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

## I

(Legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) No 7/2010

of 22 December 2009

**opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products and repealing Regulation (EC) No 2505/96**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Production in the European Union of certain agricultural and industrial products is insufficient to meet the specific requirements of the user industries in the Union. Consequently, the Union's supplies of those products depend to a considerable extent on imports from third countries. The most urgent requirements of the Union for the products in question should be met immediately on the most favorable terms. Tariff quotas of the Union at preferential duty rates should therefore be opened within the limits of appropriate volumes taking account of the need not to disturb the markets for such products or impede the establishment or development of the Union's production.
- (2) It is necessary to ensure for all importers in the Union equal and uninterrupted access to those quotas, and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been exhausted.
- (3) 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>(1)</sup> provides for a system of tariff quota management which ensures equal and uninterrupted access to the quotas and uninterrupted application of the rates and follows the chronological order of dates of acceptance of declarations of release

for free circulation. The tariff quotas opened by the present Regulation should therefore be managed by the Commission and the Member States in accordance with that system.

- (4) The quota volumes are mostly expressed in tonnes. For certain products for which an autonomous tariff quota is opened the quota volume is set out in another measurement unit. Where for those products no supplementary measurement unit is specified in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(2)</sup> there can be uncertainty in respect of the measurement unit used. For the sake of clarity and in the interest of better quota management it is therefore necessary to provide that, in order to benefit from those autonomous tariff quotas, the exact quantity of the products imported be entered in the declaration for release for free circulation using the measurement unit of the quota volume set out for those products in the Annex to this Regulation.
- (5) Regulation (EC) No 2505/96 of 20 December 1996 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products <sup>(3)</sup> has been amended many times. In the interest of transparency it should therefore be repealed and replaced in its entirety.
- (6) The measures necessary for the the adoption of amendments to this Regulation arising from amendments to the Combined Nomenclature and TARIC codes should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise on implementing powers conferred on the Commission <sup>(4)</sup>.

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

<sup>(2)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(3)</sup> OJ L 345, 31.12.1996, p. 1.

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

- (7) Since the tariff quotas have to take effect from 1 January 2010, this Regulation should apply from the same date and enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the products listed in the Annex autonomous tariff quotas of the Union shall be opened, within which the autonomous Common Customs Tariff duties shall be suspended for the periods, at the duty rates, and up to the volumes indicated therein.

*Article 2*

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

*Article 3*

Where a declaration for release for free circulation is presented in respect of a product mentioned in this Regulation, for which the quota volume is expressed in a measurement unit other than the weight in tonnes or kilograms and other than the value, for products for which no supplementary unit is set out in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87, the exact quantity of the products imported shall be entered in 'Box 41: Supplementary units' of that declaration using the measurement unit of the quota volume for those products as set out in the Annex to this Regulation.

*Article 4*

The amendments and technical adaptations arising from amendments to the Combined Nomenclature and TARIC codes shall be adopted in accordance with the procedure laid down in Article 5(2).

*Article 5*

1. The Commission shall be assisted by the Customs Code Committee set up by Article 247a of Regulation (EEC) No 2913/92.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

*Article 6*

Regulation (EC) No 2505/96 is hereby repealed.

*Article 7*

This Regulation shall enter into force on the day 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, 22 December 2009.

