No 3448/93 <sup>(1)</sup>.

<sup>(1)</sup> OJ L 187, 26.7.1996, p. 18.

Any amendments to be made to this Regulation shall be adopted in accordance with the procedure referred to in Article 16(2).

#### Article 15

1. The threshold or thresholds below which the agricultural components established in accordance with Articles 6 and 7 shall be fixed at zero may be laid down in accordance with the procedure referred to in Article 16(2). The non-application of these agricultural components may be made subject to special conditions, in accordance with the same procedure, in order to avoid creating artificial trade flows.

2. A threshold below which Member States may refrain from applying amounts to be granted or levied pursuant to this Regulation, in connection with a given economic transaction, may be established in accordance with the procedure referred to in Article 16(2) if the balance of these amounts is lower than the threshold.

#### Article 16

1. The Commission shall be assisted by a committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I (hereinafter referred to as 'the Committee').

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The committee may examine any other matter referred to it by its chairman, either on the chairman's own initiative or at the request of a Member State.

#### Article 17

The measures necessary to adapt this Regulation to amendments made to the Single CMO Regulation in order to

maintain the existing arrangements shall be adopted in accordance with the procedure referred to in Article 16(2).

#### Article 18

Methods of qualitative and quantitative analysis of the goods and the other technical provisions necessary for identifying them or for determining their composition shall be adopted in accordance with the procedure referred to in Article 10(2) of Regulation (EEC) No 2658/87.

#### Article 19

The Member States shall communicate to the Commission the information necessary for implementing this Regulation, on the one hand, on imports, exports and, even where appropriate, the production of the goods and, on the other, on the administrative implementing measures adopted. The detailed rules for communication of this information shall be laid down in accordance with the procedure referred to in Article 16(2).

#### Article 20

Regulation (EC) No 3448/93 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

#### Article 21

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

2. The application of this Regulation to caseins falling within CN code 3501 10, and to caseinates and other casein derivatives falling within CN code 3501 90 90, shall be deferred until a further decision by the Council.

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

Done at Brussels, 30 November 2009.

For the Council  
The President  
S. O. LITTORIN

## ANNEX I

**List of the agricultural products in respect of which price differences between the world market and the Community market can be offset on importation (\*)**

| CN code    | Description of the agricultural products  |
|------------|---|
| 0401       | Milk and cream, not concentrated nor containing added sugar or other sweetening matter  |
| 0402       | Milk and cream, concentrated or containing added sugar or other sweetening matter   |
| ex 0403    | Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter, not flavoured or containing added fruit, nuts or cocoa   |
| 0404       | Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included |
| ex 0405    | Butter and other fats and oils derived from milk  |
| 0709 90 60 | Sweetcorn, fresh or chilled   |
| 0712 90 19 | Dried sweetcorn, whole, cut, sliced, broken or in powder, but not otherwise further prepared, other than hybrid sweet corn for sowing   |
| Chapter 10 | Cereals <sup>(1)</sup>  |
| 1701       | Cane or beet sugar and chemically pure sucrose, in solid form   |
| 1703       | Molasses resulting from the extraction or refining of sugar   |

<sup>(1)</sup> Excluding spelt for sowing falling within CN code 1001 90 10, common wheat and meslin seed falling within CN code 1001 90 91, barley seed falling within CN code 1003 00 10, seed maize falling within CN codes 1005 10 11 to 1005 10 90, rice for sowing falling within CN code 1006 10 10 and hybrid sorghum for sowing falling within CN code 1007 00 10.

<sup>(\*)</sup> Agricultural products taken into account when used in the unprocessed state or after processing or considered to have been used for the manufacture of the goods listed in Table 1 of Annex II.

## ANNEX II

Table 1

| CN code                  | Description   |
|--------------------------|---|
| ex 0403                  | Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:  |
| 0403 10 51 to 0403 10 99 | - Yoghurt, flavoured or containing added fruit, nuts or cocoa   |
| 0403 90 71 to 0403 90 99 | - Other, flavoured or containing added fruit, nuts or cocoa   |
| 0405 20 10 to 0405 20 30 | Dairy spreads of a fat content, by weight, of 39 % or more but not exceeding 75 %   |
| 0710 40 00               | Sweetcorn (uncooked or cooked by steaming or boiling in water), frozen  |
| 0711 90 30               | Sweetcorn provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption  |
| ex 1517                  | Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of chapter 15, other than edible fats or oils or their fractions of heading No 1516:   |
| 1517 10 10               | - Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milkfats   |
| 1517 90 10               | - Other, containing more than 10 % but not more than 15 % by weight of milkfats   |
| 1702 50 00               | Chemically pure fructose  |
| ex 1704                  | Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10  |
| 1806                     | Chocolate and other food preparations containing cocoa  |
| 1901                     | Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included |
| ex 1902                  | Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30  |
| 1903 00 00               | Tapioca and substitutes therefore prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms  |
| 1904                     | Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included  |
| 1905                     | Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products   |
| 2001 90 30               | Sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ), prepared or preserved by vinegar or acetic acid   |
| 2001 90 40               | Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid   |

| CN code                                  | Description   |
|--|---|
| 2004 10 91                               | Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006   |
| 2004 90 10                               | Sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006   |
| 2005 20 10                               | Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006   |
| 2005 80 00                               | Sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006   |
| 2008 99 85                               | Maize (corn), other than sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) otherwise prepared or preserved, not containing added spirit or added sugar   |
| 2008 99 91                               | Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, otherwise prepared or preserved, not containing added spirit or added sugar   |
| 2101 12 98                               | Preparations with a basis of coffee   |
| 2101 20 98                               | Preparations with a basis of tea or maté  |
| 2101 30 19                               | Roasted coffee substitutes excluding roasted chicory  |
| 2101 30 99                               | Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory  |
| 2102 10 31 and 2102 10 39                | Bakers' yeast, dried or not   |
| 2105 00                                  | Ice cream and other edible ice, whether or not containing cocoa   |
| ex 2106                                  | Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92, and other than flavoured or coloured sugar syrups   |
| 2202 90 91 and 2202 90 95 and 2202 90 99 | Other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, containing products of heading Nos 0401 to 0404 or fat obtained from products of heading Nos 0401 to 0404  |
| 2905 43 00                               | Mannitol  |
| 2905 44                                  | d-Glucitol (sorbitol)   |
| ex 3302                                  | Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:                    |
| 3302 10 29                               | Other, of a kind used in the drink industries, containing all flavouring agents characterising a beverage, of an actual alcoholic strength by volume not exceeding 0,5 %, other than those of CN code 3302 10 21  |
| ex 3501                                  | Caseins, caseinates and other casein derivatives  |
| ex 3505 10                               | Dextrins and other modified starches, excluding esterified or etherified starches of CN code 3505 10 50   |
| 3505 20                                  | Glues based on starches, dextrins or other modified starches  |
| 3809 10                                  | Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile paper, leather or like industries, with a basis of amylaceous substances, not elsewhere specified or included |
| 3824 60                                  | Sorbitol other than that of subheading 2905 44  |

Table 2

| CN code       | Description   |
|---------------|---|
| ex 0505       | Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers:  |
| 0505 10 90    | - Feathers of a kind used for stuffing; down, other than raw  |
| 0505 90       | - Other   |
| 0511 99 39    | Natural sponges of animal origin, other than raw  |
| 1212 20 00    | Seaweeds and other algae, fresh, chilled, frozen or dried, whether or not ground, other than those used in pharmacy and those used for human consumption  |
| ex 1302       | Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products   |
| 1302 12 00    | Vegetable saps and extracts of liquorice  |
| 1302 13 00    | Vegetable saps and extracts of hops   |
| 1302 19 80    | Vegetable saps and extracts other than saps and extracts of liquorice, hops, vanilla oleoresin and opium  |
| ex 1302 20    | Pectates  |
| 1302 31 00    | Agar-agar, whether or not modified  |
| 1302 32 10    | Mucilages and thickeners, whether or not modified, derived from locust beans or locust bean seeds   |
| 1505          | Wool grease and fatty substances derived therefrom (including lanolin)  |
| 1506          | Other animal fats and oils and their fractions, whether or not refined, but not chemically modified   |
| ex 1515 90 11 | Joboba oil and its fractions, whether or not refined, but not chemically modified   |
| 1516 20 10    | Hydrogenated castor oil, so called 'opal-wax'   |
| 1517 90 93    | Edible mixtures or preparations of a kind used as mould release preparations  |
| ex 1518       | Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of chapter 15, not elsewhere specified or included; excluding the oils of CN codes 1518 00 31 and 1518 00 39 |
| 1520 00 00    | Glycerol, crude; glycerol waters and glycerol lyes  |
| 1521          | Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured  |
| 1522 00 10    | Degras  |
| 1702 90 10    | Chemically pure maltose   |
| 1704 90 10    | Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances  |
| 1803          | Cocoa paste, whether or not defatted  |
| 1804 00 00    | Cocoa butter, fat and oil   |



| CN code    | Description  |
|------------|--|
| 1805 00 00 | Cocoa powder, not containing added sugar or other sweetening matter  |
| 2001 90 60 | Palm hearts, prepared or preserved by vinegar or acetic acid   |
| ex 2008    | Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:  |
| 2008 11 10 | - Peanut butter  |
| 2008 91 00 | - Palm hearts  |
| ex 2101    | Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products; roasted chicory, extracts, essences or concentrates thereof other than preparations of CN codes 2101 12 98, 2101 20 98, 2101 30 19 and 2101 30 99 |
| 2102 10    | Active yeasts:   |
| 2102 10 10 | - Culture yeast  |
| 2102 10 90 | - Other, excluding bakers' yeast   |
| 2102 20    | Inactive yeasts; other single-cell micro-organisms, dead   |
| 2102 30 00 | Prepared baking powders  |
| 2103       | Sauces and preparations therefore; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard  |
| 2104       | Soups and broths and preparations therefore; homogenised composite food preparations   |
| ex 2106    | Food preparations not elsewhere specified or included:   |
| 2106 10    | - Protein concentrates and textured protein substances:  |
| 2106 10 20 | -- Containing no milkfats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch  |
| 2106 90    | - Other:   |
| 2106 90 20 | -- Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages  |
| 2106 90 92 | -- Other preparations containing no milkfats, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch   |
| 2201 10    | Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured   |
| 2202 10 00 | Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured  |
| 2202 90 10 | Other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009, not containing products of heading Nos 0401 to 0404 or fat obtained from products of heading Nos 0401 to 0404   |
| 2203 00    | Beer made from malt  |
| 2205       | Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances   |
| ex 2207    | Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength other than obtained from agricultural products listed in Annex I to the Treaty                                 |

| CN code    | Description  |
|------------|--|
| ex 2208    | Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol, not obtained from agricultural products listed in Annex I to the Treaty; spirits, liqueurs and other spirituous beverages  |
| 2402       | Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes  |
| 2403       | Other manufactured tobacco and manufactured tobacco substitutes; 'homogenised' or 'reconstituted' tobacco; tobacco extracts and essences   |
| 3301 90 21 | Extracted oleoresins of liquorice and hops   |
| 3301 90 30 | Extracted oleoresins other than of liquorice or hops   |
| ex 3302    | Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as a raw material in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:                                |
| 3302 10 10 | – of a kind used in the drink industries containing all flavouring agents characterising a beverage of an actual alcoholic strength by volume exceeding 0,5 %,   |
| 3302 10 21 | – of a kind used in the drink industries containing all flavouring agents characterising a beverage of an alcoholic strength by volume not exceeding 0,5 %, containing no milkfats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 5 % sucrose or isoglucose, 5 % glucose or starch |
| 3823       | Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols  |

## ANNEX III

| CN code                  | Description of goods  |
|--------------------------|---|
| 0403 10 51 to 0403 10 99 | Yogurt, flavoured or containing added fruit, nuts or cocoa  |
| 0403 90 71 to 0403 90 99 | Buttermilk, curdled milk and cream, kephir and other fermented or acidified milk, flavoured and containing added fruit, nuts or cocoa   |
| 0710 40 00               | Sweetcorn (uncooked or cooked by steaming or boiling in water), frozen  |
| 0711 90 30               | Sweetcorn provisionally preserved (for example, by sulphur dioxide gas, in brine, sulphur water or in other preservative solutions) but unsuitable in that state for immediate consumption  |
| 1517 10 10               | Margarine, excluding liquid margarine containing more than 10 % but not more than 15 % by weight of milkfats  |
| 1517 90 10               | Other edible mixtures or preparations of animal or vegetable fats or oils or fractions of different fats or oils of Chapter 15, other than edible fats or oils or their fractions of heading No 1516, containing more than 10 % but not more than 15 % by weight of milkfats                          |
| 1702 50 00               | Chemically pure fructose  |
| 2005 80 00               | Sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) prepared or preserved otherwise than by vinegar or acetic acid, not frozen other than products of heading No 2006  |
| 2905 43 00               | Mannitol:   |
| 2905 44                  | D-Glucitol (Sorbitol):  |
|                          | - in aqueous solution:  |
| 2905 44 11               | -- containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content   |
| 2905 44 19               | -- other  |
|                          | - other:  |
| 2905 44 91               | -- containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content   |
| 2905 44 99               | -- other  |
| 3505 10 10               | Dextrin   |
| 3505 10 90               | Modified starches other than dextrin, excluding esterified or etherified starches   |
|                          | Glues based on starches or on dextrans or other modified starches:  |
| 3505 20 10               | - containing, by weight, less than 25 % of starches or dextrans or other modified starches  |
| 3505 20 30               | - containing, by weight, 25 % or more but less than 55 % of starches or dextrans or other modified starches   |
| 3505 20 50               | - containing, by weight, 55 % or more but less than 80 % of starches or dextrans or other modified starches   |
| 3505 20 90               | - containing, by weight, 80 % or more of starches or dextrans or other modified starches  |
| 3809 10                  | Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs or other products and preparations (for example, dressings and mordants), of a kind used in the textile paper, leather or like industries, with a basis of amylaceous substances, not elsewhere specified or included: |
| 3824 60                  | Sorbitol other than of CN code 2905 44  |

## ANNEX IV

**Repealed Regulation with list of its successive amendments**

|                                       |                               |
|---------------------------------------|-------------------------------|
| Council Regulation (EC) No 3448/93    | (OJ L 318, 20.12.1993, p. 18) |
| Council Regulation (EC) No 1097/98    | (OJ L 157, 30.5.1998, p. 1)   |
| Commission Regulation (EC) No 2491/98 | (OJ L 309, 19.11.1998, p. 28) |
| Council Regulation (EC) No 2580/2000  | (OJ L 298, 25.11.2000, p. 5)  |

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## ANNEX V

## Correlation Table

| Regulation (EC) No 3448/93   | This Regulation  |
|--|--|
| Article 1(1)   | Article 1  |
| Article 1(2), first subparagraph, introductory words               | Article 2(1), first subparagraph, introductory words       |
| Article 1(2), first subparagraph, first and second indents         | Article 2(1), first subparagraph, points (a) and (b)       |
| Article 1(2), second subparagraph                                  | Article 2(1), second subparagraph                          |
| Article 1(2a)  | Article 2(2)   |
| Article 1(3)   | Article 3  |
| Article 2  | Article 4  |
| Article 4  | Article 5  |
| Article 6(1), (2) and (3)  | Article 6(1), (2) and (3)                                  |
| Article 6(4), first subparagraph                                   | Article 6(4), first subparagraph                           |
| Article 6(4), second subparagraph, introductory words              | Article 6(4), second subparagraph, introductory words      |
| Article 6(4), second subparagraph, first, second and third indents | Article 6(4), second subparagraph, points (a), (b) and (c) |
| Article 6(5) and (6)   | Article 6(5) and (6)                                       |
| Article 7(1)   | Article 7(1)   |
| Article 7(2), introductory words                                   | Article 7(2), introductory words                           |
| Article 7(2), first, second and third indents                      | Article 7(2), points (a), (b) and (c)                      |
| Article 7(3) and (4)   | Article 7(3) and (4)                                       |
| Article 8(1)   | Article 8(1)   |
| Article 8(2), first subparagraph, introductory words               | Article 8(2), first subparagraph, introductory words       |
| Article 8(2), first subparagraph, first and second indents         | Article 8(2), first subparagraph, points (a) and (b)       |
| Article 8(2), second subparagraph                                  | Article 8(2), second subparagraph                          |
| Article 8(3) to (6)  | Article 8(3) to (6)  |
| Articles 9 and 10  | Articles 9 and 10  |
| Article 10a  | Article 11   |
| Article 11   | Article 12   |
| Article 12(2)  | Article 13(1)  |
| Article 12(3)  | Article 13(2)  |
| Article 13(1)  | Article 14, first paragraph                                |
| Article 13(2)  | Article 14, second and third paragraphs                    |
| Article 14   | Article 15   |
| Article 16(1) and (2)  | Article 16(1) and (2)                                      |
| Article 16(3)  | —  |
| Article 17   | Article 16(3)  |
| Article 18   | Article 17   |
| Article 19   | Article 18   |

| Regulation (EC) No 3448/93 | This Regulation |
|----------------------------|-----------------|
| Article 20                 | Article 19      |
| Article 21                 | —               |
| —                          | Article 20      |
| Article 22                 | Article 21      |
| Annex A                    | Annex I         |
| Annex B                    | Annex II        |
| Annex C                    | Annex III       |
| —                          | Annex IV        |
| —                          | Annex V         |

**COUNCIL REGULATION (EC) No 1217/2009****of 30 November 2009****setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community****(codified version)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) Regulation No 79/65/EEC of the Council of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Regulation should be codified.

