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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the revocation of the agreements between the European Coal and Steel Community and the Swiss Confederation

On 9 October 2009 ⁽¹⁾, the Council decided to revoke the agreements between the European Coal and Steel Community and the Swiss Confederation. These agreements have subsequently been revoked by an Agreement between the European Union and the Swiss Confederation, in the form of an exchange of verbal notes, taking effect on 22 December 2009.

⁽¹⁾ OJ L 288, 4.11.2009, p. 18.

REGULATIONS

COMMISSION REGULATION (EU) No 237/2010

of 22 March 2010

laying down detailed rules for the application of Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

THE EUROPEAN COMMISSION,

activities or technical characteristics of that group of vessels that account for its cod catches not exceeding 1,5 % of its total catches.

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

- (4) Article 14 of Regulation (EC) No 1342/2008 requires Member States to ensure that for each of the areas set out in Annex I to that Regulation the total capacity of vessels with special fishing permits is not greater than the total capacity in 2006 or 2007. Detailed rules for the calculating and adjusting of the maximum capacity levels are needed, in particular with regard to the treatment of capacity removed with public aid, or transferred between geographical areas in accordance with Article 16 of that Regulation.

Having regard to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004⁽¹⁾, and in particular Article 32 thereof,

Whereas:

- (5) In order to ensure controllability, detailed requirements and formats need to be laid down for the special fishing permits to be issued to vessels fishing with regulated gear in the geographical areas subject to the fishing effort regime, and for the lists of vessels for which special fishing permits have been issued.

(1) Regulation (EC) No 1342/2008 establishes in Article 32 that detailed rules may be adopted for the application of Articles 11(3), 14, 16 and 17 of that Regulation.

- (6) Detailed rules need to be laid down to enable Member States to adapt the maximum allowable fishing effort by Member States pursuant to Article 16 of Regulation (EC) No 1342/2008 or following transfers of effort across effort groups pursuant to Article 17 of that Regulation. Such rules should specify the procedures and calculation methods to be applied by the Member States.

(2) Certain groups of vessels may be excluded from the fishing effort regime laid down in Chapter III of Regulation (EC) No 1342/2008 on the basis of the advice of the Scientific, Technical and Economic Committee for Fisheries (STECF) referred to in Article 11(2) of that Regulation. It is appropriate to provide for a procedure and requirements so that Member States submit the information necessary to allow the STECF to assess whether the conditions for exclusion have been and remain fulfilled. It is particularly important that the information submitted by Member States be sufficiently detailed and is accompanied by supporting evidence.

- (7) Using electronic means of exchanging information simplifies procedures, makes them more efficient and transparent and saves time. In order to fully exploit these advantages while ensuring secure communication, and with a view to setting up a common computer system for the management of data on the deployment of the fishing effort by Community fishing vessels, it is necessary to specify the format for each document and to provide a detailed description of the information such documents should contain.

(3) The information submitted by Member States concerning the fulfilment of conditions laid down in Article 11(2) of Regulation (EC) No 1342/2008 should indicate a group of vessels that can be clearly distinguished from the other vessels in the effort group concerned and the specific

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

⁽¹⁾ OJ L 348, 24.12.2008, p. 20.

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation lays down detailed rules for the application of Articles 11(3), 14, 16 and 17 of Regulation (EC) No 1342/2008.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to the definitions laid down in Article 2 of Regulation (EC) No 1342/2008:

- (a) 'group of vessels' means one or more vessels belonging to an effort group which can be clearly and unambiguously distinguished from other vessels in the same effort group on the basis of activities or technical characteristics that account for their low cod catches;
- (b) 'fishing season' means the period running from 1 February of one year to 31 January of the following year;
- (c) 'regulated gear' means any gear belonging to a gear grouping referred to in point 1 of Annex I to Regulation (EC) No 1342/2008.

CHAPTER II

GROUPS OF VESSELS EXCLUDED FROM THE FISHING EFFORT REGIME

Article 3

Request for exclusion

1. For the purpose of excluding a group of vessels from the fishing effort regime pursuant to Article 11(2) of Regulation (EC) No 1342/2008, Member States shall send the Commission a request for exclusion supported by information demonstrating that the group of vessels concerned will comply with the condition laid down in Article 11(2)(b) of Regulation (EC) No 1342/2008 and justifying how the condition provided for in Article 11(2)(c) of that Regulation is satisfied.

2. The request shall be sent in electronic form and in accordance with the requirements set out in Annex I. Complete requests received at least 1 month before a STECF plenary meeting will be sent to STECF for assessment in that meeting. Requests received thereafter can be sent to STECF for assessment at the subsequent meeting.

3. Where a group of vessels is excluded from the fishing effort regime pursuant to Article 11(2) of Regulation (EC) No 1342/2008, the fishing effort that can be associated with the activity or technical characteristics of this group, and which contributed to establishment of the baseline effort, shall no longer be taken into account for the purpose of establishing the maximum allowable fishing effort.

4. Where a group of vessels is re-included in the effort regime on the basis of Article 11(2) of Regulation (EC) No 1342/2008, the fishing effort allocated to the effort group concerned will be adjusted taking into account the annual effort adjustments that have taken place since the establishment of the baseline effort for that effort group.

5. Where a vessel no longer complies with the requirements specified in the decision on exclusion, in particular concerning activities or technical characteristics of the group of vessels, the Member State shall count the effort deployed by that vessel during the fishing season against the maximum allowable fishing effort.

Article 4

Annual report

1. Each Member State shall send to the Commission, by 31 March of each year, a report on the activities carried out during the preceding fishing season by the group or groups of vessels flying its flag which have been excluded from the effort regime in accordance with Article 11(2) of Regulation (EC) No 1342/2008. The report shall show that the condition set out in Article 11(2)(b) and specified in the decision on exclusion has been complied with during that season.

2. The report shall show how the activities or technical characteristics of groups of vessels which have been excluded from the fishing effort regime pursuant to Article 11(2) of Regulation (EC) No 1342/2008 are controlled and monitored to ensure that all vessels of that group comply with the condition for exclusion set out in Article 11(2)(b) and specified in the decision on exclusion.

3. The report referred to in paragraph 1 shall be sent in accordance with the requirements set out in Tables 1 and 3 of Annex I. By way of derogation from the requirements set out in that Annex, the data in the annual report shall be limited to the previous fishing season.

4. The annual report shall include the list of vessels with Community Fleet Register number that belonged to the excluded group of vessels during the previous fishing season. This information shall be included in Table 1.