*For the Council*  
*The President*  
A. CARLGREN

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## ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals <sup>(1)</sup> <sup>(2)</sup>	1.1.-31.12.	700 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than EUR 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 <sup>(1)</sup>	1.1.-31.12.	6 000 tonnes	0 %
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing 80 % by weight or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	1.1.-31.12.	10 000 tonnes	0 %
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides exclusively for use in alloys <sup>(1)</sup>	1.1.-31.12.	13 000 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide	1.1.-31.12.	12 000 tonnes	0 %
09.2611	ex 2826 19 90	10	Calcium fluoride having a total content of aluminium, magnesium and sodium of 0,25 mg/kg or less, in the form of powder	1.1.-31.12.	55 tonnes	0 %
09.2837	ex 2903 49 80	10	Bromochloromethane	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 69 90	30	1,3-Dichlorobenzene	1.1.-31.12.	2 600 tonnes	0 %
09.2950	ex 2905 59 98	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90 <sup>(1)</sup>	1.1.-31.12.	15 000 tonnes	0 %
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98,5 % by weight	1.1.-31.12.	20 000 tonnes	0 %
09.2767	ex 2910 90 00	80	Allyl glycidyl ether	1.1.-31.12.	2 500 tonnes	0 %
09.2624	2912 42 00		Ethylvanillin (3-ethoxy-4-hydroxybenzaldehyde)	1.1.-31.12.	600 tonnes	0 %
09.2972	2915 24 00		Acetic anhydride	1.1.-31.12.	20 000 tonnes	0 %
09.2769	ex 2917 13 90	10	Dimethyl sebacate	1.1.-31.12.	1 300 tonnes	0 %
09.2634	ex 2917 19 90	40	Dodecanedioic acid, of a purity by weight of more than 98,5 %	1.1.-31.12.	4 600 tonnes	0 %
09.2808	ex 2918 22 00	10	<i>o</i> -Acetylsalicylic acid	1.1.-31.12.	120 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3':4,4'-tetracarboxylic dianhydride	1.1.-31.12.	1 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2632	ex 2921 22 00	10	Hexamethylenediamine	1.1.-31.12.	35 000 tonnes	0 %
09.2602	ex 2921 51 19	10	o-Phenylenediamine	1.1.-31.12.	1 800 tonnes	0 %
09.2977	2926 10 00		Acrylonitrile	1.1.-31.12.	30 000 tonnes	0 %
09.2002	ex 2928 00 90	30	Phenylhydrazine	1.1.-31.12.	1 000 tonnes	0 %
09.2917	ex 2930 90 13	90	Cystine	1.1.-31.12.	600 tonnes	0 %
09.2603	ex 2930 90 99	79	Bis(3-triethoxysilylpropyl)tetrasulphide	1.1.-31.12.	9 000 tonnes	0 %
09.2810	2932 11 00		Tetrahydrofuran	1.1.-31.12.	20 000 tonnes	0 %
09.2955	ex 2932 19 00	60	Flurtamone (ISO)	1.1.-31.12.	300 tonnes	0 %
09.2812	ex 2932 29 85	77	Hexan-6-olide	1.1.-31.12.	4 000 tonnes	0 %
09.2615	ex 2934 99 90	70	Ribonucleic acid	1.1.-31.12.	110 tonnes	0 %
09.2945	ex 2940 00 00	20	D-Xylose	1.1.-31.12.	400 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	20 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	1 600 tonnes	0 %
09.2829	ex 3824 90 97	19	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110 and — a melting point of 100 °C or more	1.1.-31.12.	1 600 tonnes	0 %
09.2914	ex 3824 90 97	26	Aqueous solution containing not less than 40 % by weight of dry betaine-extract and between 5 % and 30 % by weight of organic or inorganic salts	1.1.-31.12.	5 000 tonnes	0 %
09.2986	ex 3824 90 97	76	Mixture of tertiary amines containing: — 60 % by weight of dodecyldimethylamine, or more — 20 % by weight of dimethyl(tetradecyl)amine, or more — 0,5 % by weight of hexadecyldimethylamine, or more, for use in the production of amine oxides <sup>(1)</sup>	1.1.-31.12.	14 315 tonnes	0 %
09.2907	ex 3824 90 97	86	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols for use in the manufacture of stanol/sterol esters <sup>(1)</sup>	1.1.-31.12.	2 500 tonnes	0 %
09.2140	ex 3824 90 97	98	Mixture of tertiary amines containing by weight: — 2,0-4,0 % of N,N-dimethyl-1-octanamine — 94 % minimum of N,N-dimethyl-1-decanamine — 2 % maximum of N,N-dimethyl-1-dodecanamine	1.1.-31.12.	4 500 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2992	ex 3902 30 00	93	Propylene-butylene copolymer, containing by weight 60 % or more but not more than 68 % of propylene and 32 % or more but not more than 40 % of butylene, of a melt viscosity of not more than 3 000 mPa at 190 °C, as determined by the ASTM D 3236 method, for use as an adhesive in the manufacture of products falling within subheading 4818 40 <sup>(1)</sup>	1.1.-31.12.	1 000 tonnes	0 %
09.2947	ex 3904 69 90	95	Poly(vinylidene fluoride), in powder form, for the preparation of paint or varnish for coating metal <sup>(1)</sup>	1.1.-31.12.	1 300 tonnes	0 %
09.2604	ex 3905 30 00	10	Poly(vinyl alcohol) partially acetalized with 5-(4-azido-2-sulphobenzylidene)-3-(formylpropyl)-rhodanine, sodium salt	1.1.-31.12.	100 tonnes	0 %
09.2616	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2 800 monomer units ( $\pm$ 100)	1.1.-31.12.	1 300 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes for use in the manufacture of cellulose acetate filament tow <sup>(1)</sup>	1.1.-31.12.	37 000 tonnes	0 %
09.2807	ex 3913 90 00	86	Non sterile sodium hyaluronate	1.1.-31.12.	110 000 g	0 %
09.2813	ex 3920 91 00	94	Co-extruded trilayer poly(vinyl butyral) film without a graduated colour band containing by weight 29 % or more but not more than 31 % of 2,2'-ethylenedioxydiethyl bis(2-ethylhexanoate) as a plasticiser	1.1.-31.12.	2 000 000 m <sup>2</sup>	0 %
09.2818	ex 6902 90 00	10	Refractory bricks with <ul style="list-style-type: none"> <li>— an edge length of more than 300 mm and</li> <li>— a TiO<sub>2</sub> content of not more than 1 % by weight and</li> <li>— a Al<sub>2</sub>O<sub>3</sub> content of not more than 0,4 % by weight and</li> <li>— a change in volume of less than 9 % at 1 700 C</li> </ul>	1.1.-31.12.	75 tonnes	0 %
09.2815	ex 6909 19 00	70	Supports for catalysts or filters, consisting of porous ceramics made primarily from oxides of aluminium and titanium; with a total volume of not more than 65 litres and at least one duct (open on one or both ends) per cm <sup>2</sup> of cross section	1.1.-31.12.	380 000 units	0 %
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m <sup>2</sup> ( $\pm$ 10 g/m <sup>2</sup> ), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	350 000 m <sup>2</sup>	0 %
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	1.1.-31.12.	50 000 tonnes	0 %
09.2629	ex 7616 99 90	85	Aluminium telescopic handle for use in the manufacture of luggage <sup>(1)</sup>	1.1.-31.12.	240 000 units	0 %
09.2763	ex 8501 40 80	30	Electric AC commutator motor, single-phase, with an output of more than 750 W, an input power of more than 1 600 W but not more than 2 700 W, an external diameter of more than 120 mm ( $\pm$ 0,2 mm) but not more than 135 mm ( $\pm$ 0,2 mm), a rated speed of more than 30 000 rpm but not more than 50 000 rpm, equipped with air-inducting ventilator, for use in the manufacture of vacuum cleaners <sup>(1)</sup>	1.1.-31.12.	2 000 000 units	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2633	ex 8504 40 81	30	Electric adapter, with a capacity of not more than 1 kVA, for use in the manufacture of hair removal apparatus <sup>(1)</sup>	1.1.-31.12.	4 500 000 units	0 %
09.2620	ex 8526 91 20	20	Assembly for GPS system having a position determination function	1.1.-31.12.	3 000 000 units	0 %
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing with dimensions of not more than 30 × 30 mm	1.1.-31.12.	1 400 000 units	0 %
09.2631	ex 9001 90 00	80	Unmounted glass lenses, prisms and cemented elements for use in the manufacture of goods of CN codes 9005, 9013 and 9015 <sup>(1)</sup>	1.1.-31.12.	5 000 000 units	0 %

<sup>(1)</sup> The relief from or reduction of customs duties shall be subject to the conditions laid down in the relevant provisions of the Union with a view to customs control of the use of such goods (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1)).

<sup>(2)</sup> However, the measure is not allowed where processing is carried out by retail or catering undertakings.



## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION REGULATION (EU) No 8/2010

of 23 December 2009

**concerning the authorisation of the serine protease produced by *Bacillus licheniformis* (DSM 19670) as a feed additive for chickens for fattening (holder of authorisation DSM Nutritional Products Ltd, represented by DSM Nutritional Products Sp.Z.o.o)**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the enzyme preparation of serine protease produced by *Bacillus licheniformis* (DSM 19670) as a feed additive for chickens for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority (the Authority) concluded in its opinion of 2 and 7 July 2009<sup>(2)</sup> that

the enzyme preparation of serine protease produced by *Bacillus licheniformis* (DSM 19670) does not have an adverse effect on animal health, human health or the environment and that the use of that preparation can improve the performance of the animals. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

*Article 2*

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

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

<sup>(2)</sup> *The EFSA Journal* (2009) 1185, p. 1.

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

Done at Brussels, 23 December 2009.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
<b>Category of zootechnical additives. Functional group: digestibility enhancers</b>									
4a13	DSM Nutritional Products Ltd, represented by DSM Nutritional Products Sp.Z.o.o.	Serine protease EC 3.4.21.-	Additive composition: Preparation of serine protease (EC 3.4.21.-)  produced by <i>Bacillus licheniformis</i> (DSM 19670) having a minimum activity of 75 000 PROT <sup>(1)</sup> /g  Characterisation of the active substance:  Serine protease (EC 3.4.21.-)  produced by <i>Bacillus licheniformis</i> (DSM 19670)  Analytical method <sup>(2)</sup> :  Colorimetric method measuring yellow complex para-nitroaniline (pNA) released by the enzyme from 'Suc-Ala-Ala-Pro-Phe-pNA' at pH 9,0 and at 37 °C	Chickens for fattening	—	15 000 PROT	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.  2. For safety reasons: breathing protection, glasses and gloves shall be used during handling.	13.1.2020

<sup>(1)</sup> 1 PROT is the amount of enzyme that releases 1 µmol of p-nitroaniline from 1mM substrate (Suc-Ala-Ala-Pro-Phe-pNA) per minute at pH 9,0 and temperature 37 °C.

<sup>(2)</sup> Details of the analytical methods are available at the following address of the Community Reference Laboratory: [www.irmm.jrc.be/crl-feed-additives](http://www.irmm.jrc.be/crl-feed-additives)

## COMMISSION REGULATION (EU) No 9/2010

of 23 December 2009

concerning the authorisation of the endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588) as a feed additive for chickens for fattening, laying hens, ducks and turkeys for fattening (holder of authorisation Danisco Animal Nutrition, Finnfeeds International Limited)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588) as a feed additive for chickens for fattening, laying hens, ducks and turkeys for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority (the Authority) concluded in its opinions of 12 and 19 September 2007<sup>(2)</sup>, of 22 November 2007<sup>(3)</sup> and of 2 July 2009<sup>(4)</sup> that the enzyme preparation of endo-1,4-beta-

xylanase produced by *Trichoderma reesei* (ATCC PTA 5588) does not have an adverse effect on animal health, human health or the environment and that the use of that preparation improves the performance of the animals. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

*Article 2*

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

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

Done at Brussels, 23 December 2009.

For the Commission  
The President

José Manuel BARROSO

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

<sup>(2)</sup> *The EFSA Journal* (2007) 548, p. 1.

<sup>(3)</sup> *The EFSA Journal* (2007) 586, p. 1.

<sup>(4)</sup> *The EFSA Journal* (2009) 1183, p. 1.

## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
<b>Category of zootechnical additives. Functional group: digestibility enhancers</b>									
4a11	Danisco Animal Nutrition, legal entity Finnfeeds International Limited	Endo-1,4- $\beta$ -xylanase EC 3.2.1.8	Additive composition Preparation of endo-1,4- $\beta$ -xylanase (EC 3.2.1.8) produced by <i>Trichoderma reesei</i> (ATCC PTA 5588) with a minimum activity of 40 000 U <sup>(1)</sup> /g  Characterisation of the active substance  Endo-1,4- $\beta$ -xylanase (EC 3.2.1.8) produced by <i>Trichoderma reesei</i> (ATCC PTA 5588)	Chickens for fattening	—	625 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.  2. For use in feed rich in starch and non starch polysaccharides (mainly arabinoxylans), e.g. containing more than 40 % wheat or 60 % maize.	13.1.2020
				Laying hens		2 500 U			
				Ducks		625 U			
				Turkeys for fattening		1 250 U			

<sup>(1)</sup> 1 U is the amount of enzyme which liberates 0,5  $\mu$ mol of reducing sugar (expressed as xylose equivalents) from a cross-linked oat spelt arabinoxylan substrate at pH 5,3 and 50 °C in one minute.

**COMMISSION REGULATION (EU) No 10/2010**  
**of 6 January 2010**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <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 7 January 2010.

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

Done at Brussels, 6 January 2010.

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

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

<sup>(2)</sup> OJ L 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	MA	44,3
	TN	104,3
	TR	86,1
	ZZ	78,2
0707 00 05	EG	174,9
	MA	74,1
	TR	130,4
	ZZ	126,5
0709 90 70	MA	60,4
	TR	121,0
	ZZ	90,7
0805 10 20	EG	48,2
	MA	44,8
	TR	55,2
	ZZ	49,4
0805 20 10	MA	69,5
	TR	74,4
	ZZ	72,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	207,6
	IL	72,4
	JM	118,7
	TR	79,1
	US	75,0
	ZZ	110,6
0805 50 10	TR	65,4
	ZZ	65,4
0808 10 80	CA	107,2
	CN	85,4
	MK	25,2
	US	123,9
	ZZ	85,4
0808 20 50	CN	43,9
	US	114,5
	ZZ	79,2

<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 11/2010**  
**of 6 January 2010**  
**amending Regulation (EU) No 1290/2009 fixing the import duties in the cereals sector applicable**  
**from 1 January 2010**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) The import duties in the cereals sector applicable from 1 January 2010 were fixed by Commission Regulation (EU) No 1290/2009 <sup>(3)</sup>.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EU) No 1290/2009.

