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Price: EUR 3

(Continued overleaf)

(¹) Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 546/2010

of 22 June 2010

derogating from Regulation (EC) No 891/2009 for the 2009/2010 marketing year as regards the obligation to submit an export licence with import licence applications for CXL concessions sugar with order numbers 09.4317, 09.4318 and 09.4319

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⁾, and in particular Article 148 in conjunction with Article 4 thereof,

Whereas:

(1) Pursuant to Article 7(4) of Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector ⁽²⁾, import licence applications for CXL concessions sugar with order numbers 09.4317, 09.4318, 09.4319 and 09.4321 and for Balkan sugar are to be accompanied by the original of the export licences issued by the competent authorities of the third country concerned. Imports of CXL concessions sugar with order numbers 09.4317, 09.4318 and 09.4319 are subject to the payment of an in-quota rate of EUR 98 per tonne. Given the high world market prices for raw cane sugar which prevailed during the first months of the marketing year, which led to an underutilisation of the CXL concessions sugar, it is important to facilitate those imports by simplifying the administrative procedure. Therefore, a derogation should be provided for allowing import licence applications for CXL concessions sugar with those three order numbers to be submitted without the relevant export licence.

(2) That derogation will have the effect of widening the access to the relevant import quotas to a larger number of operators. Operators who already obtained export licences should, however, be able to continue to apply for import licences during a short period of time before this Regulation becomes applicable.

(3) The derogation provided for in this Regulation should only apply until the end of the 2009/2010 marketing year.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 7(4) of Regulation (EC) No 891/2009, import licence applications for CXL concessions sugar with order numbers 09.4317, 09.4318 and 09.4319 shall not be accompanied by the original of the export licences issued by the competent authorities of Australia, Brazil or Cuba.

Article 2

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

It shall apply from 1 August 2010.

This Regulation shall expire on 30 September 2010.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 254, 26.9.2009, p. 82.

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

Done at Brussels, 22 June 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 547/2010**of 22 June 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 June 2010.

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

Done at Brussels, 22 June 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	MA	44,4
	MK	45,6
	TR	59,4
	ZZ	49,8
0707 00 05	MK	33,9
	TR	117,5
	ZZ	75,7
0709 90 70	TR	102,6
	ZZ	102,6
0805 50 10	AR	89,5
	BR	112,1
	TR	84,9
	US	83,2
	ZA	91,0
	ZZ	92,1
0808 10 80	AR	113,8
	BR	76,9
	CA	68,4
	CL	90,2
	CN	46,9
	NZ	119,8
	US	161,4
	UY	160,6
	ZA	97,4
	ZZ	103,9
0809 10 00	TR	234,3
	US	396,9
	ZZ	315,6
0809 20 95	SY	178,6
	TR	305,4
	US	700,6
	ZZ	394,9
0809 30	TR	149,8
	ZZ	149,8
0809 40 05	AU	185,7
	EG	218,2
	IL	235,2
	US	373,2
	ZZ	253,1

⁽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'.

COMMISSION REGULATION (EU) No 548/2010**of 22 June 2010****determining the extent to which the import licence applications submitted in June 2010 for certain milk products under certain tariff quotas opened by Regulation (EC) No 2535/2001 can be accepted**

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing 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 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

Import licence applications lodged from 1 to 10 June 2010 for certain tariff quotas referred to in Annex I to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation No

1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾ relate to quantities greater than those available. The extent to which licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

For import licence applications lodged from 1 to 10 June 2010 for the tariff quotas referred to in parts I.A, I.F, I.H, I.I, and I.J of Annex I to Regulation (EC) No 2535/2001, licences shall be issued for the quantities requested, multiplied by the allocation coefficient(s) set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 June 2010.

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

Done at Brussels, 22 June 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 238, 1.9.2006, p. 13.⁽³⁾ OJ L 341, 22.12.2001, p. 29.

ANNEX

I.A

Tariff quota number	Allocation coefficient
09.4590	—
09.4599	100 %
09.4591	100 %
09.4592	—
09.4593	—
09.4594	—
09.4595	100 %
09.4596	100 %

—: No application for a licence has been sent to the Commission.

I.F

Products originating in Switzerland

Tariff quota number	Allocation coefficient
09.4155	50,00 %

I.H

Products originating in Norway

Tariff quota number	Allocation coefficient
09.4179	100 %

I.I

Products originating in Iceland

Tariff quota number	Allocation coefficient
09.4205	100 %
09.4206	100 %

I.J

Products originating in the Republic of Moldova

Tariff quota number	Allocation coefficient
09.4210	—

—: No application for a licence has been sent to the Commission.