CHAPTER III

FISHING PERMITS

Article 5

Special fishing permits

1. The special fishing permits referred to in Article 14(2) of Regulation (EC) No 1342/2008 shall indicate the gear groupings and geographical areas for which they are issued.

2. For vessels fishing with regulated gear, in any geographical area which form part of a group of vessels that has been excluded from the application of the fishing effort regime pursuant to Article 11(2) of Regulation (EC) No 1342/2008, the special fishing permit shall indicate the activity or technical characteristics for which exclusion has been granted and the conditions applying to such exclusion.

3. The form and content of the list of vessels holding a special fishing permit, as referred to in Article 14(4) of Regulation (EC) No 1342/2008, shall comply with Annex II. Member States shall keep the list updated by recording changes to the number of vessels included in it or to the special fishing permits issued, within 20 working days from such change.

4. Member States shall provide the Commission and other Member States with the link to the relevant page of their official website on which the list of the vessels holding a special fishing permit is published. Member States shall inform the Commission and other Member States of any changes to that link within 20 working days from such change.

5. Member States shall ensure that all data concerning the lists of vessels holding special fishing permits and any changes to those lists are duly archived. The archived information shall be made available to the Commission upon its request.

Article 6

Maximum fishing capacity

1. The maximum capacity referred to in Article 14(3) of Regulation (EC) No 1342/2008 shall be calculated as a maximum capacity in kW deployed by the vessels that have been authorised to fish during the period 2006 or 2007 with a regulated gear in any of the geographical areas referred to in Annex I to Regulation (EC) No 1342/2008, and have made use of such an authorisation.

2. Within 1 month after the entry into force of this Regulation, Member States shall send to the Commission in electronic form and in accordance with the requirements set out in Annex III:

(a) the list of the vessels and corresponding capacity expressed in kW, used to establish the maximum capacity in accordance with paragraph 1, for each of the geographical areas;

(b) the reference year concerned.

3. The maximum capacity for each of the areas calculated in accordance with paragraph 1 shall be adjusted:

(a) by deducting the capacity of vessels that were subject to the permanent cessation of fishing activities with public aid after the date of entry into force of this Regulation; and/or

(b) in accordance with any capacity transfers carried out pursuant to Article 16(3) of Regulation (EC) No 1342/2008.

4. Member States shall inform the Commission within 20 working days, of any decision to adapt the maximum capacity, by providing the Commission with an updated version of the information in accordance with Table 2 of Annex III.

CHAPTER IV

ADAPTATIONS TO THE MAXIMUM ALLOWABLE FISHING EFFORT

Article 7

Fishing effort adaptation in relation to quota management

1. Member States may adapt their maximum allowable fishing effort for a certain effort group through transfer of fishing effort from the same effort group of another Member State in accordance with Article 16(1)(a) of Regulation (EC) No 1342/2008. The adaptation shall be valid for one fishing season only.

2. Where a Member State discontinues a quota exchange in accordance with Article 16(2) of Regulation (EC) No 1342/2008, that Member State may increase its maximum allowable fishing effort for the effort group or effort groups to which the recovered quota will be allocated by a number of kW-days corresponding to the quota recovered. That number of kW-days shall not exceed the amount calculated on the basis of the catch per unit effort (cpue) of the effort group or groups concerned.

3. The Member State returning the quota referred to in paragraph 2 shall reduce its maximum allowable fishing effort in the effort group or groups that previously fished for that quota. The fishing effort to be deducted shall correspond to the number of the kW-days no more needed to fish the quota returned. That number of kW-days shall be calculated on the basis of cpue of the effort group or groups concerned.

4. The amount of fishing effort by which the maximum allowable fishing effort is increased or decreased in accordance with paragraph 2 or 3 shall be taken into account for the purpose of establishing the maximum allowable fishing effort in accordance with Article 12 of Regulation (EC) No 1342/2008.

Article 8

Detailed rules for transferring fishing effort across effort groups

1. The fishing effort transfers referred to in Article 17 of Regulation (EC) No 1342/2008 shall be made in accordance with paragraphs 2 to 6.

2. Where the Commission has provided Member States with standard correction factors that have been established for a certain gear grouping in accordance with Article 17(5) of Regulation (EC) No 1342/2008, Member States shall use those standard correction factors for the transfer of effort across gear groupings.

3. For effort groups for which a standard correction factor has not yet been developed, Member States shall establish the effort transfer amount by applying the following formula:

(a) where Article 17(3) of Regulation (EC) No 1342/2008 applies:

$$\text{effort transfer amount} = 1 \times \text{effort amount of donor effort group}$$

(b) where Article 17(4) of Regulation (EC) No 1342/2008 applies:

$$\text{effort transfer amount} = \text{correction factor} \times \text{effort amount of donor effort group,}$$

whereby the correction factor is calculated as follows:

$$\text{correction factor} = \text{cpue}_{\text{donor}} / \text{cpue}_{\text{receiving}}$$

4. By way of derogation from paragraph 2, after having informed the Commission in electronic form in accordance with the requirements set out in Annex IV, showing that the cpue of the Member State's effort group differs by at least 15 % from the cpue used to establish the standard correction factor, the Member State concerned may apply a different correction factor.

5. Fishing effort adaptations following an effort transfer shall be valid for one fishing season only.

6. By way of derogation from paragraph 5, where a fleet segment has undergone a permanent structural change in its fishing activities, the transfer of the fishing effort may be of permanent nature. Such transfer shall be made only between the effort groups affected by the change. Without prejudice to paragraph 2 the correction factor used shall be based on the cpue of the donor and receiving gear groupings.

Article 9

Calculation of the catch per unit effort

1. For the purposes of Articles 8 and 9 the catch per unit effort shall be based on catches including discards as supported by scientific evidence. It shall be calculated by applying the following formula, whereby catches and effort shall be averaged over the last 3 years:

$$\text{cpue} = \text{catch}_{\text{effort group}[1]} / \text{fishing effort}_{\text{effort group}[1]}$$

2. By way of derogation from paragraph 1, for the first year of application of this Regulation, where discard data for both gear groups to be compared is only available for a certain period, the cpue shall be based on that period. For the rest of the period, landing data shall be compared.

3. By way of derogation from paragraph 1, where a reduction of catches in the receiving gear grouping can be attributed to cod-avoidance measures as referred to in Article 13(2)(a), (b) and (c) of Regulation (EC) No 1342/2008 introduced in that gear grouping in the last 3 years, the cpue may be based only on a more recent part of the 3-year period, provided that the catch data resulting from that part of the period are representative for the overall gear grouping.