- (3) Regulation (EU) No 1290/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EU) No 1290/2009 are hereby replaced by the text in the Annex to this Regulation.

*Article 2*

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

It shall apply from 7 January 2010.

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

Done at Brussels, 6 January 2010.

*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 161, 29.6.1996, p. 125.

<sup>(3)</sup> OJ L 347, 24.12.2009, p. 11.



## ANNEX I

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

CN code	Description	Import duties <sup>(1)</sup> (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	2,44
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	38,56
1005 10 90	Maize seed other than hybrid	12,49
1005 90 00	Maize, other than seed <sup>(2)</sup>	12,49
1007 00 90	Grain sorghum other than hybrids for sowing	38,56

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

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

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

## ANNEX II

## Factors for calculating the duties laid down in Annex I

31.12.2009-5.1.2010

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

(EUR/t)

	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	150,20	113,97	—	—	—	—
Fob price USA	—	—	135,93	125,93	105,93	98,22
Gulf of Mexico premium	—	10,15	—	—	—	—
Great Lakes premium	7,46	—	—	—	—	—

<sup>(1)</sup> Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

<sup>(2)</sup> Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

<sup>(3)</sup> Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

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

Freight costs: Gulf of Mexico–Rotterdam: 22,55 EUR/t

Freight costs: Great Lakes–Rotterdam: — EUR/t

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# DECISIONS

## COMMISSION DECISION

of 22 December 2009

**authorising Bulgaria to use statistics for years earlier than the last year but one, and to use certain approximate estimates for the calculation of the VAT own resources base**

(notified under document C(2009) 10413)

(Only the Bulgarian text is authentic)

(2010/4/EU, Euratom)

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax <sup>(1)</sup>, and in particular Article 4(4) and Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

(1) Bulgaria has requested authorisation from the Commission to use national accounts for years earlier than the last year but one and to use approximate estimates to calculate the VAT own resources base for transactions referred to in point 10 of part B of Annex X to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(2)</sup>.

(2) For the purposes of the breakdown of transactions by statistical category provided for in Article 4(4) of Regulation (EEC, Euratom) No 1553/89, Bulgaria is unable to use the national accounts relating to the last year but one before the financial year for which VAT resources base is to be calculated. Bulgaria should therefore be authorised to use national accounts for years earlier than the last year but one.

(3) Bulgaria is authorised to exempt one transaction category (international transport of passengers) as referred to in part B of Annex X to Directive 2006/112/EC based on paragraph 1 of section 6 (Taxation) in Annex VI to the Act of Accession of the Republic of Bulgaria to the European Union <sup>(3)</sup>. These transactions should be taken into account for the determination of the VAT own resources base.

(4) Bulgaria is unable to make a precise calculation of the VAT own resources base for transactions referred to in point 10 of part B of Annex X to Directive 2006/112/EC. Such calculation is likely to involve an unjustified administrative burden in relation to the effect of these transactions on Bulgaria's total VAT resources base. Bulgaria is able to make a calculation using approximate estimates for this category of transactions. Bulgaria should therefore be authorised to calculate the VAT base using approximate estimates in accordance with the second indent of Article 6(3) of Regulation (EEC, Euratom) No 1553/89.

(5) For reasons of transparency and legal certainty it is appropriate to limit the applicability of the authorisation in time,

HAS ADOPTED THIS DECISION:

### Article 1

In order to perform breakdown by rate referred to in Article 4(4) of Regulation (EEC, Euratom) No 1553/89, Bulgaria is authorised from 1 January 2009 to use figures obtained from the national accounts for the last year but two or the last year but three before the financial year for which the VAT resources base has to be calculated.

### Article 2

For the purpose of calculating the VAT own resources base from 1 January 2009, Bulgaria is authorised to use approximate estimates in respect of international passenger transport as referred to in Annex X, part B to Directive 2006/112/EC.

<sup>(1)</sup> OJ L 155, 7.6.1989, p. 9.

<sup>(2)</sup> OJ L 347, 11.12.2006, p. 1.

<sup>(3)</sup> OJ L 157, 21.6.2005, p. 289.

*Article 3*

This Decision shall apply from 1 January 2009 to 31 December 2013.

*Article 4*

This Decision is addressed to the Republic of Bulgaria.

Done at Brussels, 22 December 2009.

*For the Commission*  
Algirdas ŠEMETA  
*Member of the Commission*

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**COMMISSION DECISION****of 22 December 2009****authorising Ireland to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2009) 10418)***(Only the English text is authentic)***(2010/5/EU, Euratom)*

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax <sup>(1)</sup>, and in particular Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 371 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(2)</sup>, certain Member States may continue to exempt certain transactions. These transactions must be taken into account for the determination of the VAT own resources base.
- (2) By virtue of Article 371 of Directive 2006/112/EC, Ireland may continue to exempt transactions listed in point 10 of Part B of Annex X to that Directive.
- (3) Ireland has requested authorisation from the Commission to use certain approximate estimates for the calculation of the VAT own resources base since it is unable to make the precise calculation of the VAT own resources base for transactions referred to in point 10 of Part B of Annex X to the VAT Directive. Such calculation is likely to involve an unjustified administrative burden in relation to the effect of these transactions on Ireland's total VAT own resources base. Ireland is able to make a calculation using

approximate estimates for this category of transactions. Ireland should therefore be authorised to calculate the VAT own resource base using approximate estimates in accordance with the second indent of Article 6(3) of Regulation (EEC, Euratom) No 1553/89.

- (4) For reasons of transparency and legal certainty it is appropriate to limit the applicability of the authorisation in time,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of calculating the VAT own resources base from 1 January 2009, Ireland is authorised to use approximate estimates in respect of the following category of transactions referred to in part B of Annex X to Directive 2006/112/EC:

— Transport of passengers (point 10).

*Article 2*

This Decision shall apply from 1 January 2009 to 31 December 2013.

*Article 3*

This Decision is addressed to Ireland.

Done at Brussels, 22 December 2009.

*For the Commission*

Algirdas ŠEMETA

*Member of the Commission*<sup>(1)</sup> OJ L 155, 7.6.1989, p. 9.<sup>(2)</sup> OJ L 347, 11.12.2006, p. 1.