(2) The development of the common agricultural policy requires that there should be available objective and relevant information on incomes in the various categories of agricultural holding and on the business operation of holdings coming within categories which call for special attention at Community level.

(3) The accounts of agricultural holdings constitute the basic source of essential data for any assessment of incomes on agricultural holdings or study of their business operation.

(4) The data collected should be obtained from agricultural holdings specially and suitably selected in accordance with common rules and be based on verifiable facts. Such data should reflect technical, economic and social conditions on the holdings involved, be taken from individual holdings, be available as quickly as possible, be based on uniform definitions, be presented in a common form and be usable at all times and in full detail by the Commission.

(5) Those objectives can be attained only by means of a Community network for the collection of farm accountancy data (hereinafter referred to as 'data network'), based on the farm accountancy offices existing in each Member State, enjoying the confidence of the parties concerned and relying on their voluntary participation.

(6) In order to obtain accounting results that are sufficiently homogeneous at Community level, the returning holdings should be distributed among the various divisions and the various categories of holdings on the basis of a stratification of the field of survey based on the Community typology for agricultural holdings as established by Commission Regulation (EC) No 1242/2008 of 8 December 2008 establishing a Community typology for agricultural holdings <sup>(4)</sup>.

(7) The divisions of the data network should, as far as possible, be identical with those used for the presentation of other regional data that are essential in order to provide guidelines for the common agricultural policy.

(8) For management reasons, the Commission should be authorised to amend the list of divisions of Member States, at the request of a Member State.

(9) The field of survey of the data network should comprise all agricultural holdings of a certain economic size, irrespective of any outside work the operator may engage in. This field should be re-examined periodically in the light of the new Farm Structure Survey data.

(10) Returning holdings should be selected in accordance with the rules laid down in the context of a selection plan aimed at obtaining a representative accounting sample of the field of survey.

(11) In view of the experience gained, it is desirable that the main decisions concerning the selection of returning holdings, particularly the establishment of the selection plan, should be adopted at national level. Consequently, it is at that level that a body should be made responsible for this task. Those Member States which have several divisions should, however, be free to maintain regional committees.

<sup>(1)</sup> Opinion of 20 October 2009 (not yet published in the Official Journal).

<sup>(2)</sup> OJ 109, 23.6.1965, p. 1859/65.

<sup>(3)</sup> See Annex II.

<sup>(4)</sup> OJ L 335, 13.12.2008, p. 3.



- (12) The national liaison agency should play a key role in the management of the data network.
- (13) In selecting agricultural holdings and analysing and evaluating the data collected it is necessary to refer to data derived from other sources.
- (14) Farmers should be given an assurance that their accounts and all other individual details obtained pursuant to this Regulation will not be used for taxation purposes or for purposes other than those provided for in this Regulation or divulged by persons participating or having participated in the Community farm accountancy data network.
- (15) In order that it may satisfy itself as to the objectivity and relevance of the data collected, the Commission should be in a position to obtain all necessary details concerning the manner in which the bodies entrusted with the selection of agricultural holdings and the accountancy offices participating in the Community farm accountancy data network discharge their duties and, if necessary, to send experts to work on the spot with the collaboration of the competent national authorities.
- (16) The data network is a useful tool which enables the Community to develop the common agricultural policy and it serves, as a consequence, the Member States as well as the Community. The costs of the computerised systems on which the network relies and of studies and development activities of other aspects of the network, should therefore be eligible for Community financing.
- (17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>,
- (a) an annual determination of incomes on agricultural holdings coming within the field of the survey defined in Article 5; and
- (b) a business analysis of agricultural holdings.
3. The data obtained pursuant to this Regulation shall, in particular, serve as the basis for the drawing up of reports by the Commission on the situation of agriculture and of agricultural markets as well as on farm incomes in the Community. The reports shall be submitted annually to the European Parliament and the Council, in particular for the annual fixing of prices of agricultural produce.

#### Article 2

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'operator' means the natural person responsible for the day-to-day management of an agricultural holding;
- (b) 'category of holding' means a group of agricultural holdings which belong to the same categories as regards the type of farming and economic size as defined in the Community typology for agricultural holdings established by Regulation (EC) No 1242/2008;
- (c) 'returning holding' means any agricultural holding making returns for the purposes of the data network;
- (d) 'division' means the territory of a Member State, or any part thereof as delimited with a view to the selection of returning holdings; a list of such divisions appears in Annex I;
- (e) 'accountancy data' means any technical, financial or economic data relating to an agricultural holding derived from accounts consisting of entries made systematically and regularly throughout the accounting year.

#### Article 3

At the request of a Member State the list of divisions shall be amended in accordance with the procedure referred to in Article 18(2), provided that the request concerns the Member State's divisions.

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### CREATION OF A COMMUNITY FARM ACCOUNTANCY DATA NETWORK

##### Article 1

1. To meet the needs of the common agricultural policy, a Community network for the collection of farm accountancy data is set up (hereinafter referred to as the 'data network').

2. The purpose of the data network shall be to collect the accountancy data needed for, in particular:

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

## CHAPTER II

**DETERMINATION OF INCOMES ON AGRICULTURAL HOLDINGS***Article 4*

This Chapter shall apply to the collection of accountancy data for the purpose of making an annual determination of incomes on agricultural holdings.

*Article 5*

1. The field of the survey referred to in Article 1(2)(a) shall cover the agricultural holdings having an economic size equal to, or greater than, a threshold expressed in euro corresponding to one of the lower limits of the economic size classes as defined in the Community typology.

2. To qualify as a returning holding, an agricultural holding shall:

- (a) have an economic size equal to, or greater than, a threshold to be determined in accordance with paragraph 1;
- (b) be farmed by a farmer holding accounts or willing and able to keep farm accounts and willing to allow the accountancy data from his holding to be made available to the Commission;
- (c) be representative, together with the other holdings and at the level of each division, of the field of survey.

3. The maximum number of returning holdings shall be 105 000 for the Community.

4. Detailed rules for the application of this Article, and in particular the threshold for the economic size and the number of returning holdings per division, shall be adopted in accordance with the procedure referred to in Article 18(2).

*Article 6*

1. Each Member State shall set up a national committee for the data network (hereinafter referred to as 'the National Committee').

2. The National Committee shall be responsible for the selection of returning holdings. To this end, its duties shall, in particular, include approval of:

- (a) the plan for the selection of returning holdings, specifying in particular the distribution of returning holdings per

category of holding and the detailed rules for selecting the said holdings;

- (b) the report on the implementation of the plan for the selection of returning holdings.

3. The chairman of the National Committee shall be appointed by the Member State from among the members of this Committee.

The National Committee shall take its decisions unanimously. In the event of unanimity not being achieved, decisions shall be taken by an authority appointed by the Member State.

4. Member States which have several divisions may, for each of the divisions under their jurisdiction, set up a regional committee of the data network (hereinafter referred to as 'the Regional Committee').

The Regional Committee shall, in particular, have the duty of cooperating with the liaison agency referred to in Article 7 in selecting the returning holdings.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 18(2).

*Article 7*

1. Each Member State shall appoint a liaison agency whose duties shall be to:

- (a) inform the National Committee, the Regional Committees and the accountancy offices of the detailed rules of application concerning them and to ensure that those rules are properly implemented;

- (b) draw up and submit to the National Committee for its approval, and thereafter to forward to the Commission:

- (i) the plan for the selection of returning holdings, which shall be drawn up on the basis of the most recent statistical data, presented in accordance with the Community typology for agricultural holdings;

- (ii) the report on the implementation of the plan for the selection of returning holdings;

(c) compile:

*Article 9*

(i) the list of returning holdings;

A farmer whose holding is selected as a returning holding shall choose, from a list compiled for that purpose by the liaison agency, an accountancy office willing to complete the return for his holding in accordance with the terms of the contract provided for in Article 10.

(ii) the list of the accountancy offices willing and able to complete farm returns in accordance with the terms of the contracts provided for in Articles 10 and 15;

*Article 10*

(d) assemble the farm returns sent to it by the accountancy offices and to verify on the basis of a common inspection programme that they have been duly completed;

1. A contract shall be concluded annually on the authority of the Member State between the competent authority designated by the latter and each accountancy office chosen as provided for in Article 9. Under this contract the accountancy office shall undertake, in consideration of a standard fee, to complete farm returns in a manner consistent with the provisions of Article 8.

(e) forward the duly completed farm returns to the Commission immediately after verification;

2. The terms of the contract referred to in paragraph 1, which must be uniform in all Member States, shall be determined in accordance with the procedure referred to in Article 18(2).

(f) transmit to the National Committee, the Regional Committees and the accountancy offices the requests for information provided for in Article 17 and to forward the relevant answers to the Commission.

3. Where the duties of an accountancy office are carried out by an administrative department, the latter shall be notified as to its duties through the normal administrative channels.

2. The detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 18(2).

CHAPTER III

**COLLECTION OF ACCOUNTANCY DATA FOR THE PURPOSE OF A BUSINESS ANALYSIS OF AGRICULTURAL HOLDINGS**

*Article 8*

*Article 11*

1. Each returning holding shall be the subject of an individual and anonymous farm return.

This Chapter shall apply to the collection of accountancy data for the purpose of a business analysis of agricultural holdings.

2. The accountancy data provided by each farm return shall be such that it is possible to:

*Article 12*

In accordance with the procedure referred to in Article 18(2) the following shall be determined:

— characterise the returning holding by reference to the main elements of its factors of production;

— the subjects of the analyses referred to in Article 1(2)(b);

— assess the income of the holding in its various forms;

— detailed rules concerning the selection and number of returning holdings, these being established according to the objectives of each particular analysis.

— test by means of spot-checks the veracity of the information given.

*Article 13*

3. The type of accountancy data to be given in a farm return, the form in which such data are to be presented and the definitions and instructions relating thereto shall be determined in accordance with the procedure referred to in Article 18(2).

1. Each returning holding selected in accordance with the rules adopted pursuant to the second indent of Article 12 shall be the subject of a special farm return, which shall be individual to that holding and anonymous. This farm return shall include the accountancy data required under Article 8(2) and all such further accountancy items and details as each particular analysis may require.

2. The type of accountancy data to be given in a special farm return, the form in which such data are to be presented and the definitions and instructions relating thereto shall be determined in accordance with the procedure referred to in Article 18(2).

3. Special farm returns shall be completed by the various accountancy offices chosen as provided in Article 14.

#### Article 14

A farmer whose holding is selected in accordance with the rules adopted pursuant to the second indent of Article 12 shall choose from a list compiled for the purpose by the liaison agency an accountancy office willing to complete the special return for his holding in accordance with the terms of the contract provided for in Article 15.

#### Article 15

1. A contract shall be concluded on the authority of the Member State between the competent authority designated by the latter and each accountancy office chosen as provided for in Article 14. Under this contract the accountancy office shall undertake, in consideration of a standard fee, to complete special farm returns in a manner consistent with the provisions of Article 13.

2. The terms of the contract referred to in paragraph 1, which must be uniform in all Member States, shall be determined in accordance with the procedure referred to in Article 18(2).

The supplementary terms which may be included in that contract by Member States shall be determined in accordance with the same procedure.

3. Where the duties of an accountancy office are carried out by an administrative department, the latter shall be notified as to its duties through the normal administrative channels.

### CHAPTER IV

#### GENERAL PROVISIONS

#### Article 16

1. It shall be prohibited to use for taxation purposes any individual accountancy data or other individual details obtained in implementation of this Regulation, or to divulge or use such data for purposes other than those provided for in Article 1.

2. It shall be prohibited for any person participating or having participated in the data network to divulge any individual accountancy data or any other individual details of

which knowledge was acquired in the exercise of his duties or otherwise incidentally to such exercise.

3. Member States shall take all appropriate measures to penalise infringements of the provisions of paragraph 2.

#### Article 17

1. The National Committee, the Regional Committees, the liaison agency and the accountancy offices shall be bound, within their respective areas of responsibility, to furnish the Commission with any information which the latter may request of them regarding the discharge of their duties under this Regulation.

Such requests for information made to the National Committee, the Regional Committees or to the accountancy offices and the relevant answers shall be forwarded in writing through the liaison agency.

2. If the information supplied is inadequate or if such information fails to arrive in good time, the Commission may, with the collaboration of the liaison agency, send experts to work on the spot.

#### Article 18

1. The Commission shall be assisted by the Community Committee for the Farm Accountancy Data Network (hereinafter referred to as the 'Community Committee').

2. Where reference is made to this paragraph Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Community Committee shall be consulted for the purpose of:

(a) verifying that the plans for the selection of returning holdings are in conformity with the provisions of Article 5;

(b) analysing and evaluating the weighted annual results furnished by the data network, having regard in particular to data deriving from other sources, inter alia, from farm accounts and statistics generally and from national accounts.

4. The Community Committee may examine any other matter raised by its chairman, either on his own initiative or at the request of a representative of a Member State.

It shall examine each year, in October, the trend of farm incomes in the Community, referring in particular to the updated results of the data network.

It shall be kept regularly informed of the working of the data network.

5. The Chairman shall convene the meetings of the Community Committee.

Secretarial services for the Community Committee shall be provided by the Commission.

#### *Article 19*

1. Appropriations to be included in the general budget of the European Union, in the Commission section, shall cover:

- (a) those costs of the data network attributable to payment of fees to accountancy offices in consideration of their performance of the duties referred to in Articles 10 and 15;
- (b) all the costs of the computerised systems operated by the Commission for the reception, verification, processing and analysis of accountancy data supplied by the Member States.

The costs referred to in point (b) include, where appropriate, the costs of disseminating the results of those operations and the costs of studies into, and development of, other aspects of the data network.

2. Costs in respect of the setting up and operation of the National Committee, Regional Committees and liaison agencies shall not be included in the Community budget.

#### *Article 20*

Regulation No 79/65/EEC is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

#### *Article 21*

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

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

Done at Brussels, 30 November 2009.