Article 10

Reporting obligations

1. Member States shall inform the Commission within 20 working days, in electronic format and in accordance with the requirements set out in Annex V to this Regulation, of any adaptations to the maximum allowable fishing effort referred to in Article 16 or 17 of Regulation (EC) No 1342/2008.

2. The Commission may request the Member States to provide additional data such as disaggregated data on cod and total catches, cod discards, the fishing effort, gear and area for donor and receiving gear and the methodology used for the calculation of cpue.

CHAPTER V

FINAL PROVISIONS*Article 11***Entry into force**

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, 22 March 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Content and format of the requests for exclusion

1. Requests for exclusion shall contain a detailed description of the group of vessels and their activities or technical characteristics leading to cod catches of less than 1,5 % of their total catch as set out in Tables 1, 3 and 5.
2. If the request concerns a group of vessels that fishes solely with regulated gear the technical attributes of which result in cod catches, including discards, of less than 1,5 % of the total catches of that group, it shall be accompanied by detailed information on the technical attributes of the gear and the available scientific evidence confirming its selectivity.
3. If the request concerns a group of vessels that fishes in a certain part of a geographical area in which the use of the regulated gear leads to cod catches, including discards, of less than 1,5 % of the total catches of that group, due to the fact that this part of the geographical area is outside the cod distribution area, it shall contain the available evidence showing that the fishing activities of the vessels concerned are restricted to the area selected.
4. The request shall be accompanied by a description of the monitoring procedures that will be applied to the group of vessels to be excluded from the application of the effort regime in order to gather the information needed for annual reporting. The request shall also refer to the system for controlling of the group of vessels. Detailed information is required where the Member State has to ensure that the group's activity will be restricted to parts of a geographical area.
5. Any other relevant information which may allow the STECF to assess whether the group of vessels concerned comply with the condition set out in Article 11(2) of Regulation (EC) No 1342/2008 may be provided by the Member State.
6. The requests shall be sent to the Commission in Excel or equivalent format.

Table 1

Group of vessels activities

Country	(1)										
Year	(2)										
Effort group	(3)										
CFR No	kW	Month	Regulated gear	Mesh size	Area	Subarea	Range of fishing depths operated in	Cod landings	Cod discards	Total catch	Effort
(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
							Total:				

Table 2

Data format for Table 1

Name of the field	Maximum number of characters/digits	Alignment L(left)/R(right)	Definitions and comments
(1) Country	3	R	Member State submitting the request or report
(2) Year	4	L	The year for which the data is submitted, which must be one of the last two immediately preceding the year in which the Member State requests exclusion

Name of the field	Maximum number of characters/digits	Alignment L(left)/R(right)	Definitions and comments
(3) Effort group	8	R	Combination of gear groupings and geographical area groupings as listed in Annex I to Regulation (EC) No 1342/2008 to which the group of vessels belongs
(4) CFR No	12	R	Community Fleet Register number of the vessel
(5) kW	4	R	The capacity expressed in kW which shall be consistent with the CFR
(6) Month	2	L	For each month of the fishing season covered by the request
(7) Regulated gear	3	R	One of the following gear types: TR1 TR2 TR3 BT1 BT2 GN GT LL
(8) Mesh size	3	L	Mesh size shall correspond to the actual mesh used by the group of vessels
(9) Area	9	R	One of the following geographical areas as listed in Annex I to Regulation (EC) No 1342/2008: (a) (b)(i) (b)(ii) (b)(iii) (c) (d)
(10) Subarea	10	R	Where applicable: specify the subarea in which the fishing operations take place
(11) Range of fishing depths operated in	8	R	This column shall be completed only where point 3 of this Annex applies
(12) Cod landings	7	L	Landings of cod related to the activity or technical characteristics of the group of vessels for which exclusion is requested
(13) Cod discards	7	L	Amount of cod discards
(14) Total catch	7	L	Total catch (landings and discards) by weight of cod and all other fish, crustaceans and molluscs by the vessel
(15) Effort	7	L	Amount of fishing effort expressed in kW-days used to obtain the total catch (13)

Table 3

Format of the request for exclusion when data from onboard schemes or other sampling programmes are used

1. Where discard data per vessel are not available, the request shall be accompanied by information gathered from onboard observer schemes or other sampling programmes. The data submitted shall be relevant to the group of vessels. In order to assess the proportion of cod in the catch during the activity of the group of vessels, Member States shall provide the following information:

Trip No	CFR No	Capacity			Gear	Mesh size	Area	Depth	Month	Target species	Catches of cod		Total catch	Effort used	Total effort	Sampling intensity
		LOA	GT	kW							Landings	Discards				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

2. The sampling intensity shall follow sampling plans established under the Community Data Collection Framework where the group of vessels is sampled as a métier under that framework. Where the group of vessels is not covered by the Community Data Collection Framework, the sampling strategy shall follow the method developed as part of the national programme established under that framework.

Table 4

Data format for Table 3

Name of the field		Maximum number of characters/digits	Alignment L(left)/R(right)	Definitions and comments
(1) Trip No		3	L	Consecutive numbering
(2) CFR No		12	R	Community Fleet Register number of the vessel
(3)	capacity	LOA	5	Capacity of individual vessel used for onboard schemes or sampling programmes. Shall be consistent with data in the CFR
(4)		GT	6	
(5)		kW	6	
(6) Gear		3	R	One of the following gear types: TR1 TR2 TR3 BT1 BT2 GN GT LL
(7) Mesh size		3	L	Mesh size shall correspond to the actual mesh used by the group of vessels
(8) Area		8	R	One of the following geographical areas: (a) (b)(i) (b)(ii) (b)(iii) (c) (d)
(9) Depth		5/5	L	Where applicable: specify depth or range of depths in which the fishing operations take place
(10) Month		2	L	The catch and the effort data shall be provided by vessel by month of the year and for the (three) most recent calendar years
(11) Target species		7	R	Alpha-3 code of the species as set out in Annex I to Council Regulation (EC) No 43/2009 ⁽¹⁾
(12) Landings of cod		5	L	Amount of cod landings
(13) Discards of cod		5	L	Amount of cod discards according to a sampling plan representative of the vessel group's activity or technical characteristics. Discard data may refer to parts of the group of vessel
(14) Total catches		6	L	Catches (landings and discards) by weight of cod and all other fish, crustaceans and molluscs
(15) Effort used		7	L	Amount of fishing effort expressed in kW-days used to obtain the total catch (12)

Name of the field	Maximum number of characters/digits	Alignment L(left)/R(right)	Definitions and comments
(16) Total effort	7	L	Total effort of the group of vessels during the fishing season
(17) Sampling intensity	3	L	Ratio of the sampled effort to the effort deployed by the group of vessels during the fishing season

(¹) OJ L 22, 26.1.2009, p. 1.