## COMMISSION DECISION

of 22 December 2009

## authorising Spain not to take into account certain categories of transactions for the calculation of the VAT own resources base

(notified under document C(2009) 10419)

(Only the Spanish text is authentic)

(2010/6/EU, Euratom)

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax <sup>(1)</sup>, and in particular Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 376 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(2)</sup>, Spain may continue to exempt certain transactions. These transactions must be taken into account for the determination of the VAT own resources.
- (2) By virtue of Article 376 of Directive 2006/112/EC, Spain may continue to exempt supplies of services performed by authors listed in point 2 of part B of Annex X to that Directive.
- (3) Spain has requested authorisation from the Commission not to take into account services supplied by authors since it is unable to make the precise calculation of the VAT own resources base for transactions referred to in point 2 of part B of Annex X, to Directive 2006/112/EC. Such calculation is likely to involve an unjustified administrative burden in relation to the effect of these transactions on Spain's total VAT own resources base. Spain

should therefore be authorised not to take into account the services supplied by authors in accordance with the first indent of Article 6(3) of Regulation (EEC, Euratom) No 1553/89.

- (4) For reasons of transparency and legal certainty, it is appropriate to limit the applicability of the authorisation in time,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of calculating the VAT own resources base from 1 January 2009, Spain is authorised not to take into account the following category of transactions referred to in part B of Annex X to Directive 2006/112/EC:

- Services supplied by authors (point 2).

*Article 2*

This Decision shall apply from 1 January 2009 to 31 December 2013.

*Article 3*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 22 December 2009.

*For the Commission*  
Algirdas ŠEMETA  
*Member of the Commission*

<sup>(1)</sup> OJ L 155, 7.6.1989, p. 9.

<sup>(2)</sup> OJ L 347, 11.12.2006, p. 1.

**COMMISSION DECISION****of 22 December 2009****authorising Italy to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2009) 10426)***(Only the Italian text is authentic)***(2010/7/EU, Euratom)*

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax <sup>(1)</sup>, and in particular Article 6(3) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 371 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(2)</sup>, certain Member States may continue to exempt certain transactions. These transactions must be taken into account for the determination of the VAT own resources base.
- (2) By virtue of Article 371 of Directive 2006/112/EC, Italy may continue to exempt transactions listed in point 10 of part B of Annex X to that Directive.
- (3) Italy requested the Commission to be authorised to use certain approximate estimates for the calculation of the VAT own resources base since it is unable to make the precise calculation of the VAT own resources base for transactions referred to in point 10 of part B of Annex X to the VAT Directive. Such calculation is likely to involve an unjustified administrative burden in relation to the effect of these transactions on Italy's total VAT own resources base. Italy is able to make a calculation using approximate estimates for this category of transactions.

Italy should therefore be authorised to calculate the VAT own resource base using approximate estimates in accordance with the second indent of Article 6(3) of Regulation (EEC, Euratom) No 1553/89.

- (4) For reasons of transparency and legal certainty it is appropriate to limit the applicability of the authorisation in time,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of calculating the VAT own resources base from 1 January 2009, Italy is authorised, to use approximate estimates in respect of the following category of transactions referred to in part B of Annex X to Directive 2006/112/EC:

— Transport of passengers (point 10).

*Article 2*

This Decision shall apply from 1 January 2009 to 31 December 2013.

*Article 3*

This Decision is addressed to the Italian Republic.

Done at Brussels, 22 December 2009.

*For the Commission*  
Algirdas ŠEMETA  
*Member of the Commission*

<sup>(1)</sup> OJ L 155, 7.6.1989, p. 9.

<sup>(2)</sup> OJ L 347, 11.12.2006, p. 1.

## COMMISSION DECISION

of 22 December 2009

**declining the solution proposed by Austria under Article 10 of Council Regulation (EEC, Euratom) No 1553/89 relating to the calculation of a compensation to the VAT own resources base resulting from the restriction of the right to deduct VAT under Article 176 of Council Directive 2006/112/EC**

(notified under document C(2009) 10428)

(Only the German text is authentic)

(2010/8/EU, Euratom)

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax <sup>(1)</sup>, and in particular Article 10(2) thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) The compensation to the VAT resources base is based on Article 6(4) of Regulation (EEC, Euratom) No 1553/89, which provides that where a Member State restricts or excludes, on the basis of Article 176 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(2)</sup>, the right to deduct input VAT, then the VAT own resources base may be determined as if the right of deduction had not been restricted. This applies only in respect of the purchase of passenger cars and their fuel used for business purposes, and of expenditure relating to the lease, hire, maintenance and repair of such cars. Austria proposed a multipart draft solution for such compensation to its VAT own resources base, which includes a method for six sub-categories.
- (2) Pursuant to Article 13(3) of Regulation (EEC, Euratom) No 1553/89, the solution proposed by Austria was examined in its entirety by the Advisory Committee on Own Resources at its meeting on 10 December 2009. The examination revealed a difference of opinion in the Committee regarding one of the sub-categories of the solution. That sub-category concerns the methodology proposed for the calculation of the private use component of the compensation to the harmonised VAT own resources base. A draft decision declining that sub-category of the solution presented by Austria

was submitted to the Advisory Committee on Own Resources which delivered a positive opinion on 10 December 2009.

- (3) When calculating private use, in the absence of actual data, alternative methods can be used. To guarantee that these methods contribute to uniformity in the calculation of the compensation they should be based on generally accepted assumptions.
- (4) Austria requires taxable persons to administer actual data about the private use of business cars. However, for reasons of administrative simplicity, Austria has proposed a solution for the calculation of private use incorporating general statistical data combined with depreciation rules devised for non-harmonised corporate income tax purposes. Since the proposed solution results in a private use element significantly lower than the proportion used by other Member States, it is contradictory to the required uniformity in the calculation of the compensation. The solution proposed by Austria concerning the calculation of the private use proportion of cars acquired by businesses needs therefore to be declined,

HAS ADOPTED THIS DECISION:

*Article 1*

The solution proposed by Austria concerning the calculation of the private use proportion of cars acquired by businesses is declined.