DIRECTIVES

COMMISSION DIRECTIVE 2010/39/EU

of 22 June 2010

amending Annex I to Council Directive 91/414/EEC as regards the specific provisions relating to the active substances clofentezine, diflubenzuron, lenacil, oxadiazon, picloram and pyriproxyfen

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) The active substances clofentezine, diflubenzuron, lenacil, oxadiazon, picloram and pyriproxyfen were included in Annex I to Directive 91/414/EEC by Commission Directive 2008/69/EC ⁽²⁾ in accordance with the procedure provided for in Article 11b of Commission Regulation (EC) No 1490/2002 ⁽³⁾.
- (2) In accordance with Article 12a of Regulation (EC) No 1490/2002 EFSA presented to the Commission the conclusions on the peer review for clofentezine ⁽⁴⁾ on 4 June 2009, for diflubenzuron ⁽⁵⁾ on 16 July 2009, for lenacil ⁽⁶⁾ on 25 September 2009, for oxadiazon ⁽⁷⁾

and picloram ⁽⁸⁾ on 26 November 2009 and for pyriproxyfen ⁽⁹⁾ on 21 July 2009. These conclusions were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 11 May 2010 in the format of the Commission review reports for clofentezine, diflubenzuron, lenacil, oxadiazon, picloram and pyriproxyfen.

- (3) Taking into account the EFSA conclusions, it is confirmed that plant protection products containing clofentezine, diflubenzuron, lenacil, oxadiazon, picloram or pyriproxyfen may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report.
- (4) For certain substances it is necessary to include specific provisions requiring Member States, when authorising those substances, to pay particular attention to certain points or to ensure that appropriate risk mitigation measures are taken.
- (5) Without prejudice to the conclusions referred to in recital 3, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I to that Directive may be subject to conditions. It is appropriate as regards clofentezine, to require that the notifier carry out a monitoring programme to assess the potential of that substance for long-range atmospheric transport and related environmental risks. Moreover, the notifier shall also submit confirmatory studies in respect of toxicological and environmental risks of clofentezine metabolites.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 172, 2.7.2008, p. 9.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ EFSA Scientific Report (2009) 269, Conclusion on pesticide peer review regarding the risk assessment of the active substance clofentezine (finalised: 4 June 2009).

⁽⁵⁾ EFSA Scientific Report (2009) 332, Conclusion on pesticide peer review regarding the risk assessment of the active substance diflubenzuron (finalised: 16 July 2009).

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance lenacil on request from the European Commission. EFSA Journal 2009; 7(9):1326. [83 pp.]. doi:10.2903/j.efsa.2009.1326. Available online: www.efsa.europa.eu (finalised: 25 September 2009).

⁽⁷⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance oxadiazon on request of EFSA. EFSA Journal 2009; 7(12): [92 pp.]. doi:10.2903/j.efsa.2009.1389. Available online: www.efsa.europa.eu (finalised: 25 November 2009).

⁽⁸⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance picloram. EFSA Journal 2009; 7(12):1390. [78 pp.]. doi:10.2903/j.efsa.2009.1390. Available online: www.efsa.europa.eu (finalised: 25 November 2009).

⁽⁹⁾ EFSA Scientific Report (2009) 336, Conclusion on pesticide peer review regarding the risk assessment of the active substance pyriproxyfen (finalised: 21 July 2009).

- (6) It is appropriate as regards diflubenzuron, to require that the notifier submit confirmatory data in respect of the potential toxicological relevance of the impurity and metabolite 4-chloroaniline (PCA).
- (7) It is appropriate as regards lenacil, to require that the notifier submit further information on certain soil metabolites which occurred in lysimeter studies and confirmatory data on rotational crops, including possible phytotoxic effects. If a decision on the classification of lenacil under Council Directive 67/548/EEC ⁽¹⁾ identifies the need for further information on the relevance of certain metabolites, the Member States concerned should request the submission of such information.
- (8) It is appropriate as regards oxadiazon, to require that the notifier submit further information on the potential toxicological relevance of an impurity in the proposed technical specification and on the occurrence of a metabolite in primary crops and rotational crops. In addition, the notifier should be required to submit a metabolism study on ruminants and information on further trials on rotational crops and information on the risk to earthworm-eating birds and mammals and on the long-term risk to fish.
- (9) It is appropriate as regards picloram, to require that the notifier submit confirmatory information in respect of the monitoring analytical method applied in residue trials and a soil photolysis study to confirm the evaluation of picloram degradation.
- (10) It is appropriate as regards pyriproxifen, to require that the notifier submit information confirming the risk assessment in respect of two points, namely the risk posed to aquatic insects by pyriproxifen and the metabolite DPH-pyr and the risk posed by pyriproxifen to pollinators.
- (11) Directive 91/414/EEC should therefore be amended accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended in accordance with the Annex to this Directive.