Table 5

Fishing effort associated with the activity of the group of vessels used during the reference period

CFR No	Geographical area	Gear	Gear (cod plan)	kW-days			
				2004	2005	2006	2007
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Average:				(9)		(10)	

Table 6

Data format for Table 5

Name of the field	Maximum number of characters/digits	Alignment L(left)/R(right)	Definitions and comments
(1) CFR No	12	R	Community Fleet Register number of the vessel
(2) Geographical area	8	R	One of the following areas: (a) (b)(i) (b)(ii) (b)(iii) (c) (d)
(3) Gear	5	R	As defined in Annex IIA to the Fishing Opportunities Regulations 2004-2007
(4) Gear (cod plan)	3	R	One of the following gear types: TR1 TR2 TR3 BT1 BT2 GN GT LL
(5), (6), (7) and (8)	9	L	Amount of effort in kW-days associated with the activity or technical characteristics of the group of vessels during the reference period. Only years 2004-2005 or 2006-2007 shall be filled in
(9) or (10)	9	L	Average effort in kW-days during the years 2004-2006 or 2005-2007

ANNEX II

List of vessels holding special fishing permits

Name of vessel(s)	CFR No	Excluded from fishing effort regime (N/Y)	kW	Gear(s)	Geographical area(s)	The effort group

The list shall be in Excel or equivalent format or the website concerned shall allow the data to be downloaded in Excel or equivalent format. The data in the list shall be consistent with the data in the Community Fishing Fleet Register. The description of the fishing gear and area shall be consistent with the gear grouping and geographical areas listed in Annex I to Regulation (EC) No 1342/2008.

ANNEX III

Content and format of notification of maximum capacity

Table 1

Lists of vessels used to establish maximum capacity

[year]	kW	Geographical area			
CFR No		a	b	c	d

Table 2

Maximum capacity of the vessels in kW for each of the areas

[Date]	Geographical area			
Capacity in kW	a	b	c	d
Initial				
Adapted				

1. When adapting the maximum capacity, the following formula shall be applied:

$$kW_{mc} = kW_{2006 \text{ or } 2007} - kW_1 - kW_2 + kW_3$$

Where:

kW_{mc} : is the maximum capacity expressed in kW of the vessels allowed to holding special fishing permits in the geographical area.

$kW_{2006 \text{ or } 2007}$: is the total capacity expressed in kW and established in accordance with Article 14(3) of Regulation (EC) No 1342/2008 for the year 2006 or 2007.

kW_1 : is the total power of vessels that left the fleet with public aid after the date of entry into force of this Regulation.

kW_2 : is the total power of vessels transferred from the geographical area in 2009.

kW_3 : is the total power of vessels transferred to the geographical area in 2009.

2. The list of vessels and maximum capacity table shall be sent to the Commission in Excel or equivalent format.

ANNEX IV

Notification of a different correction factor

Standard correction factor	CPUE of donor effort group	CPUE of receiving effort group

The request shall also contain the information set out in Tables 4 and 5 of Annex V.

—

ANNEX V

Format and content of notifications

1. Tables 1, 3, and 4 shall be sent to notify the Commission of adaption of the fishing effort, as referred to in Article 16(1) and (2) of Regulation (EC) No 1342/2008.
2. Tables 4 and 5 shall be sent to notify the Commission of fishing effort transfers as referred to in Article 17 of Regulation (EC) No 1342/2008.
3. The notifications shall be sent to the Commission in Excel or equivalent format.

Table 1

Notification of fishing effort adaptation

Country	Legal basis	Effort group(s)	cpue	Amount of quota subject to exchange	Amount of effort subject to adaptation	Initial maximum allowable fishing effort	Adapted maximum allowable fishing effort
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Table 2

Data format for Table 1

Name of the field	Maximum number of characters/digits	Alignment L(left)/R(right)	Definitions and comments
(1) Country	3	R	The country submitting the notification
(2) Legal basis	8	R	Article: 16(1)(a) 16(1)(b) 16(2) of Regulation (EC) No 1342/2008
(3) Effort group(s)	10	R	Combination of gear grouping and geographical area grouping to which the group of vessels belongs, as listed in Annex I to Regulation (EC) No 1342/2008. Geographical area/gear
(4) cpue	5	L	Catch per unit of effort of the effort group concerned
(5) Amount of quota subject to exchange	7	L	Amount of quota subject to exchange or discontinuation of the exchange
(6) Amount of effort subject to adaptation	7	L	Effort in kW-days corresponding to the amount of quota recovered and calculated on the basis of the cpue of the effort group concerned
(7) Initial maximum allowable fishing effort	7	L	Maximum allowable fishing effort of the effort group concerned for the year of notification in accordance with the annual Council Regulation establishing the maximum allowable fishing effort
(8) Adapted maximum allowable fishing effort	7	L	The amount of the maximum allowable fishing effort after adaptation for the effort group concerned

Table 3

Information on quota exchanges

Date of transfer	Country		Species	Geographical area		Amount
	from	to		from	to	

Table 4

Notification of the cpue

[effort group]	[year1]	[year2]	[year3]	Average
Cod landings				
Cod discards				
Total kW-days				
			CPUE (*)	

(*) Shall be calculated in accordance with the methodology set out in Article 9.

Table 5

Notification of transfer of fishing effort

[Country]	Donor effort group	Receiving effort group
Effort group		
Initial effort in kW-days		
CPUE		
Standard correction factor		
Transferred effort in kW-days	-	+
Adapted maximum allowable fishing effort in kW-days		

COMMISSION REGULATION (EU) No 238/2010**of 22 March 2010****amending Annex V to Regulation (EC) No 1333/2008 of the European Parliament and of the Council with regard to the labelling requirement for beverages with more than 1,2 % by volume of alcohol and containing certain food colours****(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives⁽¹⁾, and in particular Article 24(3) thereof,

Whereas:

- (1) Annex V to Regulation (EC) No 1333/2008 provides a list of food colours for which the labelling has to include the additional information that those colours may have an adverse effect on activity and attention in children.
- (2) An exception to that rule is already provided for in Annex V to Regulation (EC) No 1333/2008 for foods where the colour has been used for the purposes of health or other marking on meat products or for stamping or decorative colouring on eggshells.
- (3) The colours listed in Annex V to Regulation (EC) No 1333/2008 can be used in certain alcoholic beverages, such as aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails, fruit wines, cider, perry and certain spirituous beverages. Taking into account that products containing more than 1,2 % by volume of alcohol, are not intended for consumption by children, the additional labelling provided for in Annex V to Regulation (EC) No 1333/2008 is, therefore, neither necessary nor appropriate for such foods.
- (4) Annex V to Regulation (EC) No 1333/2008 should, therefore, be amended accordingly.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 1333/2008 shall be amended as follows:

The footnote '(*) With the exception of foods where the colour(s) has been used for the purposes of health or other marking on meat products or for stamping or decorative colouring on eggshells' is replaced by the following:

'(*) With the exception of:

- (a) foods where the colour(s) has been used for the purposes of health or other marking on meat products or for stamping or decorative colouring on eggshells; and
- (b) beverages containing more than 1,2 % by volume of alcohol.'