*For the Council*  
*The President*  
S. O. LITTORIN

## ANNEX I

**List of divisions referred to in Article 2(d)***Belgium*

1. Vlaanderen
2. Bruxelles — Brussel
3. Wallonie

*Bulgaria*

1. Северозападен (Severozapaden)
2. Северен централен (Severen tsentralen)
3. Североизточен (Severoiztochen)
4. Югозападен (Yugozapaden)
5. Южен централен (Yuzhen tsentralen)
6. Югоизточен (Yugoiztochen)

However, Bulgaria may constitute a single division until 31 December 2009

*Czech Republic*

Constitutes a single division

*Denmark*

Constitutes a single division

*Germany*

1. Schleswig-Holstein
2. Hamburg
3. Niedersachsen
4. Bremen
5. Nordrhein-Westfalen
6. Hessen
7. Rheinland-Pfalz
8. Baden-Württemberg
9. Bayern
10. Saarland
11. Berlin
12. Brandenburg
13. Mecklenburg-Vorpommern
14. Sachsen
15. Sachsen-Anhalt
16. Thüringen

*Estonia*

Constitutes a single division

*Ireland*

Constitutes a single division

*Greece*

1. Μακεδονία — Θράκη
2. Ήπειρος — Πελοπόννησος — Νήσοι Ιονίου
3. Θεσσαλία
4. Στερεά Ελλάδα — Νήσοι Αιγαίου — Κρήτη

*Spain*

1. Galicia
2. Asturias
3. Cantabria
4. País Vasco
5. Navarra
6. La Rioja
7. Aragón
8. Cataluña
9. Baleares
10. Castilla-León
11. Madrid
12. Castilla-La Mancha
13. Comunidad Valenciana
14. Murcia
15. Extremadura
16. Andalucía
17. Canarias

*France*

1. Île de France
2. Champagne-Ardenne
3. Picardie
4. Haute-Normandie
5. Centre
6. Basse-Normandie
7. Bourgogne
8. Nord-Pas de Calais
9. Lorraine
10. Alsace
11. Franche-Comté
12. Pays de la Loire
13. Bretagne
14. Poitou-Charentes
15. Aquitaine
16. Midi-Pyrénées
17. Limousin
18. Rhône-Alpes
19. Auvergne
20. Languedoc-Roussillon
21. Provence-Alpes-Côte d'Azur
22. Corse

*Italy*

1. Piemonte
2. Valle d'Aosta
3. Lombardia
4. Alto Adige
5. Trentino
6. Veneto
7. Friuli — Venezia Giulia

8. Liguria
9. Emilia — Romagna
10. Toscana
11. Umbria
12. Marche
13. Lazio
14. Abruzzi
15. Molise
16. Campania
17. Puglia
18. Basilicata
19. Calabria
20. Sicilia
21. Sardegna

*Cyprus*

Constitutes a single division

*Latvia*

Constitutes a single division

*Lithuania*

Constitutes a single division

*Luxembourg*

Constitutes a single division

*Hungary*

1. Közép-Magyarország
2. Közép-Dunántúl
3. Nyugat-Dunántúl
4. Dél-Dunántúl
5. Észak-Magyarország
6. Észak-Alföld
7. Dél-Alföld

*Malta*

Constitutes a single division

*Netherlands*

Constitutes a single division

*Austria*

Constitutes a single division

*Poland*

1. Pomorze and Mazury
2. Wielkopolska and Śląsk
3. Mazowsze and Podlasie
4. Małopolska and Pogórze



*Portugal*

1. Norte e Centro
2. Ribatejo-Oeste
3. Alentejo e Algarve
4. Açores e Madeira

*Romania*

1. Nord-Est
2. Sud-Est
3. Sud-Muntenia
4. Sud-Vest-Oltenia
5. Vest
6. Nord-Vest
7. Centru
8. București-Ilfov

*Slovenia*

Constitutes a single division

*Slovakia*

Constitutes a single division

*Finland*

1. Etelä-Suomi
2. Sisä-Suomi
3. Pohjanmaa
4. Pohjois-Suomi

*Sweden*

1. Plains of Southern and Central Sweden
2. Forest and mixed agricultural and forest areas of Southern and Central Sweden
3. Areas of Northern Sweden

*United Kingdom*

1. England — north region
  2. England — east region
  3. England — west region
  4. Wales
  5. Scotland
  6. Northern Ireland
-

## ANNEX II

**Repealed Regulation with list of its successive amendments**

|   |   |
|---|---|
| Council Regulation No 79/65/EEC<br>(OJ 109, 23.6.1965, p. 1859)   |   |
| 1972 Act of Accession, Annex I, Point II.A.4 and Annex II, Point II.D.1<br>(OJ L 73, 27.3.1972, p. 59 and p. 125) |   |
| Council Regulation (EEC) No 2835/72<br>(OJ L 298, 31.12.1972, p. 47)  |   |
| Council Regulation (EEC) No 2910/73<br>(OJ L 299, 27.10.1973, p. 1)   |   |
| 1979 Act of Accession, Annex I, Points II.A. and II.G.<br>(OJ L 291, 19.11.1979, p. 64 and p. 87)                 |   |
| Council Regulation (EEC) No 2143/81<br>(OJ L 210, 30.7.1981, p. 1)  |   |
| Council Regulation (EEC) No 3644/85<br>(OJ L 348, 24.12.1985, p. 4)   |   |
| 1985 Act of Accession, Annex I, Point XIV(i)<br>(OJ L 302, 15.11.1985, p. 235)                                    |   |
| Council Regulation (EEC) No 3768/85<br>(OJ L 362, 31.12.1985, p. 8)   | only point (2) of the Annex                         |
| Council Regulation (EEC) No 3577/90<br>(OJ L 353, 17.12.1990, p. 23)  | only Annex XVI                                      |
| 1994 Act of Accession, Annex I, Point V.A.I<br>(OJ C 241, 29.8.1994, p. 117)                                      |   |
| Council Regulation (EC) No 2801/95<br>(OJ L 291, 6.12.1995, p. 3)   |   |
| Council Regulation (EC) No 1256/97<br>(OJ L 174, 2.7.1997, p. 7)  |   |
| Council Regulation (EC) No 806/2003<br>(OJ L 122, 16.5.2003, p. 1)  | only point (1) of Annex II                          |
| 2003 Act of Accession, Annex II, Point 6.A.1<br>(OJ L 236, 23.9.2003, p. 346)                                     |   |
| Council Regulation (EC) No 2059/2003<br>(OJ L 308, 25.11.2003, p. 1)  |   |
| Commission Regulation (EC) No 660/2004<br>(OJ L 104, 8.4.2004, p. 97)   |   |
| Commission Regulation (EC) No 1791/2006<br>(OJ L 363, 20.12.2006, p. 1)   | only point 1 of Section A of Chapter 5 of the Annex |
| Commission Regulation (EC) No 1469/2007<br>(OJ L 329, 14.12.2007, p. 5)   |   |

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## ANNEX III

## CORRELATION TABLE

| Regulation No 79/65/EEC                 | This Regulation              |
|---|------------------------------|
| Articles 1 and 2                        | Articles 1 and 2             |
| Article 2a                              | Article 3                    |
| Article 3                               | Article 4                    |
| Article 4                               | Article 5                    |
| Article 5                               | Article 6                    |
| Article 6(1)(a)                         | Article 7(1)(a)              |
| Article 6(1)(b), first indent           | Article 7(1)(b)(i)           |
| Article 6(1)(b), second indent          | Article 7(1)(b)(ii)          |
| Article 6(1)(c), first indent           | Article 7(1)(c)(i)           |
| Article 6(1)(c), second indent          | Article 7(1)(c)(ii)          |
| Article 6(1)(e), (f) and (g)            | Article 7(1)(e), (f) and (g) |
| Article 6(2)                            | Article 7(2)                 |
| Article 7                               | Article 8                    |
| Article 8                               | Article 9                    |
| Article 9                               | Article 10                   |
| Article 10                              | Article 11                   |
| Article 11                              | Article 12                   |
| Article 12                              | Article 13                   |
| Article 13                              | Article 14                   |
| Article 14                              | Article 15                   |
| Article 15                              | Article 16                   |
| Article 16                              | Article 17                   |
| Article 17                              | —                            |
| Article 18                              | —                            |
| Article 19                              | Article 18(1), (2) and (3)   |
| Article 20(1) and (2)                   | Article 18(4) and (5)        |
| Article 21, first and second paragraphs | Article 18(6)                |
| Article 21, third paragraph             | —                            |
| Article 22                              | Article 19                   |
| Article 23                              | —                            |
| —                                       | Article 20                   |
| —                                       | Article 21                   |
| Annex                                   | Annex I                      |
| —                                       | Annex II                     |
| —                                       | Annex III                    |

## II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 30 November 2009

**on the conclusion of the Agreement between the European Community and the Government of the Republic of Azerbaijan on certain aspects of air services**

(2009/947/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) On 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement;
- (2) On behalf of the Community, the Commission has negotiated an Agreement between the European Community and the Government of the Republic of Azerbaijan on certain aspects of air services <sup>(2)</sup> (the Agreement) in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement;

(3) The Agreement has been signed on behalf of the Community on 7 July 2009 subject to its conclusion at a later date, in conformity with Council Decision 2009/741/EC <sup>(3)</sup>;

(4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and the Government of the Republic of Azerbaijan on certain aspects of air services is hereby approved on behalf of the Community.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to make the notification provided in Article 8(1) of the Agreement.

Done at Brussels, 30 November 2009.

*For the Council*

*The President*

B. ASK

<sup>(1)</sup> Opinion of 25 October 2005 (OJ C 272 E, 9.11.2006, p. 56).

<sup>(2)</sup> OJ L 265, 9.10.2009, p. 25.

<sup>(3)</sup> OJ L 265, 9.10.2009, p. 24.

## AGREEMENTS

## COUNCIL

**Notice concerning the entry into force of the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties of the Republic of Bulgaria and Romania pursuant to their accession to the European Union**

The Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties of the Republic of Bulgaria and Romania pursuant to their accession to the European Union <sup>(1)</sup>, which the Council decided to conclude on 27 November 2008 <sup>(2)</sup>, entered into force on 1 June 2009, with the last notification of completion of procedures under Article 7 of that Protocol having been received on 5 May 2009.

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<sup>(1)</sup> OJ L 124, 20.5.2009, p. 53.

<sup>(2)</sup> *Ibid.* p. 51.

**Notice concerning the entry into force of the Agreement between the European Community and the Swiss Confederation amending Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products**

The Agreement between the European Community and the Swiss Confederation amending Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products <sup>(1)</sup>, which the Council decided to conclude on 19 October 2009 <sup>(2)</sup>, entered into force on 1 December 2009, with the last notification of completion of procedures under Article 2 of that Agreement having been received on 30 November 2009.

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<sup>(1)</sup> OJ L 352, 31.12.2008, p. 23.

<sup>(2)</sup> OJ L 288, 4.11.2009, p. 22.

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

## COUNCIL FRAMEWORK DECISION 2009/948/JHA

of 30 November 2009

**on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(1)(c) and (d) and Article 34(2)(b) thereof,

Having regard to the initiative of the Czech Republic, the Republic of Poland, the Republic of Slovenia, the Slovak Republic and of the Kingdom of Sweden,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice.
- (2) The Hague Programme<sup>(1)</sup> on strengthening freedom, security and justice in the European Union, which was approved by the European Council at its meeting on 4 and 5 November 2004, requires Member States to consider legislation on conflicts of jurisdiction, with a view to increasing the efficiency of prosecutions while guaranteeing the proper administration of justice, so as to complete the comprehensive programme of measures to implement the principle of mutual recognition of judicial decisions in criminal matters.
- (3) The measures provided for in this Framework Decision should aim to prevent situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of those proceedings in two or more Member States. The Framework Decision therefore seeks to prevent an infringement of the principle of '*ne bis in idem*', as set out in Article 54 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of

Germany and the French Republic on the gradual abolition of checks at their common borders<sup>(2)</sup> as interpreted by the Court of Justice of the European Communities.

- (4) There should be direct consultations between competent authorities of the Member States with the aim of achieving a consensus on any effective solution aimed at avoiding the adverse consequences arising from parallel proceedings and avoiding waste of time and resources of the competent authorities concerned. Such effective solution could notably consist in the concentration of the criminal proceedings in one Member State, for example through the transfer of criminal proceedings. It could also consist in any other step allowing efficient and reasonable handling of those proceedings, including concerning the allocation in time, for example through a referral of the case to Eurojust when the competent authorities are not able to reach consensus. In this respect, specific attention should be paid to the issue of gathering the evidence which can be influenced by the parallel proceedings being conducted.
- (5) When a competent authority in a Member State has reasonable grounds to believe that parallel criminal proceedings are being conducted in another Member State in respect of the same facts involving the same person, which could lead to the final disposal of those proceedings in two or more Member States, it should contact the competent authority of that other Member State. The question whether or not reasonable grounds exist should be examined solely by the contacting authority. Reasonable grounds could, inter alia, include cases where a suspected or accused person invokes, while giving details, that he is subject to parallel criminal proceedings in respect of the same facts in another Member State, or in case a relevant request for mutual legal assistance by a competent authority in another Member State reveals the possible existence of such parallel criminal proceedings, or in case a police authority provides information to this effect.

<sup>(1)</sup> OJ C 53, 3.3.2005, p. 1.

<sup>(2)</sup> OJ L 239, 22.9.2000, p. 19.

- (6) The process of exchange of information between competent authorities should be based upon the obligatory exchange of a specific minimum set of information, which should always be provided. The information concerned should notably facilitate the process of ensuring the proper identification of the person concerned and the nature and stage of the respective parallel proceedings.
- (7) A competent authority which has been contacted by a competent authority of another Member State should have a general obligation to reply to the request submitted. The contacting authority is encouraged to set a deadline within which the contacted authority should respond, if possible. The specific situation of a person deprived of liberty should be fully taken into account by the competent authorities throughout the procedure of taking contact.
- (8) Direct contact between competent authorities should be the leading principle of cooperation established under this Framework Decision. Member States should have discretion to decide which authorities are competent to act in accordance with this Framework Decision, in compliance with the principle of national procedural autonomy, provided that such authorities have competence to intervene and decide accordingly with its provisions.
- (9) When striving to reach consensus on any effective solution aimed at avoiding the adverse consequences arising from parallel proceedings being conducted in two or more Member States, the competent authorities should take into account that each case is specific and give consideration to all its facts and merits. In order to reach consensus, the competent authorities should consider relevant criteria, which may include those set out in the Guidelines which were published in the Eurojust Annual Report 2003 and which were drawn up for the needs of practitioners, and take into account for example the place where the major part of the criminality occurred, the place where the majority of the loss was sustained, the location of the suspected or accused person and possibilities for securing its surrender or extradition to other jurisdictions, the nationality or residence of the suspected or accused person, significant interests of the suspected or accused person, significant interests of victims and witnesses, the admissibility of evidence or any delays that may occur.
- (10) The obligation for competent authorities to enter into direct consultations in order to reach consensus in the context of this Framework Decision should not exclude the possibility that such direct consultations be conducted with the assistance of Eurojust.
- (11) No Member State should be obliged to waive or to exercise jurisdiction unless it wishes to do so. As long as consensus on the concentration of criminal proceedings has not been reached, the competent authorities of the Member States should be able to continue criminal proceedings for any criminal offence which falls within their national jurisdiction.
- (12) Since the very aim of this Framework Decision is to prevent unnecessary parallel criminal proceedings which could result in an infringement of the principle of *ne bis in idem*, its application should not give rise to a conflict of exercise of jurisdiction which would not occur otherwise. In the common area of freedom, security and justice, the principle of mandatory prosecution, governing the law of procedure in several Member States, should be understood and applied in a way that it is deemed to be fulfilled when any Member State ensures the criminal prosecution of a particular criminal offence.
- (13) Where consensus has been reached on the concentration of criminal proceedings in one Member State, the competent authorities in the other Member State should act in a way that is compatible with that consensus.
- (14) As Eurojust is particularly well suited to provide assistance in resolving conflicts of jurisdiction, the referral of a case to Eurojust should be a usual step, when it has not been possible to reach consensus. It should be noted that, in accordance with Article 13(7)(a) of Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>(1)</sup> (the 'Eurojust Decision'), as modified, most recently by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust<sup>(2)</sup>, Eurojust has to be informed of any case where conflicts of jurisdiction have arisen or are likely to arise and that a case can be referred to Eurojust at any moment if at least one competent authority involved in the direct consultations deems it appropriate.
- (15) This Framework Decision is without prejudice to proceedings under the European Convention on the Transfer of Proceedings in Criminal Matters, signed in Strasbourg on 15 May 1972, as well as any other arrangements concerning the transfer of proceedings in criminal matters between the Member States.
- (16) This Framework Decision should not lead to an undue administrative burden in cases where for the problems addressed more suitable options are readily available. Thus in situations where more flexible instruments or arrangements are in place between Member States, those should prevail over this Framework Decision.