*Article 2*

This Decision is addressed to the Republic of Austria.

Done at Brussels, 22 December 2009.

*For the Commission*  
Algirdas ŠEMETA  
*Member of the Commission*

<sup>(1)</sup> OJ L 155, 7.6.1989, p. 9.

<sup>(2)</sup> OJ L 347, 11.12.2006, p. 1.



## COMMISSION DECISION

of 6 January 2010

**on the safety requirements to be met by European standards for bath rings, bathing aids and bath tubs and stands for infants and young children pursuant to Directive 2001/95/EC of the European Parliament and of the Council**

(notified under document C(2009) 10290)

(Text with EEA relevance)

(2010/9/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety<sup>(1)</sup>, and in particular Article 4(1)(a) thereof,

Whereas:

- (1) Directive 2001/95/EC provides for European standards to be established by European standardisation bodies. These standards should ensure that products satisfy the general safety requirement of the Directive.
- (2) Under Directive 2001/95/EC a product is presumed safe, as far as the risks and risk categories covered by national standards are concerned, when it conforms to voluntary national standards transposing European standards.
- (3) In 2006 the Commission commissioned a study<sup>(2)</sup> to assess the safety of several child-care articles which are commonly used for the care of infants and young children from 0 until 5 years of age, in cooperation with national authorities, national standardisation bodies, consumer associations, product safety organisations, economic operators and testing laboratories.
- (4) For these products, the study collected relevant statistics on accidents and injuries in the EU and worldwide and carried out a complete risk assessment, based on identification of the main hazards and assessment of exposure scenarios.
- (5) Bath rings, bathing aids and bath tubs, whether or not combined with stands, are amongst the products assessed by the study. These products are used to bath babies and young children and have been identified as posing

serious risks, mainly of drowning accidents which have often resulted in fatalities, due to the young age of the users.

- (6) Evidence and statistics gathered from accidents consistently show that the risk of drowning is due to insufficient, inconclusive and inconspicuous warnings and instructions on the safe use of products and to their poor structural integrity and resistance. Accidents and statistics have also revealed risks of falling, injury and ingestion of small parts associated with the use of these products and inadequate supervision on the part of the carer.
- (7) Although there is extensive information worldwide on bath-drowning accidents and injuries in early childhood, a direct correlation between the use of bath-assisting devices and fatalities or accidents in the bath is unconfirmed. Researchers and scientific literature worldwide concur that there is no decisive evidence demonstrating a link between the increase in the number of accidents and the use of bath-assisting devices<sup>(3)</sup>. Some researchers, observing latest trends of the increase in the sales of bath rings and the decrease in bath-related accidents and drowning, have even claimed a 'small protective effect' due the use of bath rings<sup>(4)</sup>.
- (8) No European standards exist for these three types of products. It is therefore necessary to determine specific requirements under Article 4(1)(a) of Directive 2001/95/EC, with the view to requesting the standardisation bodies to develop standards to reduce the risks associated with the use of bath rings, bath aids and bath tubs (whether or not combined with stands) while bathing babies or young children. These standards should be developed according to the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services<sup>(5)</sup>. The reference of the standard adopted should be published in the *Official Journal of the European Union*, in accordance with Article 4(2) of Directive 2001/95/EC.

<sup>(1)</sup> OJ L 11, 15.1.2002, p. 4.

<sup>(2)</sup> [http://ec.europa.eu/consumers/safety/projects/ongoing-projects\\_en.htm#project\\_results](http://ec.europa.eu/consumers/safety/projects/ongoing-projects_en.htm#project_results)

<sup>(3)</sup> 'Drowning of babies in bath seats: do they provide false reassurance?' in Royal Society for the Prevention of Accidents (UK). February 2005. [http://www.rospe.com/productsafety/info/bathseats\\_drowning.pdf](http://www.rospe.com/productsafety/info/bathseats_drowning.pdf)

<sup>(4)</sup> Comments to CPSC on Advance Notice of Proposed Rulemaking on baths seats and rings by Harvard School of Public Health — Department of Health Policy and Management. May 2001. <http://www.cpsc.gov/LIBRARY/FOIA/foia01/pubcom/commenta.pdf>

<sup>(5)</sup> OJ L 204, 21.7.1998, p. 37.

- (9) Once the relevant standards are available, and provided that the Commission decides to publish their reference in the Official Journal, according to the procedure laid down in Article 4(2) of Directive 2001/95/EC, bath rings, bathing aids and bath tubs (whether or not combined with stands) manufactured in compliance with such standards should be presumed to conform to the general safety requirement of Directive 2001/95/EC, as far as the safety requirements covered by the standards are concerned.
- (10) To improve the current safety levels while using these products, it is necessary to both take action on standards and provide parents and adult caregivers with information on the purpose and safe use of these products.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Article 15 of Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

*Article 1*

**Definitions**

For the purposes of this Decision:

- ‘bath rings for babies’ (‘bath seat’) means products allowing to keep a child in a seated position during bathing. These products are intended for use only with a child who is able to sit upright unassisted and should not be used when the child begins pulling up to a standing position.

- ‘bathing aids for babies’ means products allowing to keep a child in a reclined or lying position during bathing. These products are intended for use from birth and until the child is able to sit upright unassisted.
- ‘bath tubs for babies and young children’ means products designed for bathing children from birth up to 12 months. These products can be used as stand-alone products, placed in or on the rim of a regular bathtub or on the floor, or combined with stands.

*Article 2*

**Requirements**

The specific safety requirements for the products referred to in Article 1 to be met by European standards pursuant to Article 4 of Directive 2001/95/EC shall be set out in the Annex to this Decision.

*Article 3*

**Publication**

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

Done at Brussels, 6 January 2010.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX

**Specific safety requirements for bath rings**

RISKS: The main risk associated with the product is drowning.

## 1. SAFETY REQUIREMENTS

(1) **General safety requirements**

Articles shall not jeopardise the safety or health of children and carers when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children. The ability of the child and their carers shall be taken into account, in particular, for articles which, by virtue of their functions, dimensions and characteristics, are intended for use by children of under 10 months. Labels on articles or on their packaging and accompanying instructions for use shall draw the attention of users or carers to the hazards and risks of harms inherent in using the articles and to the way of avoiding them.