*Article 2*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 20 July 2010.

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

Done at Brussels, 22 March 2010.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

COMMISSION REGULATION (EU) No 239/2010

of 22 March 2010

amending Regulation (EC) No 318/2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular the second subparagraph of Article 10(3) and the second subparagraph of Article 10(4) thereof,

Having regard to Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽²⁾, and in particular the fourth indent of Article 18(1),

Whereas:

(1) Directive 91/496/EEC lays down the quarantine conditions concerning live animals imported from third countries, including the general conditions to be fulfilled by quarantine centres situated within the Union. Annex B to that Directive sets out a list of general conditions for the approval of such centres.

(2) Article 10(4)(b) of Directive 91/496/EEC, as amended by Council Directive 2008/73/EC of 15 July 2008 simplifying procedures of listing and publishing information in the veterinary and zootechnical fields ⁽³⁾, introduced a simplified procedure of listing and publishing a list of approved quarantine centres where live animals are to be placed in quarantine or isolation if so required by Union legislation. Under that new procedure, which applies from 1 January 2010, the

competence to establish the list of approved quarantine centres which comply with the general conditions set out in Annex B to that Directive no longer lies with the Commission, but with the Member States.

(3) Commission Regulation (EC) No 318/2007 ⁽⁴⁾ lays down the animal health conditions for imports into the Union of certain birds other than poultry. Article 6 of that Regulation provides that approved quarantine facilities and centres are to meet also the minimum conditions set out in Annex IV thereto. In addition, Annex V to that Regulation sets out the list of the approved quarantine facilities and centres.

(4) In the interests of simplification of Union legislation, it is necessary to amend Article 6 of Regulation (EC) No 318/2007 and to delete Annex V thereto in order to reflect the new procedures for approval and listing of quarantine facilities and centres foreseen in Directive 91/496/EEC, as amended by Directive 2008/73/EC. Some Member States have already started drawing up lists of approved quarantine centres in order to transpose the provisions of Article 10(4)(b) of Directive 91/496/EEC. Therefore, in the interest of clarity of Union legislation, it is appropriate that the amendments to Regulation (EC) No 318/2007 be applicable as of the same date of application of Directive 91/496/EEC.

(5) Regulation (EC) No 318/2007 should therefore be amended accordingly.

(6) The measures 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

Regulation (EC) No 318/2007 is amended as follows:

1. Article 6 is replaced by the following:

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 268, 14.9.1992, p. 54.

⁽³⁾ OJ L 219, 14.8.2008, p. 40.

⁽⁴⁾ OJ L 84, 24.3.2007, p. 7.

'Article 6

Approved quarantine facilities and centres

Approved quarantine facilities and centres shall comply with the minimum conditions set out in Annex IV.

Each Member State shall draw up and keep up to date a list of approved quarantine facilities and centres and their

approval numbers and make it available to the Commission, to the other Member States and to the public.;

2. Annex V is deleted.

Article 2

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

It shall apply from 1 January 2010.

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

Done at Brussels, 22 March 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 240/2010**of 22 March 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 March 2010.

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

Done at Brussels, 22 March 2010.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	103,1
	JO	62,0
	MA	73,6
	TN	132,6
	TR	116,9
	ZZ	97,6
0707 00 05	JO	119,8
	MK	124,9
	TR	134,3
	ZZ	126,3
0709 90 70	JO	97,9
	MA	182,3
	TR	140,7
	ZZ	140,3
0805 10 20	EG	43,5
	IL	58,2
	MA	52,9
	TN	48,2
	TR	62,9
	ZZ	53,1
0805 50 10	EG	76,3
	IL	91,6
	MA	53,9
	TR	66,2
	ZZ	72,0
0808 10 80	AR	83,4
	BR	79,0
	CA	99,1
	CL	95,5
	CN	69,4
	MK	24,7
	US	125,6
	UY	68,2
	ZZ	80,6
	0808 20 50	AR
CL		90,8
CN		41,7
US		134,2
ZA		96,2
ZZ		88,7

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

DECISIONS

COUNCIL DECISION 2010/168/CFSP

of 22 March 2010

appointing the European Union Special Representative in Afghanistan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 28, 31(2) and 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 24 July 2008, the Council adopted Joint Action 2008/612/CFSP⁽¹⁾ concerning the appointment of a European Union Special Representative (EUSR) in Afghanistan.
- (2) Mr Vygaudas USACKAS should be appointed as EUSR in Afghanistan from 1 April 2010 to 31 August 2010. However, the mandate of the EUSR may be terminated earlier, if the Council so decides, on a recommendation of the High Representative of the Union for Foreign Affairs and Security Policy (HR) following the entry into force of the decision establishing the European External Action Service.
- (3) The EUSR in Afghanistan will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Appointment

Mr Vygaudas USACKAS is hereby appointed as the European Union Special Representative (EUSR) in Afghanistan from 1 April 2010 until 31 August 2010. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a recommendation of the HR following the entry into force of the decision establishing the European External Action Service

Article 2

Policy objectives

The EUSR shall represent the European Union (hereinafter referred to as 'the EU' or 'the Union') and promote EU policy objectives in Afghanistan, in close coordination with EU Member States' representatives in Afghanistan. More specifically, the EUSR shall:

- (a) contribute to the implementation of the EU-Afghanistan Joint Declaration and lead the implementation of the EU Action Plan on Afghanistan and Pakistan, in so far as it concerns Afghanistan, thereby working with EU Member States' representatives in Afghanistan;
- (b) support the pivotal role played by the United Nations (UN) in Afghanistan with particular emphasis on contributing to better coordinated international assistance, thereby promoting the implementation of the London Conference Communiqué, the Afghanistan Compact as well as relevant UN Resolutions.