<sup>(1)</sup> OJ L 63, 6.3.2002, p. 1.

<sup>(2)</sup> OJ L 138, 4.6.2009, p. 14.



- (17) This Framework Decision is limited to establishing provisions on the exchange of information and direct consultations between the competent authorities of the Member States and therefore does not affect any right of individuals to argue that they should be prosecuted in their own or in another jurisdiction, if such right exists under national law.
- (18) Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters <sup>(1)</sup> should apply to the processing of personal data exchanged under this Framework Decision.
- (19) When making a declaration concerning the language regime, Member States are encouraged to include at least one language which is commonly used in the European Union other than their official language.
- (20) This Framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and reflected by the Charter of Fundamental Rights of the European Union,

HAS ADOPTED THIS FRAMEWORK DECISION:

CHAPTER 1  
GENERAL PRINCIPLES

Article 1

**Objective**

1. The objective of this Framework Decision is to promote a closer cooperation between the competent authorities of two or more Member States conducting criminal proceedings, with a view to improving the efficient and proper administration of justice.
2. Such closer cooperation aims to:
  - (a) prevent situations where the same person is subject to parallel criminal proceedings in different Member States in respect of the same facts, which might lead to the final disposal of the proceedings in two or more Member States thereby constituting an infringement of the principle of '*ne bis in idem*'; and
  - (b) reach consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings.

<sup>(1)</sup> OJ L 350, 30.12.2008, p. 60.

Article 2

**Subject matter and scope**

1. With a view to achieving the objective set out in Article 1, this Framework Decision establishes a framework on:
  - (a) a procedure for establishing contact between the competent authorities of Member States, with a view to confirming the existence of parallel criminal proceedings in respect of the same facts involving the same person;
  - (b) the exchange of information, through direct consultations, between the competent authorities of two or more Member States conducting parallel criminal proceedings in respect of the same facts involving the same person, in case they already have knowledge of the existence of parallel criminal proceedings, with a view to reaching consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings.
2. This Framework Decision shall not apply to proceedings which are covered by the terms of Articles 5 and 13 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty <sup>(2)</sup>.

Article 3

**Definitions**

For the purposes of this Framework Decision:

- (a) 'parallel proceedings' means criminal proceedings, including both the pre-trial and the trial phases, which are conducted in two or more Member States concerning the same facts involving the same person;
- (b) 'competent authority' means a judicial authority or another authority, which is competent, under the law of its Member State, to carry out the acts envisaged by Article 2(1) of this Framework Decision;
- (c) 'contacting authority' means a competent authority of a Member State, which contacts a competent authority of another Member State to confirm the existence of parallel proceedings;
- (d) 'contacted authority' means the competent authority which is asked by a contacting authority to confirm the existence of parallel criminal proceedings.

<sup>(2)</sup> OJ L 1, 4.1.2003, p. 1.

*Article 4***Determination of competent authorities**

1. Member States shall determine the competent authorities in a way that promotes the principle of direct contact between authorities.

2. In accordance with paragraph 1, each Member State shall inform the General Secretariat of the Council which authorities under its national law are competent to act in accordance with this Framework Decision.

3. Notwithstanding paragraphs 1 and 2, each Member State may designate, if it is necessary as a result of the organisation of its internal system, one or more central authorities responsible for the administrative transmission and reception of requests for information according to Article 5 and/or for the purpose of assisting the competent authorities in the consultation process. Member States wishing to make use of the possibility to designate a central authority or authorities shall communicate this information to the General Secretariat of the Council.

4. The General Secretariat of the Council shall make the information received under paragraphs 2 and 3 available to all Member States and to the Commission.

*CHAPTER 2***EXCHANGE OF INFORMATION***Article 5***Obligation to contact**

1. When a competent authority of a Member State has reasonable grounds to believe that parallel proceedings are being conducted in another Member State, it shall contact the competent authority of that other Member State to confirm the existence of such parallel proceedings, with a view to initiating direct consultations as provided for in Article 10.

2. If the contacting authority does not know the identity of the competent authority to be contacted, it shall make all necessary inquiries, including via the contact points of the European Judicial Network, in order to obtain the details of that competent authority.

3. The procedure of contacting shall not apply when the competent authorities conducting parallel proceedings have already been informed of the existence of these proceedings by any other means.

*Article 6***Obligation to reply**

1. The contacted authority shall reply to a request submitted in accordance with Article 5(1) within any reasonable deadline

indicated by the contacting authority, or, if no deadline has been indicated, without undue delay, and inform the contacting authority whether parallel proceedings are taking place in its Member State. In cases where the contacting authority has informed the contacted authority that the suspected or accused person is held in provisional detention or custody, the latter authority shall treat the request as a matter of urgency.

2. If the contacted authority cannot provide a reply within any deadline set by the contacting authority, it shall promptly inform the contacting authority of the reasons thereof and indicate the deadline within which it shall provide the requested information.

3. If the authority which has been contacted by a contacting authority is not the competent authority under Article 4, it shall without undue delay transmit the request for information to the competent authority and shall inform the contacting authority accordingly.

*Article 7***Means of communication**

The contacting and contacted authorities shall communicate by any means whereby a written record can be produced.

*Article 8***Minimum information to be provided in the request**

1. When submitting a request in accordance with Article 5, the contacting authority shall provide the following information:

- (a) the contact details of the competent authority;
- (b) a description of the facts and circumstances that are the subject of the criminal proceedings concerned;
- (c) all relevant details about the identity of the suspected or accused person and about the victims, if applicable;
- (d) the stage that has been reached in the criminal proceedings; and
- (e) information about provisional detention or custody of the suspected or accused person, if applicable.

2. The contacting authority may provide relevant additional information relating to the criminal proceedings that are being conducted in its Member State, for example relating to any difficulties which are being encountered in that State.

*Article 9***Minimum information to be provided in the response**

1. The response by the contacted authority in accordance with Article 6 shall contain the following information:

- (a) whether criminal proceedings are being or were conducted in respect of some or all of the same facts as those which are subject of the criminal proceedings referred to in the request for information submitted by the contacting authority, and whether the same persons are involved;

in case of a positive answer under (a):

- (b) the contact details of the competent authority; and
- (c) the stage of these proceedings, or, where a final decision has been reached, the nature of that final decision.

2. The contacted authority may provide relevant additional information relating to the criminal proceedings that are being or were conducted in its Member State, in particular concerning any related facts which are the subject of the criminal proceedings in that State.

## CHAPTER 3

**DIRECT CONSULTATIONS***Article 10***Obligation to enter into direct consultations**

1. When it is established that parallel proceedings exist, the competent authorities of the Member States concerned shall enter into direct consultations in order to reach consensus on any effective solution aimed at avoiding the adverse consequences arising from such parallel proceedings, which may, where appropriate, lead to the concentration of the criminal proceedings in one Member State.

2. As long as the direct consultations are being conducted, the competent authorities concerned shall inform each other of any important procedural measures which they have taken in the proceedings.

3. In the course of the direct consultations, competent authorities involved in those consultations shall whenever reasonably possible reply to requests for information emanating from other competent authorities that are involved in those consultations. However, when a competent authority is requested by another competent authority to provide specific information which could harm essential national security

interests or could jeopardise the safety of individuals, it shall not be required to provide that information.

*Article 11***Procedure of reaching consensus**

When the competent authorities of Member States enter into direct consultations on a case in order to reach consensus in accordance with Article 10, they shall consider the facts and merits of the case and all the factors which they consider to be relevant.

*Article 12***Cooperation with Eurojust**

1. This Framework Decision shall be complementary and without prejudice to the Eurojust Decision.

2. Where it has not been possible to reach consensus in accordance with Article 10, the matter shall, where appropriate, be referred to Eurojust by any competent authority of the Member States involved, if Eurojust is competent to act under Article 4(1) of the Eurojust Decision.

*Article 13***Providing information about the outcome of the proceedings**

If during the course of the direct consultations in accordance with Article 10 consensus has been reached on the concentration of the criminal proceedings in one Member State, the competent authority of that Member State shall inform the respective competent authority (authorities) of the other Member State(s) about the outcome of the proceedings.

## CHAPTER 4

**GENERAL AND FINAL PROVISIONS***Article 14***Languages**

1. Each Member State shall state in a declaration to be deposited with the General Secretariat of the Council which languages, among the official languages of the institutions of the Union, may be used in the procedure of taking contact in accordance with Chapter 2.

2. The competent authorities may agree to use any language in the course of their direct consultations in accordance with Article 10.

*Article 15***Relation to other legal instruments and other arrangements**

1. In so far as other legal instruments or arrangements allow the objectives of this Framework Decision to be extended or help to simplify or facilitate the procedure under which national authorities exchange information about their criminal proceedings, enter into direct consultations and try to reach consensus on any effective solution aimed at avoiding adverse consequences arising from the parallel proceedings, the Member States may:

- (a) continue to apply bilateral or multilateral agreements or arrangements in force when this Framework Decision comes into force;
- (b) conclude bilateral or multilateral agreements or arrangements after this Framework Decision has come into force.

2. The agreements and arrangements referred to in paragraph 1 shall in no case affect relations with Member States which are not parties to them.

*Article 16***Implementation**

Member States shall take the necessary measures to comply with the provisions of this Framework Decision by 15 June 2012.

By 15 June 2012 Member States shall transmit to the General Secretariat of Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision.

*Article 17***Report**

The Commission shall, by 15 December 2012, submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have complied with this Framework Decision, accompanied, if necessary, by legislative proposals.

*Article 18***Entry into force**

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

Done at Brussels, 30 November 2009.

*For the Council*

*The President*

B. ASK

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**COUNCIL DECISION 2009/949/JHA**

**of 30 November 2009**

**adjusting the basic salaries and allowances applicable to Europol staff**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Council Act of 3 December 1998 laying down the Staff Regulations applicable to Europol employees <sup>(1)</sup>, (hereinafter referred to as the 'Staff Regulations'), and in particular Article 44 thereof,

Having regard to the initiative of the Czech Republic,

Having regard to the Opinion of the European Parliament <sup>(2)</sup>,

Having regard to the review of remuneration of officials of Europol by the Management Board of Europol,

Whereas:

- (1) In the review of the remuneration of officials of Europol, the Management Board took account of the changes in the cost of living in the Netherlands, as well as of the changes in salaries in the public service in the Member States.

- (2) The review period from 1 July 2007 to 30 June 2008 justifies an increase of 1,2 % of remuneration for the period from 1 July 2008 to 30 June 2009.

- (3) It is for the Council, acting unanimously, to adjust the basic salaries and allowances of officials of Europol, on the basis of the review,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Staff Regulations are hereby amended as follows:

With effect from 1 July 2008:

- (a) Article 45, the table of basic monthly salaries shall be replaced by the following:

|    | 1         | 2        | 3         | 4         | 5         | 6         | 7         | 8         | 9         | 10        | 11        |
|----|-----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1  | 15 578,99 |          |           |           |           |           |           |           |           |           |           |
| 2  | 13 989,27 |          |           |           |           |           |           |           |           |           |           |
| 3  | 9 601,74  | 9 849,73 | 10 097,73 | 10 364,80 | 10 631,87 | 10 911,63 | 11 190,13 | 11 483,94 | 11 779,62 | 12 091,21 | 12 399,59 |
| 4  | 8 361,77  | 8 584,33 | 8 803,72  | 9 035,81  | 9 267,91  | 9 512,71  | 9 754,34  | 10 011,89 | 10 269,40 | 10 539,67 | 10 809,91 |
| 5  | 6 889,73  | 7 070,95 | 7 248,99  | 7 439,76  | 7 630,53  | 7 834,00  | 8 034,30  | 8 247,32  | 8 457,16  | 8 679,71  | 8 902,28  |
| 6  | 5 904,14  | 6 059,89 | 6 215,70  | 6 381,03  | 6 543,17  | 6 714,86  | 6 886,55  | 7 067,78  | 7 248,99  | 7 439,76  | 7 630,53  |
| 7  | 4 921,68  | 5 052,05 | 5 179,21  | 5 315,93  | 5 452,63  | 5 595,72  | 5 738,78  | 5 891,40  | 6 040,83  | 6 199,81  | 6 358,77  |
| 8  | 4 184,07  | 4 295,35 | 4 403,43  | 4 521,09  | 4 635,53  | 4 756,36  | 4 877,17  | 5 007,54  | 5 134,71  | 5 271,42  | 5 404,94  |
| 9  | 3 688,09  | 3 786,64 | 3 885,22  | 3 986,93  | 4 088,69  | 4 196,78  | 4 304,89  | 4 419,34  | 4 530,66  | 4 651,45  | 4 769,08  |
| 10 | 3 198,47  | 3 284,32 | 3 366,96  | 3 455,97  | 3 541,84  | 3 637,22  | 3 732,59  | 3 831,15  | 3 926,53  | 4 031,46  | 4 133,20  |
| 11 | 3 099,91  | 3 182,58 | 3 262,04  | 3 347,90  | 3 433,73  | 3 525,93  | 3 614,97  | 3 710,35  | 3 805,73  | 3 907,48  | 4 006,00  |
| 12 | 2 460,87  | 2 527,59 | 2 591,18  | 2 657,97  | 2 724,74  | 2 797,85  | 2 870,98  | 2 947,29  | 3 020,41  | 3 099,91  | 3 179,39  |
| 13 | 2 114,28  | 2 171,52 | 2 225,57  | 2 285,99  | 2 343,22  | 2 406,79  | 2 467,21  | 2 533,97  | 2 597,58  | 2 667,51  | 2 734,26  |

<sup>(1)</sup> OJ C 26, 30.1.1999, p. 23.

<sup>(2)</sup> Opinion of 22.10.2009 (not yet published in the OJ).

- (b) in Article 59(3), the amount 'EUR 1 036,76' shall be replaced by 'EUR 1 049,20';
- (c) in Article 59(3), the amount 'EUR 2 073,51' shall be replaced by: 'EUR 2 098,39';
- (d) in Article 60(1), the amount 'EUR 276,48' shall be replaced by: 'EUR 279,80';
- (e) in Article 2(1) of Appendix 5, the amount 'EUR 289,03' shall be replaced by: 'EUR 292,50';
- (f) in Article 3(1) of Appendix 5, the amount 'EUR 12 566,73' shall be replaced by: 'EUR 12 717,53';
- (g) in Article 3(1) of Appendix 5, the amount 'EUR 2 827,52' shall be replaced by: 'EUR 2 861,45';
- (h) in Article 3(2) of Appendix 5, the amount 'EUR 16 965,09' shall be replaced by: 'EUR 17 168,67';
- (i) in Article 4(1) of Appendix 5, the amount 'EUR 1 256,68' shall be replaced by: 'EUR 1 271,76';
- (j) in Article 4(1) of Appendix 5, the amount 'EUR 942,53' shall be replaced by: 'EUR 953,84';
- (k) in Article 4(1) of Appendix 5, the amount 'EUR 628,33' shall be replaced by: 'EUR 635,87';
- (l) in Article 4(1) of Appendix 5, the amount 'EUR 502,66' shall be replaced by: 'EUR 508,69';
- (m) in Article 5(3) of Appendix 5, the amount 'EUR 1 773,42' shall be replaced by: 'EUR 1 794,70';
- (n) in Article 5(3) of Appendix 5, the amount 'EUR 2 364,57' shall be replaced by: 'EUR 2 392,94';
- (o) in Article 5(3) of Appendix 5, the amount 'EUR 2 955,70' shall be replaced by: 'EUR 2 991,17'.