Article 2

Member States shall adopt and publish, by 31 December 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 January 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 June 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ 196, 16.8.1967, p. 1.

ANNEX

Annex I to Directive 91/414/EEC is amended as follows:

1. In row 177 relating to clofentezine, in the column 'Specific provisions', Part B is replaced by the following:

PART B

For the implementation of the uniform principles of Annex VI, the conclusions of the review report on clofentezine, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 May 2010 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the specification of the technical material as commercially manufactured must be confirmed and supported by appropriate analytical data. The test material used in the toxicity dossiers shall be compared and verified against this specification of the technical material;
- the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, where appropriate;
- the potential for long range transport via air;
- the risk to non target organisms. Conditions of authorisation shall include risk mitigation measures, where appropriate.

The Member States concerned shall ensure that the notifier presents to the Commission a monitoring programme to assess the potential for long-range atmospheric transport of clofentezine and the related environmental risks by 31 July 2011. The results of that monitoring programme shall be submitted as a monitoring report to the rapporteur Member State and to the Commission by 31 July 2013.

The Member States concerned shall ensure that the notifier submits to the Commission confirmatory studies on clofentezine metabolites relating to their toxicological and environmental risk assessment by 30 June 2012.'

2. In row 180 relating to diflubenzuron, in the column 'Specific provisions', Part B is replaced by the following:

PART B

For the implementation of the uniform principles of Annex VI, the conclusions of the review report on diflubenzuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 May 2010 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the specification of the technical material as commercially manufactured must be confirmed and supported by appropriate analytical data. The test material used in the toxicity dossiers shall be compared and verified against this specification of the technical material;
- the protection of aquatic organisms;
- the protection of terrestrial organisms;
- the protection of non-target arthropods including bees.

Conditions of use shall include adequate risk mitigation measures, where appropriate.

The Member States concerned shall ensure that the notifier submits to the Commission further studies to address the potential toxicological relevance of the impurity and metabolite 4-chloroaniline (PCA) by 30 June 2011.'

3. In row 182 relating to lenacil, in the column 'Specific provisions', Part B is replaced by the following:

PART B

For the implementation of the uniform principles of Annex VI, the conclusions of the review report on lenacil, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 May 2010 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the risk to aquatic organisms, especially algae and aquatic plants. Conditions of authorisation shall include risk mitigation measures, such as bufferzones between treated areas and surface water bodies;
- the protection of the groundwater, where the active substance is applied in regions with vulnerable soil or climatic conditions. Conditions of authorisation shall include risk mitigation measures and monitoring programmes shall be initiated to verify potential groundwater contamination from the metabolites IN-KF 313, M1, M2 and M3 in vulnerable zones, where appropriate.

The Member States concerned shall ensure that the notifier submits to the Commission confirmatory information on the identity and characterisation of soil metabolites Polar B and Polars and metabolites M1, M2 and M3 which occurred in lysimeter studies and confirmatory data on rotational crops, including possible phytotoxic effects. They shall ensure that the notifier provides such information to the Commission by 30 June 2012.

If a decision on the classification of lenacil under Directive 67/548/EEC identifies the need for further information on the relevance of the metabolites IN-KE 121, IN-KF 313, M1; M2, M3, Polar B and Polars, the Member States concerned shall request the submission of such information. They shall ensure that the notifier provides that information to the Commission within six months from the notification of such a classification decision.'

4. In row 183 relating to oxadiazon, in the column 'Specific provisions', Part B is replaced by the following:

PART B

For the implementation of the uniform principles of Annex VI, the conclusions of the review report on oxadiazon, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 May 2010 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the specification of the technical material as commercially manufactured must be confirmed and supported by appropriate analytical data. The test material used in the toxicity dossiers shall be compared and verified against this specification of the technical material;
- the potential for ground water contamination by the metabolite AE0608022 where the active substance is applied in situations for which prolonged anaerobic conditions may be expected to occur or in regions with vulnerable soil or climatic conditions. Conditions of authorisation must include risk mitigation measures, where appropriate.