Article 3

Mandate

In order to fulfil the mandate, the EUSR shall, in close co-operation with EU Member States' representatives in Afghanistan:

- (a) promote the views of the Union on the political process and developments in Afghanistan;
- (b) maintain close contact with, and support the development of, relevant Afghan institutions, in particular the government and the parliament as well as the local authorities. Contact should also be maintained with other Afghan political groups and other relevant actors in Afghanistan;
- (c) maintain close contact with relevant international and regional stakeholders in Afghanistan, notably the Special Representative of the Secretary General of the UN and the Senior Civilian Representative of the North Atlantic Treaty Organisation (NATO) and other key partners and organisations;
- (d) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration, the EU Action Plan for Afghanistan and Pakistan, in so far as it relates to Afghanistan, the Afghanistan Compact and the London Conference Communiqué, in particular in the following areas:
 - civilian capacity building, notably at sub-national level,
 - good governance and the establishment of institutions of the rule of law, in particular an independent judiciary,
 - electoral reforms,

⁽¹⁾ OJ L 197, 25.7.2008, p. 60.

- security sector reforms, including strengthening of judicial institutions, a national army and a police force,
 - promotion of growth, namely through agriculture and rural development,
 - respect for Afghanistan's international human rights obligations, including respect for the rights of persons belonging to minorities and the rights of women and children,
 - respect of democratic principles and the rule of law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking, trafficking in human beings and proliferation of arms and weapons of mass destruction and related materials,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons, and
 - enhancing the effectiveness of Union presence and activities in Afghanistan and contribute to the formulation of the regular 6 monthly implementation reports on the EU Action Plan requested by the Council;
- (e) actively participate in local coordination forums such as the Joint Coordination and Monitoring Board (JCMB), while keeping non-participating Member States fully informed of decisions taken at these levels;
- (f) advise on the participation and the positions of the Union in international conferences with regard to Afghanistan and contribute to promoting regional cooperation.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from the date of entry into force of this Decision to 31 August 2010 shall be EUR 2 500 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 April 2010. The

expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of his team.
2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State or Union institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations⁽¹⁾, in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report as necessary to Council working parties. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

1. The EUSR shall promote overall Union political co-ordination. He shall help ensure that all Union instruments in the field are engaged coherently to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as with those of the EUSR for Central Asia and with the Union's representation in Pakistan. The EUSR shall provide Member States' missions and the Union's delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the EU Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

This Decision shall enter into force on the date of its adoption.

*Article 15***Publication**

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

Done at Brussels, 22 March 2010.

For the Council
The President
C. ASHTON

COMMISSION DECISION

of 19 March 2010

concerning the non-inclusion of 2,4,4'-trichloro-2'-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC

(notified under document C(2010) 1613)

(Text with EEA relevance)

(2010/169/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC ⁽¹⁾, and in particular Article 11(3) thereof,

Whereas:

(1) Annex III to Commission Directive 2002/72/EC of 6 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs ⁽²⁾ establishes a Union list of additives which may be used for the manufacture of plastic materials and articles. According to Article 4a(1) of that Directive, following submission of an application and its scientific evaluation by the European Food Safety Authority, a new additive may be added to that list.

(2) On 23 March 1998 RCC Registration Consulting submitted data for the evaluation of the safety of 2,4,4'-trichloro-2'-hydroxydiphenyl ether on behalf of Ciba Inc. for use as an additive in the manufacture of plastic materials and articles intended to come into contact with foodstuffs.

(3) In accordance with Article 4a(5) of Directive 2002/72/EC 2,4,4'-trichloro-2'-hydroxydiphenyl ether was included in the provisional list of additives provided for in Article 4a(3) thereof.

(4) In its opinion of 15 March 2004, the European Food Safety Authority came to the conclusion that the requested use of 2,4,4'-trichloro-2'-hydroxydiphenyl ether could be accepted, provided the substance is not migrating into food more than 5 mg per kg of food.

(5) On 21 April 2009 Ciba Inc. informed the Commission of its decision to withdraw the application for the authorisation of the substance as an additive in the manufacture of plastic materials and articles intended to come into contact with foodstuffs. The company does not consider the use of the substance in plastics intended to come into contact with food appropriate any more.

(6) As there is no longer a valid application for the use of 2,4,4'-trichloro-2'-hydroxydiphenyl ether as an additive in plastics intended to come into contact with food, the substance should not be included in Annex III to Directive 2002/72/EC.

(7) Therefore, pursuant to point (b) of Article 4a(6) of Directive 2002/72/EC, the substance should be removed from the provisional list of additives.

(8) Taking into account that 2,4,4'-trichloro-2'-hydroxydiphenyl ether may have been used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs, a transitional period should be introduced for the marketing of plastic materials and articles containing that substance.

(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 and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS DECISION:

Article 1

2,4,4'-trichloro-2'-hydroxydiphenyl ether (CAS No 0003380-34-5, ref. No 93930) shall not be included in Annex III to Directive 2002/72/EC.

Article 2

Plastic materials and articles manufactured with 2,4,4'-trichloro-2'-hydroxydiphenyl ether and placed on the market before 1 November 2010, may continue to be marketed until 1 November 2011, subject to national law.

⁽¹⁾ OJ L 338, 13.11.2004, p. 4.

⁽²⁾ OJ L 220, 15.8.2002, p. 18.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2010.

For the Commission
John DALLI
Member of the Commission

COMMISSION DECISION

of 19 March 2010

withdrawing the reference of standard EN 353-1:2002 'Personal protective equipment against falls from a height — Part 1: Guided type fall arresters including a rigid anchor line' in accordance with Council Directive 89/686/EEC

(notified under document C(2010) 1619)

(Text with EEA relevance)

(2010/170/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the opinion of the Standing Committee set up by Article 5 of 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 ⁽²⁾,

Whereas:

- (1) The European standard EN 353-1:2002 'Personal protective equipment against falls from a height — Part 1: Guided type fall arresters including a rigid anchor line', was adopted by the European Committee for Standardisation (CEN) on 12 March 2002. The reference of the standard was first published in the *Official Journal of the European Union* on 28 August 2003 ⁽³⁾.
- (2) The United Kingdom has lodged a formal objection in respect of standard EN 353-1:2002.
- (3) With regard to clause 4.7 of EN 353-1:2002, the United Kingdom considers that the specifications relating to the user instructions fail to satisfy the requirements set out in Section 1.4(a) and (b) of Annex II to the Directive.
- (4) With regard to clause 5 of standard EN 353-1:2002, the United Kingdom considers that the test method prescribed does not test for reasonably foreseeable fall conditions such as a 'fall back' or 'sideways' fall, which leads to a significant risk that the device could fail.