*Article 2*

This Decision shall be published in the *Official Journal of the European Union*.

*Article 3*

This Decision shall take effect on the day following its adoption.

Done at Brussels, 30 November 2009.

*For the Council*

*The President*

B. ASK

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## V

(Acts adopted from 1 December 2009 under the Treaty on European Union, the Treaty on the Functioning of the European Union and the Euratom Treaty)

## ACTS WHOSE PUBLICATION IS OBLIGATORY

## COMMISSION REGULATION (EU) No 1218/2009

of 14 December 2009

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(2)</sup>, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 15 December 2009.

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

Done at Brussels, 14 December 2009.

*For the Commission,  
On behalf of the President,  
Jean-Luc DEMARTY  
Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

**Standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code   | Third country code <sup>(1)</sup> | Standard import value |
|---|-----------------------------------|-----------------------|
| 0702 00 00  | AL                                | 50,4                  |
|   | MA                                | 65,2                  |
|   | TN                                | 90,9                  |
|   | TR                                | 69,2                  |
|   | ZZ                                | 68,9                  |
| 0707 00 05  | EG                                | 155,5                 |
|   | MA                                | 62,1                  |
|   | TR                                | 85,2                  |
|   | ZZ                                | 100,9                 |
| 0709 90 70  | MA                                | 50,3                  |
|   | TR                                | 128,4                 |
|   | ZZ                                | 89,4                  |
| 0805 10 20  | MA                                | 44,7                  |
|   | TR                                | 67,4                  |
|   | ZA                                | 62,7                  |
|   | ZZ                                | 58,3                  |
| 0805 20 10  | MA                                | 82,4                  |
|   | TR                                | 85,9                  |
|   | ZZ                                | 84,2                  |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | HR                                | 37,8                  |
|   | IL                                | 62,9                  |
|   | TR                                | 74,8                  |
|   | ZZ                                | 58,5                  |
| 0805 50 10  | TR                                | 75,8                  |
|   | ZZ                                | 75,8                  |
| 0808 10 80  | CA                                | 76,2                  |
|   | CN                                | 83,6                  |
|   | MK                                | 24,5                  |
|   | US                                | 86,7                  |
|   | ZZ                                | 67,8                  |
| 0808 20 50  | CN                                | 90,3                  |
|   | TR                                | 92,0                  |
|   | US                                | 182,1                 |
|   | ZZ                                | 121,5                 |

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.



## COMMISSION REGULATION (EU) No 1219/2009

of 14 December 2009

**laying down detailed rules for the application in 2010 of the import tariff quotas for 'baby beef' products originating in Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia, Kosovo and Montenegro**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 144(1) and Article 148(a), in conjunction with Article 4 thereof,

Whereas:

- (1) Article 4(2) of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 <sup>(2)</sup>, provides for annual preferential tariff quotas of 1 500 tonnes of 'baby beef' products originating in Bosnia and Herzegovina and of 9 175 tonnes of 'baby beef' products originating in the customs territories of Serbia and Kosovo <sup>(3)</sup>.
- (2) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, approved by Council and Commission Decision 2005/40/EC, Euratom <sup>(4)</sup>, the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, approved by Council and Commission Decision 2004/239/EC, Euratom <sup>(5)</sup>, the Interim Agreement with Montenegro, approved by Council Decision 2007/855/EC of 15 October 2007 concerning the signing and conclusion of an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of

Montenegro, of the other part <sup>(6)</sup> and the Interim Agreement with Bosnia and Herzegovina, approved by Council Decision 2008/474/EC of 16 June 2008 concerning the signing and conclusion of an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part <sup>(7)</sup>, lay down annual preferential tariff quotas of 'baby beef' of 9 400 tonnes, 1 650 tonnes, 800 tonnes and 1 500 tonnes respectively.

- (3) Article 2 of Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia <sup>(8)</sup> and Article 2 of Council Regulation (EC) No 153/2002 of 21 January 2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the former Yugoslav Republic of Macedonia <sup>(9)</sup> provide that detailed rules for the implementation of concessions on 'baby beef' should be laid down.
- (4) For control purposes, Regulation (EC) No 2007/2000 makes imports under the quotas of 'baby beef' for Bosnia and Herzegovina and for customs territories of Serbia and Kosovo, subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex II to that Regulation. For the sake of harmonisation, imports under the quotas of 'baby beef' originating in Croatia, the former Yugoslav Republic of Macedonia and Montenegro should also be made subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex III to the Stabilisation and Association Agreement with Croatia or with the former Yugoslav Republic of Macedonia or Annex II to the Interim Agreement with Montenegro respectively. A model should also be established for the certificates of authenticity and detailed rules laid down for their use.

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

<sup>(2)</sup> OJ L 240, 23.9.2000, p. 1.

<sup>(3)</sup> Kosovo under United Nations Security Council Resolution 1244/1999

<sup>(4)</sup> OJ L 26, 28.1.2005, p. 1.

<sup>(5)</sup> OJ L 84, 20.3.2004, p. 1.

<sup>(6)</sup> OJ L 345, 28.12.2007, p. 1.

<sup>(7)</sup> OJ L 169, 30.6.2008, p. 10.

<sup>(8)</sup> OJ L 304, 21.11.2001, p. 1.

<sup>(9)</sup> OJ L 25, 29.1.2002, p. 16.

- (5) The quotas concerned should be managed through the use of import licences. To this end, Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products <sup>(1)</sup> and Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector <sup>(2)</sup> should be applicable subject to this Regulation.
- (6) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(3)</sup> lays down in particular detailed provisions on applications for import licences, the status of applicants, the issue of licences and the notifications by the Member States to the Commission. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to import licences issued pursuant to this Regulation, without prejudice to additional conditions or derogations laid down in this Regulation.
- (7) In order to ensure proper management of imports of the products concerned, import licences should be issued subject to verification, in particular of entries on certificates of authenticity.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The following tariff quotas are hereby opened for the period from 1 January to 31 December 2010:

- (a) 9 400 tonnes of 'baby beef', expressed in carcass weight, originating in Croatia;
- (b) 1 500 tonnes of 'baby beef', expressed in carcass weight, originating in Bosnia and Herzegovina;
- (c) 1 650 tonnes of 'baby beef', expressed in carcass weight, originating in the former Yugoslav Republic of Macedonia;

<sup>(1)</sup> OJ L 114, 26.4.2008, p. 3.

<sup>(2)</sup> OJ L 115, 29.4.2008, p. 10.

<sup>(3)</sup> OJ L 238, 1.9.2006, p. 13.

- (d) 9 175 tonnes of 'baby beef', expressed in carcass weight, originating in the customs territories of Serbia and Kosovo;
- (e) 800 tonnes of 'baby beef', expressed in carcass weight, originating in Montenegro.

The quotas referred to in the first subparagraph shall bear the order Nos 09.4503, 09.4504, 09.4505, 09.4198 and 09.4199 respectively.

For the purposes of attributing those quotas, 100 kilograms live weight shall be equivalent to 50 kilograms carcass weight.

2. The customs duty applicable under the quotas referred to in paragraph 1 shall be 20 % of the *ad valorem* duty and 20 % of the specific duty as laid down in the Common Customs Tariff.

3. Importation under the quotas referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within the following CN codes, referred to in Annex II to Regulation (EC) No 2007/2000, in Annex III to the Stabilisation and Association Agreements concluded with Croatia, in Annex III to the Stabilisation and Association Agreement concluded with the former Yugoslav Republic of Macedonia, in Annex II to the Interim Agreement with Montenegro and in Annex II to the Interim Agreement with Bosnia and Herzegovina:

— ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,

— ex 0201 10 00 and ex 0201 20 20,

— ex 0201 20 30,

— ex 0201 20 50.

#### Article 2

Chapter III of Regulation (EC) No 1301/2006 and Regulations (EC) No 376/2008 and 382/2008 shall apply, save as otherwise provided for in this Regulation.

#### Article 3

1. Section 8 of licence applications and licences shall show the country or customs territory of origin and the mention 'yes' shall be marked by a cross. Licences shall be subject to the obligation to import from the country or customs territory indicated.

Section 20 of licence applications and licences shall show one of the entries listed in Annex I.

2. The original of the certificate of authenticity drawn up in accordance with Article 4 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

Certificates of authenticity may be used for the issue of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall:

- (a) endorse the certificate of authenticity to show the quantity attributed;
- (b) ensure that the import licences delivered in respect of that certificate are issued on the same day.

3. The competent authorities may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission for the imports concerned. The licences shall be issued immediately thereafter.

#### Article 4

1. All applications for imports licences under the quotas referred to in Article 1 shall be accompanied by a certificate of authenticity issued by the authorities of the exporting country or customs territory listed in Annex II attesting that the goods originate in that country or customs territory and that they correspond to the definition given, as the case may be, in Annex II to Regulation (EC) No 2007/2000, Annex III to the Stabilisation and Association Agreements with Croatia, Annex III to the Stabilisation and Association Agreement with the former Yugoslav Republic of Macedonia, Annex II to the Interim Agreement with Montenegro or Annex II to the Interim Agreement with Bosnia and Herzegovina.

2. Certificates of authenticity shall be made out in one original and two copies, to be printed and completed in one of the official languages of the Community, in accordance with the relevant model in Annexes III to VIII for the exporting countries or customs territory concerned. They may also be printed and completed in the official language or one of the official languages of the exporting country or customs territory.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

3. The original and copies of the certificate of authenticity may be typed or hand-written. In the latter case, they shall be completed in black ink and in block capitals.

The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m<sup>2</sup>. The original shall be white, the first copy pink and the second copy yellow.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country or customs territory.

The copies shall bear the same serial number and the same name as the original.

5. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex II.

6. Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

#### Article 5

1. The issuing authorities listed in Annex II shall:

- (a) be recognised as such by the exporting country or customs territory concerned;
- (b) undertake to verify entries on the certificates;
- (c) undertake to forward to the Commission at least once a week any information enabling the entries on the certificates of authenticity to be verified, in particular with regard to the number of the certificate, the exporter, the consignee, the country of destination, the product (live animals/meat), the net weight and the date of signature.

2. The list in Annex II shall be revised by the Commission where the requirement referred to in paragraph 1(a) is no longer met, where an issuing authority fails to fulfil one or more of the obligations incumbent on it or where a new issuing authority is designated.

#### Article 6

Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue.

#### Article 7

The exporting country or custom territory concerned shall communicate to the Commission specimens of the stamp imprints used by their issuing authorities and the names and signatures of the persons empowered to sign certificates of authenticity. The Commission shall communicate that information to the competent authorities of the Member States.

*Article 8*

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

- (a) no later than 28 February 2011, the quantities of products, including nil returns, for which import licences were issued in the previous import tariff quota period;
- (b) no later than 30 April 2011, the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. No later than 30 April 2011, Member States shall notify to the Commission the quantities of products, which were actually released for free circulation during the preceding import tariff quota period.

3. The notifications referred to in paragraphs 1 and 2 of this Article shall be made as indicated in Annexes IX, X and XI to this Regulation and the product categories indicated in Annex V of Regulation (EC) No 382/2008 shall be used.

*Article 9*

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

It shall apply from 1 January 2010.

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

Done at Brussels, 14 December 2009.

For the Commission  
The President  
José Manuel BARROSO

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## ANNEX I

## Entries referred to in Article 3(1)

- in Bulgarian: ‘Baby beef’ (Регламент (ЕЧ) № 1219/2009)
  - in Spanish: ‘Baby beef’ [Reglamento (UE) n° 1219/2009]
  - in Czech: ‘Baby beef’ (Nařízení (EU) č. 1219/2009)
  - in Danish: ‘Baby beef’ (Forordning (EU) nr. 1219/2009)
  - in German: ‘Baby beef’ (Verordnung (EU) Nr. 1219/2009)
  - in Estonian: ‘Baby beef’ (Määrus (EL) nr 1219/2009)
  - in Greek: ‘Baby beef’ [Κανονισμός (ΕΕ) αριθ. 1219/2009]
  - in English: ‘Baby beef’ (Regulation (EU) No 1219/2009)
  - in French: ‘Baby beef’ [Règlement (UE) n° 1219/2009]
  - in Italian: ‘Baby beef’ [Regolamento (UE) n. 1219/2009]
  - in Latvian: ‘Baby beef’ (Regula (ES) Nr. 1219/2009)
  - in Lithuanian: ‘Baby beef’ (Reglamentas (ES) Nr. 1219/2009)
  - in Hungarian: ‘Baby beef’ (1219/2009/EU rendelet)
  - in Maltese: ‘Baby beef’ (Regolament (UE) Nru 1219/2009)
  - in Dutch: ‘Baby beef’ (Verordening (EU) nr. 1219/2009)
  - in Polish: ‘Baby beef’ (Rozporządzenie (UE) nr 1219/2009)
  - in Portuguese: ‘Baby beef’ [Regulamento (UE) n.º 1219/2009]
  - in Romanian: ‘Baby beef’ [Regulamentul (UE) nr. 1219/2009]
  - in Slovak: ‘Baby beef’ [Nariadenie (EÚ) č. 1219/2009]
  - in Slovenian: ‘Baby beef’ (Uredba (EU) št. 1219/2009)
  - in Finnish: ‘Baby beef’ (Asetus (EU) N:o 1219/2009)
  - in Swedish: ‘Baby beef’ (Förordning (EU) nr 1219/2009)
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## ANNEX II

## Issuing authorities:

- Republic of Croatia: Croatian Agricultural Agency, Poljana Križevačka 185, 48260 Križevci, Croatia.
- Bosnia-Herzegovina:
- The former Yugoslav Republic of Macedonia: Univerzitet Sv. Kiril I Metodij, Institut za hrana, Fakultet za veterinarska medicina, 'Lazar Pop-Trajkov 5-7', 1000 Skopje
- Montenegro: Veterinary Directorate, Bulevar Svetog Petra Cetinjskog br.9, 81000 Podgorica, Montenegro
- Customs territory of Serbia <sup>(1)</sup>: 'YU Institute for Meat Hygiene and Technology, Kacanskog 13, Belgrade, Yugoslavia.'
- Customs territory of Kosovo:

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<sup>(1)</sup> Not including Kosovo under United Nations Security Council Resolution 1244/1999.