(2) **Specific safety requirements***Chemical requirements*

Bath rings shall comply with relevant EU legislation.

*Fire and thermal properties*

To prevent the risk of scalding from hot water pouring from the tap, instructions shall be given to carers to pay attention to the temperature of the water and to prevent the child from gaining access to the tap.

*Physical and mechanical properties*

Entrapment hazards from gaps and openings

Articles shall be designed and manufactured in order to prevent:

- Entrapment of fingers as far as possible.
- Entrapment of legs maintaining the child submerged in an opening through which the child was able to slip.

*Hazards from moving parts*

Articles designed to fold shall have a folding mechanism that cannot be activated by a child or by inadvertent action on the part of the carers. It shall not be possible to erect the product without activating the locking mechanism. Changes in the spacing due to the movement of the child, in particular when his/her weight shifts (between the seat base and the bath tub) shall be prevented and shall not cause severe crushing. Rotating seat bases shall be designed as far as possible in order to prevent lacerations and crushing of the child when they are operated.

*Falling hazards*

To reduce the risk of falling that could result in drowning; the article and its attachment to the bath tub shall be able to withstand internal and external forces applied by the child that could cause it to tip over. In particular, the article shall not tip over when a child leans in any direction, tries to stand up or pushes the seat over.

*Choking hazards*

To reduce the risk of choking, the article shall not comprise small parts which are detachable by the force a child can apply and which can fit completely into a child's mouth. To reduce the risk of choking, filling materials that constitute choking hazards shall not become accessible when submitted to the force a child can apply, in particular by biting.

*Suffocation hazards*

The article shall not comprise plastic decals which are detachable by the force a child can apply or any other impermeable sheeting of the bath ring which can cover both the mouth and the nose and constitute a suffocation hazard. The packaging in which the articles are contained must not constitute a risk of suffocation by obstructing the mouth and nose airways.

*Ingestion hazards*

To reduce the risk of ingestion, the article shall not comprise separate or small parts which are detachable by the force a child can apply and which can pass into the oesophagus.

#### Hazardous edges

Accessible edges shall be designed to prevent lacerations and wounds, especially edges in direct contact with the skin of the child.

#### Structural integrity

Securing devices (suction cups or other means) that are essential to attach the product shall maintain performance during the lifetime of the product.

To prevent breaking of components likely to cause physical injury, articles shall be able to withstand mechanical stress to which they are subjected during use.

#### Protective function

To prevent suffocation by drowning, articles shall be designed to accommodate the child in a sitting position only. The design shall take into account relevant anthropometric data relevant to the age range. The protective function must enable the child to be removed easily in an emergency situation

#### Hazards resulting from action of the child on the securing device of the articles

To prevent drowning hazards, the securing device shall not be able to be activated by a child or by inadvertent action on the part of the carers.

#### Specific warnings for the article

Warnings and instructions for use shall clearly state that

- the carer shall at all times be in contact with the child
- drowning can occur in a very short time and in very shallow water ( $\pm 2$  cm)
- the article does not provide any additional safety related to water hazards and drowning has occurred with bath rings.

Warnings and information should be conspicuously displayed on the packaging, on the product and at the point of sale and should be complemented with pictograms.

The warning label shall be durable and should remain visible when the child is in the bath ring.

Information on the vulnerable age range of children (5 to 10 months) shall be provided to carers.

#### Hygiene

Bath rings shall be designed to be washable and capable of being dried.

### **Specific safety requirements for bathing aids**

RISKS: The main risk associated with the product is drowning.

## **2. SAFETY REQUIREMENTS**

### **(1) General safety requirements**

Articles shall not jeopardise the safety or health of children and carers when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children. The ability of the child and their carers shall be taken into account, in particular for articles which, by virtue of their functions, dimensions and characteristics, are intended for use by children under 9 months. Labels on articles or on their packaging and accompanying instructions for use shall draw the attention of users or carers to the hazards and risks of harm inherent in using the articles and to the way of avoiding them.

### **(2) Specific safety requirements**

#### *Chemical requirements*

Bathing aids for babies shall comply with relevant EU legislation.

#### *Fire and thermal properties*

To prevent the risk of scalding from hot water running from the tap, instructions shall be given to the carers to pay attention to the temperature of the water and to prevent the child from gaining access to the tap.

*Physical and mechanical properties*

## Entrapment hazards from gaps and openings

Articles shall be designed and manufactured in order to prevent entrapment of fingers as far as possible.

## Strangulation

Articles shall be designed and manufactured to prevent strangulation.

## Falling hazards

To reduce the risk of falling that could result in drowning, the article and its attachment to the bath tub shall be able to withstand internal and external forces applied by the child that could cause it to tip over. In particular the article shall not tip over when a child leans in any direction, tries to stand up or pushes the seat over.

## Choking hazards

To reduce the risk of choking, the article shall not comprise small parts which are detachable by the force a child can apply and which can fit completely into a child's mouth. To reduce the risk of choking, filling materials that constitute a choking hazard shall not become accessible when submitted to the force a child can apply, in particular by biting.

## Suffocation hazards

The article shall not comprise plastic decals which are detachable by the force a child can apply, or other impermeable sheeting of the bathing aid which can cover both the mouth and the nose and constitute a suffocation hazard. The packaging in which the articles are contained must not constitute a risk of suffocation by obstructing the mouth and nose airways.

## Ingestion hazards

To reduce the risk of ingestion, the article shall not comprise separate or small parts which are detachable by the force a child can apply and which can pass into the oesophagus.

## Hazardous edges

Accessible edges shall be designed to prevent lacerations and wounds, especially edges in direct contact with the skin of the child.

## Structural integrity

To prevent breaking of components likely to cause physical injury, articles shall be able to withstand mechanical stresses to which they are subjected to during use.