Consequently, the United Kingdom considers that the standard fails to satisfy the requirements set out in Sections 1.1.1 and 3.1.2.2 of Annex II to the Directive.

- (5) Having examined standard EN 353-1:2002 the Commission has established that the standard fails to fully satisfy the basic health and safety requirements set out in Sections 1.1.1, 1.4 and 3.1.2.2 of Annex II to Directive 89/686/EEC.
- (6) The reference of standard EN 353-1:2002 should therefore be withdrawn from the list of harmonised standards in the *Official Journal of the European Union*, with the result that compliance with relevant national standards transposing the harmonised standard EN 353-1:2002 no longer confers the presumption of conformity to the basic requirements of Directive 89/686/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The reference of standard EN 353-1:2002 'Personal protective equipment against falls from a height — Part 1: Guided type fall arresters including a rigid anchor line' is withdrawn from the list of harmonised standards published in the *Official Journal of the European Union*.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2010.

For the Commission

Antonio TAJANI

Vice-President

⁽¹⁾ OJ L 399, 30.12.1989, p. 18.

⁽²⁾ OJ L 204, 21.7.1998, p. 37.

⁽³⁾ OJ C 203, 28.8.2003, p. 10.

COMMISSION DECISION

of 22 March 2010

amending Annex I to Decision 2009/177/EC as regards surveillance programmes for Ireland and Hungary and the disease-free status of Ireland for certain aquatic animal diseases

(notified under document C(2010) 1625)

(Text with EEA relevance)

(2010/171/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽¹⁾, and in particular the first subparagraph of Article 44(1) and Article 49(1) thereof,

Whereas:

- (1) Commission Decision 2009/177/EC of 31 October 2008 implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments⁽²⁾ sets out a list of Member States, zones and compartments subject to approved surveillance programmes, with regard to one or more of the non-exotic diseases listed in Part II of Annex IV to Directive 2006/88/EC (non-exotic diseases). Decision 2009/177/EC also sets out a list of Member States, zones and compartments declared disease-free with regard to one or more of those diseases.
- (2) Part A of Annex I to Decision 2009/177/EC sets out the list of Member States, zones and compartments subject to approved surveillance programmes and Part C of that Annex sets out the list of Member States, zones and compartments declared disease-free with regard to one or more non-exotic diseases.
- (3) Ireland and Hungary have submitted to the Commission applications for the approval of multiannual surveillance programmes as regards Koi herpes virus (KHV) disease. Those programmes comply with the requirements for approval laid down in Directive 2006/88/EC and Decision 2009/177/EC. Accordingly, they should be approved and included in the list in Part A of Annex I to Decision 2009/177/EC.

- (4) The whole territory of Ireland, except Cape Clear Island, is currently listed in Part C of Annex I to Decision 2009/177/EC as declared disease-free for viral haemorrhagic septicaemia (VHS). Ireland has notified to the Commission a declaration of freedom from that disease for Cape Clear Island. That declaration was added to the agenda of the meeting of the Standing Committee on the Food Chain and Animal health on 12 January 2010. The declaration complies with the requirements for a declaration of freedom of disease laid down in Directive 2006/88/EC and Decision 2009/177/EC. Accordingly, the whole territory of Ireland should be declared free of VHS. Part C of Annex I to Decision 2009/177/EC should be amended accordingly.

- (5) Decision 2009/177/EC should therefore be amended accordingly.

- (6) 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

Annex I to Decision 2009/177/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 March 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ OJ L 63, 7.3.2009, p. 15.

ANNEX

Annex I is amended as follows:

1. Part A is replaced by the following:

'PART A**Member States, zones and compartments subject to approved surveillance programmes**

Disease	Member State	ISO Code	Geographical demarcation of the area under a surveillance programme (Member State, zones or compartments)
Viral haemorrhagic septicaemia (VHS)			
Infectious haematopoietic necrosis (IHN)			
Koi herpes virus (KHV) disease	Ireland	IE	Whole territory
	Hungary	HU	Whole territory
Infectious salmon anaemia (ISA)			
Infection with <i>Marteilia refringens</i>			
Infection with <i>Bonamia ostreae</i>			
White spot disease'			

2. Part C is replaced by the following:

'PART C**Member States, zones and compartments declared disease-free**

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)	
Viral haemorrhagic septicaemia (VHS)	Denmark	DK	The water catchment and the coastal areas of:	
			— Hansted Å	— Slette Å
			— Hovmølle Å	— Bredkær Bæk
			— Grenå	— Vandløb til Kilen
			— Treå	— Resenkær Å
			— Alling Å	— Klostermølle Å
			— Kastbjerg	— Hvidbjerg Å
			— Villestrup Å	— Knidals Å
			— Korup Å	— Spang Å
			— Sæby Å	— Simested Å
			— Elling Å	— Skals Å
			— Uggerby Å	— Jordbro Å
			— Lindenberg Å	— Fåremølle Å
			— Øster Å	— Flynder Å
			— Hasseris Å	— Damhus Å
			— Binderup Å	— Karup Å
			— Vidkær Å	— Gudenåen
			— Dybvad Å	— Halkær Å
			— Bjørnsholm Å	— Storåen
			— Trend Å	— Århus Å
			— Lerkenfeld Å	— Bygholm Å
— Vester Å	— Grejs Å			
— Lønnerup med tilløb	— Ørum Å			
— Fiskbæk Å				

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)
	Ireland	IE	Whole territory
	Cyprus	CY	All continental areas within its territory
	Finland	FI	All continental and coastal areas within its territory, except: 1. the Province of Åland; 2. the municipalities of Uusikaupunki, Pyhäranta and Rauma
	Sweden	SE	Whole territory
	The United Kingdom	UK	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey
Infectious haematopoietic necrosis (IHN)	Denmark	DK	Whole territory
	Ireland	IE	Whole territory
	Cyprus	CY	All continental areas within its territory
	Finland	FI	Whole territory
	Sweden	SE	Whole territory
	The United Kingdom	UK	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey
Koi herpes virus (KHV) disease			
Infectious salmon anaemia (ISA)	Belgium	BE	Whole territory
	Bulgaria	BG	Whole territory
	Czech Republic	CZ	Whole territory
	Denmark	DK	Whole territory
	Germany	DE	Whole territory
	Estonia	EE	Whole territory
	Ireland	IE	Whole territory
	Greece	EL	Whole territory
	Spain	ES	Whole territory
	France	FR	Whole territory
	Italy	IT	Whole territory
	Cyprus	CY	Whole territory