ANNEX III

|   |                               |  |                    |
|---|-------------------------------|--|--------------------|
| 1. Consignor (full name and address)  |                               | CERTIFICATE No 0000<br><br>ORIGINAL<br><br>CROATIA   |                    |
| 2. Consignee (full name and address)  |                               | CERTIFICATE OF AUTHENTICITY<br><br>for exports to the EC of bovine animals and meat of bovine animals<br>[application of Regulation (EU) No 1219/2009] |                    |
| <p><b>NOTES</b></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</p>  |                               |  |                    |
| 3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods   | 4. Combined Nomenclature code | 5. Gross weight (kg)   | 6. Net weight (kg) |
| 7. Net weight (kg) (in words)   |                               |  |                    |
| <p>8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Croatia and correspond exactly to the definition contained in Annex III to the Stabilisation and Association Agreement set out in Decision 2005/40/EC, Euratom (OJ L 26, 28.1.2005, p. 1).</p> |                               |  |                    |
| 9. Authorised issuing body  |                               | Place: ..... Date: .....   |                    |
|   |                               | (Stamp of issuing body)  | (signature)        |

## ANNEX IV

|  |                               |  |                    |
|--|-------------------------------|--|--------------------|
| 1. Consignor (full name and address)   |                               | CERTIFICATE No 0000<br><br>ORIGINAL<br><br>BOSNIA and HERZEGOVINA  |                    |
| 2. Consignee (full name and address)   |                               | CERTIFICATE OF AUTHENTICITY<br><br>for exports to the EC of bovine animals and meat of bovine animals<br>[application of Regulation (EU) No 1219/2009] |                    |
| <p><i>NOTES</i></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</p>   |                               |  |                    |
| 3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods  | 4. Combined Nomenclature code | 5. Gross weight (kg)   | 6. Net weight (kg) |
| 7. Net weight (kg) (in words)  |                               |  |                    |
| 8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Bosnia and Herzegovina and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1). |                               |  |                    |
| 9. Authorised issuing body   |                               | Place: .....   | Date: .....        |
|  |                               | (Stamp of issuing body)  | (signature)        |



## ANNEX V

|   |                               |  |                    |
|---|-------------------------------|--|--------------------|
| 1. Consignor (full name and address)  |                               | CERTIFICATE No 0000<br><br>ORIGINAL<br><br>THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA   |                    |
| 2. Consignee (full name and address)  |                               | CERTIFICATE OF AUTHENTICITY<br><br>for exports to the EC of bovine animals and meat of bovine animals<br>[application of Regulation (EU) No 1219/2009] |                    |
| <p><b>NOTES</b></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</p>  |                               |  |                    |
| 3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods   | 4. Combined Nomenclature code | 5. Gross weight (kg)   | 6. Net weight (kg) |
| 7. Net weight (kg) (in words)   |                               |  |                    |
| 8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the former Yugoslav Republic of Macedonia and correspond exactly to the definition contained in Annex III to the Stabilisation and Association Agreement set out in Decision 2004/239/EC, Euratom (OJ L 84, 20.3.2004, p. 1). |                               |  |                    |
| 9. Authorised issuing body  |                               | Place: ..... Date: .....   |                    |
|   |                               | (Stamp of issuing body)  | (signature)        |

## ANNEX VI

|  |                               |  |                    |
|--|-------------------------------|--|--------------------|
| 1. Consignor (full name and address)   |                               | CERTIFICATE No 0000<br><br>ORIGINAL<br><br>SERBIA <sup>(1)</sup>   |                    |
| 2. Consignee (full name and address)   |                               | CERTIFICATE OF AUTHENTICITY<br><br>for exports to the EC of bovine animals and meat of bovine animals<br>[application of Regulation (EU) No 1219/2009] |                    |
| <p><b>NOTES</b></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</p>   |                               |  |                    |
| 3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods  | 4. Combined Nomenclature code | 5. Gross weight (kg)   | 6. Net weight (kg) |
| 7. Net weight (kg) (in words)  |                               |  |                    |
| 8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from Serbia and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1). |                               |  |                    |
| 9. Authorised issuing body   |                               | Place: .....   | Date: .....        |
|  |                               | (Stamp of issuing body)  | (signature)        |

<sup>(1)</sup> Not including Kosovo under United Nations Security Council Resolution 1244/1999.

## ANNEX VII

|  |                               |  |                    |
|--|-------------------------------|--|--------------------|
| 1. Consignor (full name and address)   |                               | CERTIFICATE No 0000<br><br>ORIGINAL<br><br>MONTENEGRO  |                    |
| 2. Consignee (full name and address)   |                               | CERTIFICATE OF AUTHENTICITY<br><br>for exports to the EC of bovine animals and meat of bovine animals<br>[application of Regulation (EU) No 1219/2009] |                    |
| <p><b>NOTES</b></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</p>   |                               |  |                    |
| 3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods  | 4. Combined Nomenclature code | 5. Gross weight (kg)   | 6. Net weight (kg) |
| 7. Net weight (kg) (in words)  |                               |  |                    |
| 8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from Montenegro and correspond exactly to the definition contained in Annex II to the Interim Agreement set out in Council Decision 2007/855/EC (OJ L 345, 28.12.2007, p. 1). |                               |  |                    |
| 9. Authorised issuing body   |                               | Place: ..... Date: .....   |                    |
|  |                               | (Stamp of issuing body)  | (signature)        |

## ANNEX VIII

|   |                               |  |                    |
|---|-------------------------------|--|--------------------|
| 1. Consignor (full name and address)  |                               | CERTIFICATE No 0000<br><br>ORIGINAL<br><br>KOSOVO <sup>(1)</sup>   |                    |
| 2. Consignee (full name and address)  |                               | CERTIFICATE OF AUTHENTICITY<br><br>for exports to the EC of bovine animals and meat of bovine animals<br>[application of Regulation (EU) No 1219/2009] |                    |
| <p><b>NOTES</b></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</p>  |                               |  |                    |
| 3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods   | 4. Combined Nomenclature code | 5. Gross weight (kg)   | 6. Net weight (kg) |
| 7. Net weight (kg) (in words)   |                               |  |                    |
| 8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the customs territory of Kosovo and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1). |                               |  |                    |
| 9. Authorised issuing body  |                               | Place: .....   | Date: .....        |
|   |                               | (Stamp of issuing body)  | (signature)        |

<sup>(1)</sup> Kosovo under United Nations Security Council Resolution 1244/1999.

## ANNEX IX

## Notification of import licences (issued) — Regulation (EC) No 1219/2009

Member State: .....

Application of Article 8 of Regulation (EC) No 1219/2009

Quantities of products for which import licences were issued

From: ..... to: .....

| Order No | Product category or categories <sup>(1)</sup> | Quantity<br>(kilograms product weight or heads) |
|----------|---|---|
| 09.4503  |   |   |
| 09.4504  |   |   |
| 09.4505  |   |   |
| 09.4198  |   |   |
| 09.4199  |   |   |

<sup>(1)</sup> Product category or categories as indicated in Annex V to Regulation (EC) No 382/2008.

## ANNEX X

## Notification of import licences (unused quantities) — Regulation (EC) No 1219/2009

Member State: .....

Application of Article 8 of Regulation (EC) No 1219/2009

Quantities of products for which import licences were unused

From: ..... to: .....

| Order No | Product category or categories <sup>(1)</sup> | Unused quantity<br>(kilograms product weight or heads) |
|----------|---|--|
| 09.4503  |   |  |
| 09.4504  |   |  |
| 09.4505  |   |  |
| 09.4198  |   |  |
| 09.4199  |   |  |

<sup>(1)</sup> Product category or categories as indicated in Annex V to Regulation (EC) No 382/2008.

## ANNEX XI

Notification of the quantities of products put into free circulation — Regulation (EC) No 1219/2009

Member State: .....

Application of Article 8 of Regulation (EC) No 1219/2009

Quantities of products put into free circulation:

From: ..... to: ..... (import tariff quota period).

| Order No | Product category or categories <sup>(1)</sup> | Quantities of products put into free circulation<br>(kilograms product weight or heads) |
|----------|---|---|
| 09.4503  |   |   |
| 09.4504  |   |   |
| 09.4505  |   |   |
| 09.4198  |   |   |
| 09.4199  |   |   |

<sup>(1)</sup> Product category or categories as indicated in Annex V to Regulation (EC) No 382/2008.

**COMMISSION REGULATION (EU) No 1220/2009****of 14 December 2009****amending for the 117th time Council 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**

THE EUROPEAN COMMISSION,

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

Having regard to Council 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, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan <sup>(1)</sup>, and in particular the first indent of Article 7(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 3 December 2009 the Sanctions Committee decided to remove one natural person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. On 1 September, 23 September 2009 and 17 November the Sanctions Committee of the United Nations Security Council decided to amend identifying data concerning several natural persons on that list.

- (3) Annex I should therefore be updated accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 14 December 2009.

*For the Commission,  
On behalf of the President,  
João Vale DE ALMEIDA  
Director-General for External Relations*

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<sup>(1)</sup> OJ L 139, 29.5.2002, p. 9.

## ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

- (1) The entry 'Zia, Mohammad (aka Zia, Ahmad); c/o Ahmed Shah s/o Painsa Mohammad al-Karim Set, Peshawar, Pakistan; c/o Alam General Store Shop 17, Awami Market, Peshawar, Pakistan; c/o Zahir Shah s/o Murad Khan Ander Sher, Peshawar, Pakistan' under the heading 'Natural persons' is deleted

- (2) The entry 'Faycal **Boughanemi** (*alias* Faical **Boughanmi**). Address: viale Cambonino, 5/B — Cremona, Italy. Date of birth: 28.10.1966. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Other information: (a) Italian fiscal code: BGHFCL66R28Z352G, (b) sentenced to 8 years imprisonment in Italy on 15.7.2006. Currently detained in Italy' under the heading 'Natural persons' shall be replaced by the following:

'Faycal **Boughanemi** (*alias* (a) Faical **Boughanmi**, (b) Faysal **al-Bughanimi**). Address: Viale Cambonino, 5/B, Cremona, Italy. Date of birth: 28.10.1966. Place of birth: Tunis, Tunisia. Nationality: Tunisian. Other information: (a) Italian fiscal code: BGHFCL66R28Z352G, (b) Detained in Italy as at June 2009. Date of designation referred to in Article 2a (4) (b): 29.7.2005.'

- (3) The entry 'Jamal **Housni** (*alias* (a) Djamel il marocchino, (b) Jamal Al Maghrebi, (c) Hicham). Date of birth: 22.2.1983. Place of birth: Morocco. Address: (a) Via Uccelli di Nemi 33, Milan, Italy, (b) via F. De Lemene 50, Milan, Italy. Other information: He is subject to Tribunale de Milano Custody Order number 5236/02 R.G.N.R of 25 November 2003 1511/02 R.G.GIP. Convicted.' under the heading 'Natural persons' shall be replaced by the following:

'Jamal **Housni** (*alias* (a) Djamel il marocchino, (b) Jamal Al Maghrebi, (c) Hicham). Date of birth: 22.2.1983. Place of birth: Morocco. Address: (a) Via Uccelli di Nemi 33, Milan, Italy, (b) Via F. De Lemene 50, Milan, Italy. Other information: In custody as at June 2009. Date of designation referred to in Article 2a (4) (b): 2.8.2006.'

- (4) The entry 'Fethi Ben Al-Rabei Ben Absha **Mnasri** (*alias* (a) Fethi Alic, (b) Amor, (c) Omar Abu). Address: (a) Via Toscana 46, Bologna, Italy, (b) Via di Saliceto 51/9, Bologna, Italy. Date of birth: 6.3.1969. Place of birth: Baja, Tunisia. Nationality: Tunisian. Passport No: L497470 (Tunisian passport issued on 3.6.1997, expired on 2.6.2002. Other information: in January 2003 sentenced in Italy to 8 months imprisonment' under the heading 'Natural persons' shall be replaced by the following:

'Fethi Ben Al-Rabei Ben Absha **Mnasri** (*alias* (a) Fethi Alic, (b) Amor, (c) Omar Abu). Address: Birmingham, United Kingdom. Date of birth: 6.3.1969. Place of birth: Baja, Tunisia. Nationality: Tunisian. Passport No: L497470 (Tunisian passport issued on 3.6.1997, expired on 2.6.2002). Date of designation referred to in Article 2a (4) (b): 25.6.2003.'

- (5) The entry 'Fahid Mohammed Ally **Msalam** (*alias* (a) Fahid Mohammed Ally, (b), Fahad Ally Msalam, (c), Fahid Mohammed Ali Msalam, (d), Mohammed Ally Msalam, (e), Fahid Mohammed Ali Musalaam, (f), Fahid Muhamad Ali Salem, (g) Fahid Mohammed Aly, (h) Ahmed Fahad, (i) Ali Fahid Mohammed, (j) Fahad Mohammad Ally, (k) Fahad Mohammed Ally, (l) Fahid Mohamed Ally, (m) Msalam Fahad Mohammed Ally, (n) Msalam Fahid Mohammad Ally, (o) Msalam Fahid Mohammed Ali, (p) Msalm Fahid Mohammed Ally, (q) Usama Al-Kini, (r) Mohammed Ally Mohammed, (s) Ally Fahid M). Address: Mombasa, Kenya. Date of birth: 19.2.1976. Place of birth: Mombasa, Kenya. Nationality: Kenya. Passport No: (a) A260592 (Kenyan passport), (b) A056086 (Kenyan passport), (c) A435712 (Kenyan passport), (d) A324812 (Kenyan passport), (e) 356095 (Kenyan passport). National identification No: 12771069 (Kenyan identity card). Other information: Reported deceased in Pakistan in January 2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001' under the heading 'Natural persons' shall be replaced by the following:

'Fahid Mohammed Ally **Msalam** (*alias* (a) Fahid Mohammed Ally, (b), Fahad Ally Msalam, (c), Fahid Mohammed Ali Msalam, (d), Mohammed Ally Msalam, (e), Fahid Mohammed Ali Musalaam, (f), Fahid Muhamad Ali Salem, (g) Fahid Mohammed Aly, (h) Ahmed Fahad, (i) Ali Fahid Mohammed, (j) Fahad Mohammad Ally, (k) Fahad Mohammed Ally, (l) Fahid Mohamed Ally, (m) Msalam Fahad Mohammed Ally, (n) Msalam Fahid Mohammad Ally, (o) Msalam Fahid Mohammed Ali, (p) Msalm Fahid Mohammed Ally, (q) Usama Al-Kini, (r) Mohammed Ally Mohammed, (s) Ally Fahid M). Address: Mombasa, Kenya. Date of birth: 19.2.1976. Place of birth: Mombasa, Kenya. Nationality: Kenya. Passport No: (a) A260592 (Kenyan passport), (b) A056086 (Kenyan passport), (c) A435712 (Kenyan passport), (d) A324812 (Kenyan passport), (e) 356095 (Kenyan passport). National identification No: 12771069 (Kenyan identity card). Other information: Confirmed to have died on 1.1.2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001.'

- (6) The entry 'Nessim Ben Romdhane **Sahraoui** (*alias* Dass). Date of birth: 3.8.1973. Place of birth: Bizerta, Tunisia. Other information: He is subject to Tribunale di Milano Custody Order number 36601/2001 R.G.N.R. of 17 May 2005 — 7464/2001 R.G.GIP. He was expelled from Italy in 2002. Fugitive' under the heading 'Natural persons' shall be replaced by the following:

'Nessim Ben Romdhane **Sahraoui** (*alias* (a) Dass, (b) Nasim al-Sahrawi). Date of birth: 3.8.1973. Place of birth: Bizerta, Tunisia. Other information: He was expelled from Italy in 2002. In prison in Tunisia as at June 2009. Date of designation referred to in Article 2a (4) (b): 2.8.2006.'