## Specific warnings for the article

Warnings and instructions for use shall clearly state that:

- the carer shall at all times be in contact with the child,
- drowning can occur in a very short time and in very shallow water ( $\pm 2$  cm),
- the maximum level of water to prevent water entering into the child's mouth,
- the article does not provide any additional safety related to water hazards and drowning has occurred with bathing aids.

Warnings and information should be conspicuously displayed on the packaging, on the product and at the point of sale and should be complemented with pictograms.

The warning label shall be durable and should remain visible when the child is in the bathing aid.

Information on the vulnerable age range of children (from birth up to 9 months) shall be provided to carers

## Hygiene

The articles shall be designed to be easily cleanable and dried.

### Specific safety requirements for bath tubs for babies and bath stands

RISKS: The main risks associated with the product are drowning and falling when the baby bath tub falls from its stand or support.

#### 3. SAFETY REQUIREMENTS

##### (1) General safety requirements

Articles shall not jeopardise the safety or health of children and carers when they are used as intended or in a foreseeable way, bearing in mind the behaviour of children. The ability of the child and their carers shall be taken into account, in particular, for articles which, by virtue of their functions, dimensions and characteristics, are intended for use by children of under 12 months. Labels on articles or on their packaging and accompanying instructions for use shall draw the attention of users or carers to the hazards and risks of harm inherent in using the articles and to the way of avoiding them.

##### (2) Specific safety requirements

###### *Chemical requirements*

Baby bath tubs and stands for baths shall comply with relevant EU legislation.

###### *Fire and thermal properties*

To prevent the risk of scalding from hot water pouring from the tap, instructions shall be given to the carers to pay attention to the temperature of the water and to prevent the child from gaining access to the tap.

###### *Physical and mechanical properties*

###### Entrapment hazards from gaps and openings

Articles shall be designed and manufactured in order to prevent entrapment of fingers as far as possible.

###### Strangulation

Articles shall be designed and manufactured to prevent strangulation.

###### Hazards from moving parts

Articles designed to fold shall have a folding mechanism that cannot be activated by a child or by inadvertent action on the part of the carer. It shall not be possible to erect the product without activating the locking mechanism. Changes to the spacing due to movement of the child, in particular when his/her weight shifts shall be forbidden to prevent crushing.

###### Falling hazards

To prevent inadequate stability, the bath and its stand shall be designed and manufactured to withstand both the weight of the child and the bath water. The bath and its stand shall not tip over under stress due to movement of the child or inadvertent movement of the carer. In particular, the article shall not tip over when a child leans in any direction or tries to stand up.

###### Choking hazards

To reduce the risk of choking, the article shall not comprise small parts which are detachable by the force that a child can apply and which can fit completely into a child's mouth. To reduce the risk of choking, filling materials that constitute choking hazards shall not become accessible when submitted to the force a child can apply, in particular by biting.

###### Suffocation hazards

The article shall not comprise plastic decals which are detachable by the force a child can apply or other impermeable sheeting of the bath tub which can cover both the mouth and the nose and constitute a suffocation hazard. The packaging in which the articles are contained must not constitute a risk of suffocation by obstructing the mouth and nose airways.

###### Ingestion hazards

To reduce the risk of ingestion, the article shall not comprise separate or small parts which are detachable by the force a child can apply and which can pass into the oesophagus.

#### Hazardous edges

Accessible edges shall be designed to prevent lacerations and wounds, especially edges in direct contact with the skin of the child.

#### Structural integrity

To prevent collapsing or breaking of components likely to cause physical injury, the article shall be able to withstand mechanical stress to which they are subjected during use. To prevent degradation of components likely to cause injury, material used to manufacture bath tubs and stands shall have characteristics that maintain performance during the lifetime of the product, in particular taking into account thermal changes.

#### Hazards due to the combination of two separate items

Device attaching the tub to the stand shall be able to withstand mechanical stress to which they are subjected during use. For stands and bath tubs sold separately, warnings and instructions for use shall indicate the references of products that can be safely used together.

#### Specific warnings for the article

Warnings and instructions for use shall clearly state that:

- the carer shall at all times be in contact with the child,
- drowning can occur in a very short time and in very shallow water ( $\pm 2$  cm), the articles do not provide any additional safety related to water hazards and that drowning has occurred with bath tubs.

Warnings and information should be conspicuously displayed on the packaging, on the product and at the point of sale and should be complemented with pictograms.

The warning label shall be durable and should remain visible when the child is in the bath tub.

Information on the vulnerable age range of children (less than 12 months) shall be provided to carers.

Bath tubs shall have a warning to prevent carers from installing tubs on an elevated position in combination with articles such as tables.

#### Hygiene

The articles shall be designed to be easily washable and dried.

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**CORRIGENDA**

**Corrigendum to Commission Directive 2009/164/EU of 22 December 2009 amending, for the purpose of adaptation to technical progress, Annexes II and III to Council Directive 76/768/EEC concerning cosmetic products**

*(Official Journal of the European Union L 344 of 23 December 2009)*

On page 43, in the Annex, point 2(b), table, in the column 'Reference number':

for: 'X'

read: '206'.

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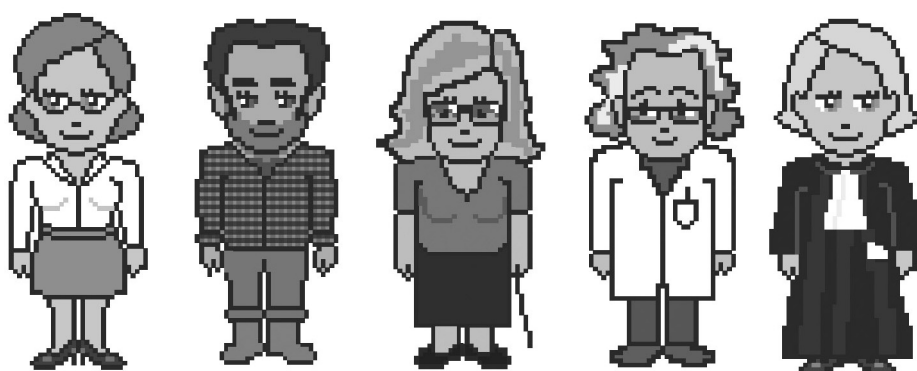




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