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)
	Latvia	LV	Whole territory
	Lithuania	LT	Whole territory
	Luxembourg	LU	Whole territory
	Hungary	HU	Whole territory
	Malta	MT	Whole territory
	Netherlands	NL	Whole territory
	Austria	AT	Whole territory
	Poland	PL	Whole territory
	Portugal	PT	Whole territory
	Romania	RO	Whole territory
	Slovenia	SI	Whole territory
	Slovakia	SK	Whole territory
	Finland	FI	Whole territory
	Sweden	SE	Whole territory
	United Kingdom	UK	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey except South West Shetland Islands
Infection with <i>Marteilia refringens</i>	Ireland	IE	The whole territory
	The United Kingdom	UK	The whole coastline of Great Britain. The whole coastline of Northern Ireland. The whole coastline of Guernsey and Herm. The coastal area of the States of Jersey: the area consists of the intertidal and immediate coastal area between the mean high-water mark on the Island of Jersey and an imaginary line drawn three nautical miles from the mean low-water mark of the Island of Jersey. The area is situated in the Normano-Breton Gulf, on the south side of the English Channel. The whole coastline of the Isle of Man.
Infection with <i>Bonamia ostreae</i>	Ireland	IE	The whole coastline of Ireland, except: <ul style="list-style-type: none"> 1. Cork Harbour; 2. Galway Bay; 3. Ballinacill Harbour; 4. Clew Bay; 5. Achill Sound; 6. Loughmore, Blacksod Bay; 7. Lough Foyle; 8. Lough Swilly.

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)
	The United Kingdom	UK	<p>The whole coastline of Great Britain, except:</p> <ol style="list-style-type: none"> 1. the south coast of Cornwall from the Lizard to Start Point; 2. the coast of Dorset, Hampshire and Sussex from Portland Bill to Selsey Bill; 3. the area along the coast of North Kent and Essex from North Foreland to Felixstowe; 4. the area along the coast in south-west Wales from Wooltack Point to St Govan's Head, including Milford Haven and the tidal waters of the East and West Cleddau river; 5. the area containing the waters of Loch Sunart east of a line drawn south-south-east from the northernmost tip of Maclean's Nose to Auliston Point; 6. the area containing West Loch Tarbert north east of a line drawn east south east at Ardpatrik Point NR 734 578 to North Dunskeig Bay at NR 752 568. <p>The whole coastline of Northern Ireland, except:</p> <ol style="list-style-type: none"> 1. Lough Foyle; 2. Strangford Lough. <p>The whole coastline of Guernsey, Herm and the Isle of Man.</p> <p>The coastal area of the States of Jersey: the area consists of the intertidal and immediate coastal area between the mean high-water mark on the Island of Jersey and an imaginary line drawn three nautical miles from the mean low water mark of the Island of Jersey. The zone is situated in the Normano-Breton Gulf, on the south side of the English Channel.</p>
White spot disease'			

COMMISSION DECISION

of 22 March 2010

amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods

(notified under document C(2010) 1707)

(Text with EEA relevance)

(2010/172/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) According to Directive 1999/2/EC a foodstuff treated with ionising radiation may not be imported from a third country unless it has been treated in an irradiation facility approved by the Community.
- (2) A list of approved facilities has been established by Commission Decision 2002/840/EC ⁽²⁾.
- (3) The Commission received an application for approval of three irradiation facilities in India through their competent authorities. Commission experts inspected the irradiation facilities in order to check whether they comply with the requirements of Directive 1999/2/EC and in particular whether official supervision guarantees that they comply with the requirements of Article 7 of that Directive.

(4) The facilities in India complied with most of the requirements of Directive 1999/2/EC. The shortcomings identified by the Commission have been adequately addressed by the Indian competent authorities.

(5) Decision 2002/840/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2002/840/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 March 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 66, 13.3.1999, p. 16.

⁽²⁾ OJ L 287, 25.10.2002, p. 40.

ANNEX

The following facilities are added to the list in the Annex to Decision 2002/840/EC:

Reference No: EU-AIF 09-2010

Board of Radiation and Isotope Technology
Department of Atomic Energy
BRIT/BARC Vashi Complex
Sector 20, Vashi
Navi Mumbai — 400 705 (Maharashtra)
India
Tel. +91 2227840000/+91 2227887000
Fax +91 2227840005
E-mail: chief@britatom.gov.in cebrit@vsnl.net

Reference No: EU-AIF 10-2010

Board of Radiation and Isotope Technology
ISOMED
Bhabha Atomic Research Centre
South Site Gate, Refinery Road
Next to TATA Power Station, Trombay
Mumbai — 400 085 (Maharashtra)
India
Tel. +91 2225595684/+91 2225594751
Fax +91 2225505338
E-mail: chief@britatom.gov.in cebrit@vsnl.net

Reference No: EU-AIF 11-2010

Microtrol Sterilisation Services Pvt. Ltd
Plot No 14 Bommasandra- Jigani Link Road Industrial Area
KIADB, Off Hosur Road
Hennagarra Post
Bengalooru — 562 106 (Karnataka)
India
Tel. +91 8110653932/+91 8110414030
Fax +91 8110414031
E-mail: vikram@microtrol-india.com

COMMISSION DECISION

of 22 March 2010

amending Decision 2008/457/EC laying down rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' as regards Member States management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund

(notified under document C(2010) 1713)

(Only the Bulgarian, Czech, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

(2010/173/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' ⁽¹⁾, and in particular Article 21 thereof,

Whereas:

(1) Decision 2007/435/EC has been implemented by Commission Decision 2008/457/EC ⁽²⁾.

(2) With regard to the principle of sound financial management, it is appropriate to fix a ceiling for the cumulative total of pre-financing payments to be made to the Member States for annual programmes.

(3) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom is bound by the basic act and, as a consequence, by this Decision.

(4) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland is bound by the basic act and, as a consequence, by this Decision.

(5) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not bound by this Decision nor subject to the application thereof.

(6) Decision 2008/457/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/457/EC is amended as follows:

1. the title of Article 24 is replaced by the following:

'Progress and final reports on implementation of annual programmes and requests for payments';

2. in Article 24 the following paragraph 4 is added:

'4. With reference to Article 37(3) and (4) of the basic act, the cumulative total of pre-financing payments made to a Member State shall not exceed 90 % of the total amount allocated to such Member State in the financing decision approving the annual programme.

Where a Member State has nationally committed less than the total amount allocated by the financing decision approving the annual programme, the cumulative total of the pre-financing payments shall not exceed 90 % of the nationally committed amount.'

⁽¹⁾ OJ L 168, 28.6.2007, p. 18.

⁽²⁾ OJ L 167, 27.6.2008, p. 69.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 March 2010.

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

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