- (7) The entry 'Sheikh Ahmed Salim **Swedan** (*alias* (a) Ahmed Ally, (b) Sheikh Ahmad Salem Suweidan, (c) Sheikh Swedan, (d) Sheikh Ahmed Salem Swedan, (e) Ally Ahmad, (f) Muhamed Sultan, (g) Sheik Ahmed Salim Sweden, (h) Sleyum Salum, (i) Sheikh Ahmed Salam, (j) Ahmed The Tall, (k) Bahamad, (l) Sheik Bahamad, (m) Sheikh Bahamadi, (n) Sheikh Bahamad). Title: Sheikh. Date of birth: (a) 9.4.1969, (b) 9.4.1960, (c) 4.9.1969. Place of birth: Mombasa, Kenya. Nationality: Kenyan. Passport No: A163012 (Kenyan passport). National identification No: 8534714 (Kenyan identity card issued on 14.11.1996). Other information: Reportedly deceased in Pakistan in January 2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001' under the heading 'Natural persons' shall be replaced by the following:

'Sheikh Ahmed Salim **Swedan** (*alias* (a) Ahmed Ally, (b) Sheikh Ahmad Salem Suweidan, (c) Sheikh Swedan, (d) Sheikh Ahmed Salem Swedan, (e) Ally Ahmad, (f) Muhamed Sultan, (g) Sheik Ahmed Salim Sweden, (h) Sleyum Salum, (i) Sheikh Ahmed Salam, (j) Ahmed The Tall, (k) Bahamad, (l) Sheik Bahamad, (m) Sheikh Bahamadi, (n) Sheikh Bahamad). Title: Sheikh. Date of birth: (a) 9.4.1969, (b) 9.4.1960, (c) 4.9.1969. Place of birth: Mombasa, Kenya. Nationality: Kenyan. Passport No: A163012 (Kenyan passport). National identification No: 8534714 (Kenyan identity card issued on 14.11.1996). Other information: Confirmed to have died on 1.1.2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001.'

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## ACTS WHOSE PUBLICATION IS NOT OBLIGATORY

**EUROPEAN COUNCIL DECISION,**  
**taken with the agreement of the President of the Commission,**  
**of 4 December 2009**  
**appointing the High Representative of the Union for Foreign Affairs and Security Policy**  
(2009/950/EU)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 18(1) thereof,

Whereas:

- (1) On 1 December 2009 Catherine ASHTON was appointed High Representative of the Union for Foreign Affairs and Security Policy for the period from 1 December 2009 until the end of the current term of office of the Commission.
- (2) In accordance with Article 17(7), third subparagraph, of the Treaty on European Union, the President, the High Representative of the Union for Foreign Affairs and Security Policy and the other Members of the Commission will be subject as a body to a vote of consent by the European Parliament.
- (3) The High Representative of the Union for Foreign Affairs and Security Policy should be appointed for the period from the end of the current term of office of the Commission until 31 October 2014,

HAS ADOPTED THIS DECISION:

*Article 1*

Catherine ASHTON is hereby appointed High Representative of the Union for Foreign Affairs and Security Policy for the period from the end of the current term of office of the Commission until 31 October 2014.

*Article 2*

This Decision shall be notified to Catherine ASHTON by the President of the European Council.

It shall take effect on the day of its notification.

*Article 3*

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 4 December 2009.

*For the European Council*

*The President*

H. VAN ROMPUY

## COMMISSION DECISION

of 14 December 2009

**amending Annexes I and II to Decision 2006/766/EC establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted***(notified under document C(2009) 9870)***(Text with EEA relevance)**

(2009/951/EU)

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EC) No 854/2004 provides that products of animal origin are only to be imported from a third country or part of a third country that appears on a list drawn up in accordance with that Regulation. It also lays down special conditions for the import of bivalve molluscs, tunicates, echinoderms and marine gastropods and of fishery products from third countries.
- (2) Regulation (EC) No 854/2004 provides that when drawing up and updating such lists, account is to be taken of Union controls in third countries and guarantees by the competent authorities of third countries as regards compliance or equivalence with the Union feed and food law and animal health rules as laid down in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(2)</sup>.
- (3) Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted <sup>(3)</sup> lists those third countries which satisfy the criteria referred to in Article 11(4) of Regulation (EC) No 854/2004 and are therefore able to

guarantee that those products exported to the European Union meet the sanitary conditions laid down in Union legislation to protect the health of consumers. Accordingly, Annex I to that Decision sets out a list of third countries from which imports of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form for human consumption are permitted, while Annex II thereto sets out a list of third countries and territories from which imports of fishery products for human consumption in any form are permitted.

- (4) Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council <sup>(4)</sup> lays down transitional measures for a period ending on 31 December 2009. Those measures include a derogation from Article 11(1) of Regulation (EC) No 854/2004, whereby Member States may authorise the import of bivalve molluscs and fishery products from the countries listed respectively in Annexes I and II thereto provided that, inter alia, the competent authority of the third country or territory has provided to the Member State concerned the guarantees that the products in question have been obtained in conditions at least equivalent to those governing the production and placing on the market of Union products.
- (5) Canada is currently included in the list in Annex I to Regulation (EC) No 2076/2005. Union controls in Canada to evaluate the control system in place governing the production of bivalve molluscs intended for export to the European Union, the last of which took place in 2009, together with the recommendation of the Joint Management Committee established by the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products <sup>(5)</sup> of 17 December 1998, concerning the reciprocal equivalence between Canadian and Union standards for live bivalve molluscs, indicate that the conditions applicable in Canada to bivalve molluscs, echinoderms, tunicates and marine gastropods destined to the European Union are equivalent to those provided for in the relevant Union legislation.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 206.<sup>(2)</sup> OJ L 165, 30.4.2004, p. 1.<sup>(3)</sup> OJ L 320, 18.11.2006, p. 53.<sup>(4)</sup> OJ L 338, 22.12.2005, p. 83.<sup>(5)</sup> OJ L 71, 18.3.1999, p. 3.

- (6) Greenland is currently included in the list in Annex I to Regulation (EC) No 2076/2005. Union controls in Greenland to evaluate the control system in place governing the production of bivalve molluscs intended for export to the European Union, the last of which took place in 2009, together with guarantees provided by the competent authority of Greenland, indicate that the conditions applicable in that third country to bivalve molluscs, echinoderms, tunicates and marine gastropods destined to the European Union are equivalent to those provided for in the relevant Union legislation. Accordingly, Greenland should be included in the list in Annex I to Decision 2006/766/EC.
- (7) Union controls in the United States to evaluate the control system in place governing the production of bivalve molluscs intended for export to the European Union, the last of which took place in 2009, indicated differences between the American and Union standards for live bivalve molluscs but did not identify serious risks for human health, except for the harvesting area of the Gulf of Mexico. The United States and the European Union have agreed to examine the reciprocal equivalence between US and Union standards for live bivalve molluscs. It is therefore appropriate to authorise, on a temporary basis, the imports into the European Union of bivalve molluscs, echinoderms, tunicates and marine gastropods from the United States, excluding bivalve molluscs harvested in the Gulf of Mexico. This temporary authorisation should be reviewed six months after its entry into force, taking into account the results of the examination of the equivalence between US and Union standards for live bivalve molluscs.
- (8) Angola, Azerbaijan, Benin, Congo, Eritrea, Israel, Myanmar, the Solomon Islands, Saint Helena and Togo are currently included in the list in Annex II to Regulation (EC) No 2076/2005. Union controls to evaluate the control system in place governing the production of fishery products intended for export to the European Union, the last of which took place in Angola in 2007, in Azerbaijan in 2007, in Benin in 2009, in Congo in 2009, in Eritrea in 2008, in Israel in 2009, in Myanmar in 2009, in the Solomon Islands in 2007, in Saint Helena in 2003, and in Togo in 2009, together with guarantees provided by the competent authorities of Angola, Azerbaijan (for caviar only), Benin, Congo (for fishery products caught, gutted (where appropriate), frozen and packed in their final packaging at sea only), Eritrea, Israel, Myanmar (for wild caught frozen fishery products only), the Solomon Islands, Saint Helena and Togo (for live lobsters only), indicate that the conditions applicable in those third countries to fishery products destined to the European Union are equivalent to those provided for in the relevant Union legislation. Accordingly, those third countries should be included in the list in Annex II to Decision 2006/766/EC.
- (9) In addition, in order to take account of the differences in guarantees provided by those third countries, it is necessary to provide for certain restrictions in the lists in Annex I and II to Decision 2006/766/EC.
- (10) Saint Helena, Tristan da Cunha and Ascension constitute a single Overseas Territory. However, because these islands are remote from one another and are in practice governed separately, they have chosen to set up separate competent authorities responsible for the safety of fishery products. Therefore, the inclusion of Saint Helena as a third country from which imports of fishery products are permitted should not cover the islands of Tristan da Cunha and Ascension.
- (11) For the purpose of clarification of the Union legislation, the titles of Annexes I and II to Decision 2006/766/EC should be amended. The title of Annex I should make clear that imports of bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption, whether live, frozen or processed, are permitted only from the third countries included in this Annex. The title of Annex II should make clear that this Annex covers the import of fishery products as defined in point 3.1 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(1)</sup>, except for those covered by Annex I to this Decision. This separation is necessary because the Union requirements applicable to these two groups of products are different.
- (12) Decision 2006/766/EC should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- <sup>(1)</sup> OJ L 139, 30.4.2004, p. 55. Annex I: '3.1. "Fishery products" means all seawater or freshwater animals (except for live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods, and all mammals, reptiles and frogs) whether wild or farmed and including all edible forms, parts and products of such animals.'

HAS ADOPTED THIS DECISION:

(d) the following entry for the United States is inserted after the entry for Turkey:

*Article 1*

Decision 2006/766/EC is amended as follows:

1. Annex I is amended as follows:

(a) the title to Annex I is replaced by the following:

*'ANNEX I*

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

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

(b) the following entry for Canada is inserted after the entry for Australia:

|     |         |  |
|-----|---------|--|
| 'CA | CANADA' |  |
|-----|---------|--|

(c) the following entry for Greenland is inserted after the entry for Chile:

|     |            |  |
|-----|------------|--|
| 'GL | GREENLAND' |  |
|-----|------------|--|

|     |                          |  |
|-----|--------------------------|--|
| 'US | UNITED STATES OF AMERICA | Only until 1 July 2010 and excluding imports of bivalve molluscs harvested in the States of Florida, Texas, Mississippi, Alabama and Louisiana.' |
|-----|--------------------------|--|

2. Annex II to Decision 2006/766/EC is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision shall apply from 1 January 2010.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

## ANNEX

## ANNEX II

**List of third countries and territories from which imports are permitted of fishery products for human consumption, other than those covered by Annex I to this Decision**

(Countries and territories referred to in Article 11 of Regulation (EC) No 854/2004)

| ISO code | Countries              | Restrictions   |
|----------|------------------------|--|
| AE       | UNITED ARAB EMIRATES   |  |
| AG       | ANTIGUA AND BARBUDA    | Only live lobsters.  |
| AL       | ALBANIA                |  |
| AM       | ARMENIA                | Only live wild crayfish, heat processed non-farmed crayfish and frozen non-farmed crayfish.                  |
| AN       | NETHERLANDS ANTILLES   |  |
| AO       | ANGOLA                 |  |
| AR       | ARGENTINA              |  |
| AU       | AUSTRALIA              |  |
| AZ       | AZERBAIJAN             | Only caviar.   |
| BA       | BOSNIA and HERZEGOVINA |  |
| BD       | BANGLADESH             |  |
| BJ       | BENIN                  |  |
| BR       | BRAZIL                 |  |
| BS       | THE BAHAMAS            |  |
| BY       | BELARUS                |  |
| BZ       | BELIZE                 |  |
| CA       | CANADA                 |  |
| CG       | CONGO                  | Only fishery products caught, gutted (where appropriate), frozen and packed in their final packaging at sea. |
| CH       | SWITZERLAND            |  |
| CI       | COTE D'IVOIRE          |  |
| CL       | CHILE                  |  |
| CN       | CHINA                  |  |
| CO       | COLOMBIA               |  |
| CR       | COSTA RICA             |  |
| CU       | CUBA                   |  |
| CV       | CAPE VERDE             |  |
| DZ       | ALGERIA                |  |
| EC       | ECUADOR                |  |
| EG       | EGYPT                  |  |
| ER       | ERITREA                |  |
| FK       | FALKLAND ISLANDS       |  |
| GA       | GABON                  |  |

|    |                  |   |
|----|------------------|---|
| GD | GRENADA          |   |
| GH | GHANA            |   |
| GL | GREENLAND        |   |
| GM | GAMBIA           |   |
| GN | GUINEA           | Only fish that has not undergone any preparation or processing operation other than heading, gutting, chilling or freezing. The reduced frequency of physical checks, provided for by Commission Decision 94/360/EC (OJ L 158, 25.6.1994, p. 41), shall not be applied. |
| GT | GUATEMALA        |   |
| GY | GUYANA           |   |
| HK | HONG KONG        |   |
| HN | HONDURAS         |   |
| HR | CROATIA          |   |
| ID | INDONESIA        |   |
| IL | ISRAEL           |   |
| IN | INDIA            |   |
| IR | IRAN             |   |
| JM | JAMAICA          |   |
| JP | JAPAN            |   |
| KE | KENYA            |   |
| KR | SOUTH KOREA      |   |
| KZ | KAZAKHSTAN       |   |
| LK | SRI LANKA        |   |
| MA | MOROCCO          |   |
| ME | MONTENEGRO       |   |
| MG | MADAGASCAR       |   |
| MM | MYANMAR          | Only wild caught frozen fishery products (freshwater or seawater fish, shrimps, prawns).  |
| MR | MAURITANIA       |   |
| MU | MAURITIUS        |   |
| MV | MALDIVES         |   |
| MX | MEXICO           |   |
| MY | MALAYSIA         |   |
| MZ | MOZAMBIQUE       |   |
| NA | NAMIBIA          |   |
| NC | NEW CALEDONIA    |   |
| NG | NIGERIA          |   |
| NI | NICARAGUA        |   |
| NZ | NEW ZEALAND      |   |
| OM | OMAN             |   |
| PA | PANAMA           |   |
| PE | PERU             |   |
| PF | FRENCH POLYNESIA |   |

|    |  |   |
|----|--|---|
| PG | PAPUA NEW GUINEA   |   |
| PH | PHILIPPINES  |   |
| PM | SAINT PIERRE AND MIQUELON  |   |
| PK | PAKISTAN   |   |
| RS | SERBIA<br>Not including Kosovo as defined by the<br>United Nations Security Council Resolution<br>1244 of 10 June 1999 | Only whole fresh fish from wild seawater catches. |
| RU | RUSSIA   |   |
| SA | SAUDI ARABIA   |   |
| SB | SOLOMON ISLANDS  |   |
| SC | SEYCHELLES   |   |
| SG | SINGAPORE  |   |
| SH | SAINT HELENA<br>Not including the islands of Tristan da Cunha<br>and Ascension   |   |
| SN | SENEGAL  |   |
| SR | SURINAME   |   |
| SV | EL SALVADOR  |   |
| TG | TOGO   | Only live lobsters.                               |
| TH | THAILAND   |   |
| TN | TUNISIA  |   |
| TR | TURKEY   |   |
| TW | TAIWAN   |   |
| TZ | TANZANIA   |   |
| UA | UKRAINE  |   |
| UG | UGANDA   |   |
| US | UNITED STATES  |   |
| UY | URUGUAY  |   |
| VE | VENEZUELA  |   |
| VN | VIETNAM  |   |
| YE | YEMEN  |   |
| YT | MAYOTTE  |   |
| ZA | SOUTH AFRICA   |   |
| ZW | ZIMBABWE   |   |



## COMMISSION DECISION

of 14 December 2009

## amending Decision 2008/855/EC concerning animal health control measures relating to classical swine fever in certain Member States

(notified under document C(2009) 9909)

(Text with EEA relevance)

(2009/952/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(2)</sup>, and in particular Article 10(4) thereof,

Whereas:

(1) Commission Decision 2008/855/EC <sup>(3)</sup> lays down certain control measures applicable in relation to classical swine fever in the Member States or regions thereof set out in the Annex to that Decision.

(2) Article 7 of Decision 2008/855/EC provides that no consignments of fresh pigmeat from holdings located in the areas listed in Part III of the Annex to that Decision, and meat preparations and meat products consisting of or containing such meat are to be dispatched to other Member States from the Member States concerned with those areas.

(3) Decision 2008/855/EC is to apply until 31 December 2009. In the light of the disease situation in certain areas of Bulgaria, Germany, France, Hungary and Slovakia, it is appropriate to extend the period of application of that Decision until 31 December 2011.

(4) In order to prevent the spread of classical swine fever from Romania to other Member States, Commission Decision 2006/779/EC of 14 November 2006 concerning transitional animal health control measures relating to classical swine fever in Romania <sup>(4)</sup> was adopted. That Decision is to apply until 31 December 2009.

(5) Romania has provided information to the Commission, showing that the classical swine fever situation in that Member State has significantly improved. However, in view of the data available, additional animal health control measures should continue to apply in Romania with regard to classical swine fever. It is therefore appropriate to include Romania in Part III of the Annex to Decision 2008/855/EC. The inclusion of Romania in Part III of the Annex to Decision 2008/855/EC should be reviewed in the light of the results of a Union inspection to be carried out in Romania in the first semester of 2010.

(6) To ensure the safety of fresh pigmeat and meat preparations and meat products consisting of or containing fresh meat that enter the areas listed in Part III of the Annex to Decision 2008/855/EC from areas not listed in that Part, the establishments which are producing, storing and processing such commodities should be approved by the competent authority and notified to the Commission. In addition, the production, storage and processing of such meat and meat products or preparations should be carried out separately from that of other products consisting of, or containing meat from holdings located in the areas listed in Part III of the Annex to that Decision.

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(3)</sup> OJ L 302, 13.11.2008, p. 19.

<sup>(4)</sup> OJ L 314, 15.11.2006, p. 48.

- (7) To ensure traceability of fresh pigmeat and meat preparations and meat products consisting of or containing fresh meat that enter the areas listed in Part III of the Annex to Decision 2008/855/EC from areas not listed in that Part, the meat and meat products and preparations should be marked appropriately. Therefore, the fresh pigmeat should be marked with the health mark provided for in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(1)</sup>. The meat preparations and meat products containing such pigmeat should be marked with the identification mark provided for in Section I of Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(2)</sup>.
- (8) Decision 2008/855/EC should be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2008/855/EC is amended as follows:

1. The following Article 8a is inserted:

*'Article 8a*

**Dispatch of fresh pigmeat and meat preparations and meat products consisting of or containing such meat from areas outside the areas listed in Part III of the Annex to other Member States**

1. The Member States concerned with areas listed in Part III of the Annex may authorise the dispatch to other Member States of fresh pigmeat derived from pigs from holdings located outside the areas listed in Part III of the Annex, and meat preparations and meat products consisting of, or containing such meat, if the meat, the meat preparations and

meat products are produced, stored and processed in establishments:

- (a) which are approved for that purpose by the competent authority and notified to the Commission;
- (b) in which the production, storage and processing is carried out separately from other products consisting of, or containing meat from holdings located in the areas listed in Part III of the Annex.

2. The fresh pigmeat referred to in paragraph 1 shall be marked as provided for in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004.

The meat preparations and meat products referred to in paragraph 1 shall be marked as provided for in Section I of Annex II to Regulation (EC) No 853/2004.'

2. In Article 15, the date '31 December 2009' is replaced by '31 December 2011'.
3. In Part III of the Annex, the following entry is inserted:

**'Romania**

The whole territory of Romania.'

*Article 2*

Article 1(3) shall apply from 1 January 2010.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 206.

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 55.

**COMMISSION DECISION****of 14 December 2009****amending Decision 2007/716/EC as regards certain establishments in the meat and milk sectors in Bulgaria***(notified under document C(2009) 9906)***(Text with EEA relevance)***(2009/953/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(4) thereof,

Whereas:

- (1) Commission Decision 2007/716/EC <sup>(2)</sup> lays down transitional measures for structural requirements of certain establishments in the meat and milk sectors in Bulgaria provided for in Regulations (EC) No 852/2004 <sup>(3)</sup> and (EC) No 853/2004 <sup>(4)</sup> of the European Parliament and of the Council. As long as those establishments are in transition, products originating from them are only to be placed on the domestic market or used for further processing in Bulgarian establishments in transition.
- (2) According to an official declaration from the Bulgarian competent authority, certain establishments in the meat and milk sectors have ceased their activities or have completed their upgrading process and are now in full

compliance with Union legislation. Those establishments should therefore be deleted from the list of establishments in transition.

- (3) The Annex to Decision 2007/716/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2007/716/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(2)</sup> OJ L 289, 7.11.2007, p. 14.

<sup>(3)</sup> OJ L 139, 30.4.2004, p. 1.

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 55.

## ANNEX

The Annex to Decision 2007/716/EC is amended as follows:

(1) The following entries for meat processing establishments are deleted:

| No   | Veterinary No | Name of establishment                     | Town/Street or Village/Region                       |
|------|---------------|---|---|
| 2.   | BG 0101003    | ET "Saray-73-Georgi Belezhkov"            | gr.Razlog<br>Promishlena zona "Zapad"               |
| 9.   | BG 0201019    | ET "Viutex-V.Slavov"                      | gr. Sungurlare<br>ul. "Tundzha" 7                   |
| 14.  | BG 0301014    | ET "Valeria-94"                           | s. Kamenar<br>obl. Varna                            |
| 22.  | BG 0601001    | "Ivagus" EOOD                             | gr. Vratsa<br>Krivodolsko shoes                     |
| 29.  | BG 0801011    | "Miit" OOD                                | s. Dropla<br>obl. Dobrich                           |
| 36.  | BG 1001003    | "Evromiyt end milk" EOOD                  | gr. Kocherinovo<br>obsht. Kocherinovo               |
| 55.  | BG 1701001    | "Kolevi" OOD                              | s. Kichenitsa<br>obl. Razgrad                       |
| 59.  | BG 1801012    | "Svinekompleks Golyamo Vranovo-Invest" AD | s. Golyamo Vranovo<br>obl. Ruse                     |
| 64.  | BG 2001001    | "Eko Asorti-05" EOOD                      | s. Mechkarevo<br>obl. Sliven                        |
| 72.  | BG 2301008    | "Aldagot" OOD                             | gr. Kostinbrod<br>ul. "Lomsko shose" 95             |
| 73.  | BG 2301009    | ET "Murgash 91-Tatyana Georgieva"         | gr. Svoje<br>ul. Zhelensko shoes                    |
| 74.  | BG 2301010    | ET "Despina-9"                            | gr. Kostinbrod<br>ul. "Aleksandar Stamboliiski" 62A |
| 89.  | BG 2801020    | "Ivkota" EOOD                             | gr. Yambol,<br>ul. "Bitolya" 60                     |
| 91.  | BG 0202006    | "Ekvator" EOOD                            | gr. Burgas ul. "Chataldzha" 52                      |
| 99.  | BG 0402008    | "Megalodon" OOD                           | gr. Kilifarevo                                      |
| 120. | BG 2002001    | ET "Slavi Danev"                          | gr. Nova Zagora<br>zh.k. "Zagore" 1                 |
| 121. | BG 2002003    | TD "Momchevi i sie"                       | gr. Sliven<br>kv. Industrialen                      |
| 123. | BG 2202007    | EOOD "Euro Balkan Fuud"                   | gr. Sofia<br>kv. Levski, ul. "546" bl.10 A          |
| 128. | BG 2202029    | "Givis" OOD                               | gr. Sofia<br>ul. "V. Hanchev" 11                    |
| 137. | BG 0305013    | ET "Aleko-Al. Aleksandrov"                | gr. Varna<br>ul. "T.Peyachevich" 3                  |
| 138. | BG 0305030    | ET "Dari"                                 | gr. Varna<br>kv. "Asparuhovo"<br>ul. "Kishinev" 21  |

| No   | Veterinary No | Name of establishment                    | Town/Street or Village/Region              |
|------|---------------|--|--|
| 152. | BG 0605021    | "Orbita" OOD                             | gr. Vratsa<br>m. Turkanitsa                |
| 155. | BG 0805012    | ET "Diana Hristova"                      | gr. Balchik<br>ul. "Asen Petrov" 21        |
| 160. | BG 1005009    | "Reksim 99" EOOD                         | gr. Sapareva banya<br>kv. Gyurgevo         |
| 163. | BG 1305014    | ET "Medi-Emil Dimitrov"                  | s. Glavinitsa<br>obl. Pazardzhik           |
| 164. | BG 1305018    | "Marineli" OOD                           | gr. Velingrad<br>kv. "Industrialen"        |
| 189. | BG 2205069    | "Slavchev 2000" EOOD                     | gr. Sofia<br>ul. "Sofroniy Vrachanski" 12  |
| 201. | BG 2705007    | OOD "Kapsikum-I"                         | gr. Shumen<br>bul. "Madara" 26             |
| 202. | BG 2705008    | ET "Georgi Krastev"                      | gr. Shumen<br>ul. "Industrialna baza"      |
| 208. | BG 0104004    | "Mes-Ko" EOOD                            | gr. Petrich,<br>ul. "Mesta" 15             |
| 214. | BG 0204015    | "PART" OOD                               | gr. Burgas,<br>ul. "Angel Kanchev" 29      |
| 217. | BG 0204021    | "Ekvator" EOOD                           | gr. Burgas<br>ul. "Chataldzha" 52          |
| 225. | BG 0304037    | "Zhar" OOD                               | S. Slanchevo<br>obl. Varna                 |
| 235. | BG 0504001    | "ADANIS" EOOD                            | gr. Vidin<br>ul "Targovska" 2              |
| 251. | BG 1004001    | "K + M" OOD                              | gr. Kyustendil<br>ul. "Petar Beron" 26     |
| 252. | BG 1104001    | "Slavi mes" OOD                          | gr. Lovech<br>kv. "Goznitsa"               |
| 255. | BG 1104006    | ET "Minko Cholakov-H. Cholakov"          | s. Dobrodan<br>obsht. Troyan               |
| 259. | BG 1204006    | ZPTK "Rik-98"                            | s. Vinishte<br>obl. Montana                |
| 265. | BG 1304002    | ET "Yavor Luks"                          | gr. Pazardzhik<br>ul. "Sintievsko shose" 2 |
| 266. | BG 1304013    | "Rodopa Pazardzhik" AD                   | gr. Pazardzhik<br>ul "D. Debelyanov" 46    |
| 271. | BG 1404006    | "Benet" OOD                              | gr. Breznik                                |
| 281. | BG 1604012    | "Tri star treyding" OOD                  | s. Voyvodinovo<br>obl. Plovdiv             |
| 301. | BG 1804006    | "TIS-98" OOD                             | gr. Ruse,<br>ul. "Malyovitsa" 33           |
| 304. | BG 1804019    | SD "Georgi Hristov Vichev-Vicheva i Sie" | s. Shtraklev<br>obl. Ruse                  |

| No   | Veterinary No | Name of establishment        | Town/Street or Village/Region               |
|------|---------------|------------------------------|---|
| 312. | BG 2004016    | "Momchevi i sie" OOD         | gr. Sliven<br>kv. Industrialen              |
| 313. | BG 2004017    | "Ekoprom" OOD                | gr. Sliven<br>kv. "Industrialen" 10B        |
| 314. | BG 2004019    | "Kooperatsia Megakol"        | gr. Nova Zagora<br>kv. "Industrialen"       |
| 330. | BG 2204080    | "Bitolya" OOD                | gr. Sofia<br>ul. "Kazbeg" 14a               |
| 337. | BG 2204108    | ET "Alto-Emil Petrov"        | gr. Sofia<br>kv. Benkovski                  |
| 338. | BG 2204109    | "SS-ADLER" EOOD              | gr. Sofia<br>obsht. Krasna polyana          |
| 341. | BG 2304002    | "Nikas" AD                   | gr. Botevgra<br>ul. "Tsar Ivan Shishman" 39 |
| 346. | BG 2404016    | "Iveko" OOD                  | s. Kolarovo<br>obsht. Radnevo               |
| 350. | BG 2404029    | "KEN" AD                     | gr. St. Zagora<br>kv. "Industrialen"        |
| 361. | BG 2604012    | SD "Bairche-Stoychevi i sie" | s. Brod<br>obsht. Dimitrovgrad              |
| 366. | BG 2604020    | "Toska" OOD                  | gr. Haskovo<br>mestnost "Balakli"           |
| 373. | BG 2804003    | "Doni-M" OOD                 | s. Bezmer,<br>obl. Yambolska'               |

(2) The following entries for milk processing establishments are deleted:

| No  | Veterinary No | Name of establishment     | Town/Street or Village/Region         |
|-----|---------------|---------------------------|---------------------------------------|
| 40. | BG 2412033    | "Gospodinovi" OOD         | s. Yulievo<br>obsht. Maglzh           |
| 41. | BG 2412037    | "Stelimeks" EOOD          | s. Asen                               |
| 72. | 0312025       | "Dzhenema" EOOD           | s. Gen.Kiselovo                       |
| 81. | 0712003       | "Elvi" OOD                | s. Velkovtsi<br>obsht. Gabrovo        |
| 88. | 0912015       | "Anmar" OOD               | s. Padina<br>obsht. Ardino            |
| 89. | 0912016       | OOD "Persenski"           | s. Zhaltusha<br>obsht. Ardino         |
| 91. | 1012014       | ET "Georgi Gushterov DR"  | s. Yahinovo                           |
| 92. | 1012018       | "Evro miyt end milk" EOOD | gr. Kocherinovo<br>obsht. Kocherinovo |
| 93. | 1112004       | "Matev-Mlekoprodukt" OOD  | s. Goran                              |
| 94. | 1112012       | "Stilos" OOD              | s. Lesidren                           |
| 95. | 1112017       | ET "Rima-Rumen Borisov"   | s. Vrabevo                            |

| No   | Veterinary No | Name of establishment     | Town/Street or Village/Region                     |
|------|---------------|---------------------------|---|
| 102. | 1312023       | "Inter-D" OOD             | s. Kozarsko                                       |
| 103. | 1312024       | ET "Mezmedin Halil-46"    | s. Sarnitsa                                       |
| 113. | 1612049       | "Alpina-Milk" EOOD        | s. Zhelyazno                                      |
| 114. | 1612064       | OOD "Ikay"                | s. Zhitnitsa<br>osht. Kaloyanovo                  |
| 148. | 2112008       | MK "Rodopa milk"          | s. Smilyan<br>obsht. Smolyan                      |
| 170. | 2412007       | "Inikom" OOD              | s. Sarnevo<br>obsht. Radnevo                      |
| 174. | 2412039       | "Penchev" EOOD            | gr. Chirpan<br>ul. "Septemvriytsi" 58             |
| 179. | 2512016       | "Milktrejd-BG" OOD        | s. Saedinenie obl. Targovishte                    |
| 181. | 2512021       | "Keya-Komers-03" EOOD     | s. Svetlen  |
| 197. | BG 1318007    | ET "Palmit-Vesela Popova" | gr. Strelcha<br>ul. "Osvobozhdenie" 17            |
| 201. | BG 1518005    | ET "Kris-88-Emil Todorov" | gr. Pleven<br>ul. "Grenaderska" 97                |
| 203. | BG 1618040    | "Galko" EOOD              | s. Voyvodinovo<br>obsht. Maritsa<br>obl. Plovdiv' |

**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 1205/2008 of 3 December 2008 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards metadata**

*(Official Journal of the European Union L 326 of 4 December 2008)*

- On page 12, delete the subtitle '(Text with EEA relevance)';
  - on page 20, Annex, Part D, point 1.3:
    - for:* 'Spatial data services (services)',
    - read:* 'Spatial data service (service)'.
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- ★ **Commission Regulation (EU) No 1220/2009 of 14 December 2009 amending for the 117th time Council 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** ..... 66

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

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