The Member States concerned shall ensure that the notifier submits to the Commission:

- further studies to address the potential toxicological relevance of an impurity in the proposed technical specification;
- information to further clarify the occurrence of metabolite AE0608033 in primary crops and rotational crops;
- further trials on rotational crops (namely root crops and cereals) and a metabolism study on ruminants to confirm the consumer risk assessment;
- information to further address the risk to earthworm-eating birds and mammals, and the long-term risk to fish.

They shall ensure that the notifier provides such information to the Commission by 30 June 2012.'

5. In row 184 relating to picloram, in the column 'Specific provisions', Part B is replaced by the following:

'PART B

For the implementation of the uniform principles of Annex VI, the conclusions of the review report on picloram, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 May 2010 shall be taken into account.

In the overall assessment Member States must pay particular attention to:

- the potential for ground water contamination where picloram is applied in regions with vulnerable soil or climatic conditions. Conditions of authorisation must include risk mitigation measures, where appropriate;

The Member States concerned shall ensure that the notifier submits to the Commission:

- further information to confirm that the monitoring analytical method applied in residue trials correctly quantifies the residues of picloram and its conjugates;
- a soil photolysis study to confirm the evaluation of picloram degradation.

They shall ensure that the notifier provides such information to the Commission by 30 June 2012.'

6. In row 185 relating to pyriproxyfen, in the column 'Specific provisions', Part B is replaced by the following:

'PART B

For the implementation of the uniform principles of Annex VI, the conclusions of the review report on pyriproxyfen, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 May 2010 shall be taken into account.

In the overall assessment Member States must pay particular attention to:

- the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, where appropriate;
- the risk to aquatic organisms. Conditions of use shall include adequate risk mitigation measures, where appropriate.

The Member States concerned shall ensure that the notifier submits to the Commission further information confirming the risk assessment in respect of two points, namely the risk posed to aquatic insects by pyriproxyfen and the metabolite DPH-pyr and the risk posed by pyriproxyfen to pollinators. They shall ensure that the notifier provides such information to the Commission by 30 June 2012.'

DECISIONS

DECISION TAKEN BY COMMON ACCORD BETWEEN THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

of 31 May 2010

on the location of the seat of the Office of the Body of European Regulators for Electronic Communications (BEREC)

(2010/349/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 341,

Whereas:

- (1) Regulation (EC) No 1211/2009 of the European Parliament and of the Council ⁽¹⁾ established the Body of European Regulators for Electronic Communications (BEREC) and the Office.
- (2) The location of the seat of the Office of BEREC should be determined,

HAVE ADOPTED THIS DECISION:

Article 1

The Office of the Body of European Regulators for Electronic Communications (BEREC) shall have its seat in Riga.

Article 2

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

Article 3

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

Done at Brussels, 31 May 2010.

The President

P. L. MARÍN URIBE

⁽¹⁾ OJ L 337, 18.12.2009, p. 1.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

'OMNIBUS' DECISION No 1/2010 OF THE EU-SAN MARINO COOPERATION COMMITTEE

of 29 March 2010

establishing various implementing measures for the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino

THE EU-SAN MARINO COOPERATION COMMITTEE,

of the Union in this area by the Republic of San Marino would aid the proper functioning of the customs union established by the Agreement.

Having regard to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino ⁽¹⁾, and in particular Articles 7(2), 8(3), 13(2) and 23(3) thereof,

Whereas:

- (1) The Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino ('the Agreement') entered into force on 1 April 2002.
- (2) As a result of the entry into force of the Agreement, the Interim Agreement on Trade and Customs Union between the European Economic Community and the Republic of San Marino ⁽²⁾ ceased to apply.
- (3) The EU-San Marino Cooperation Committee ('the Cooperation Committee') is required by the Agreement to take a number of decisions for the proper implementation thereof.
- (4) Article 7(2) of the Agreement provides that the Cooperation Committee should determine in greater detail the provisions of the Union relating to the operation of the customs union. Given the existence of a Community Customs Code, and that, for the moment, customs clearance is carried out through customs offices of the Union, it is not necessary to establish a detailed list of the applicable provisions.
- (5) The Republic of San Marino is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The application of legislation
- (6) In order to comply with Articles 6(4) and 7(1) of the Agreement, the Republic of San Marino is to take all necessary measures to apply in its territory legislation of the Union in the fields of food safety and veterinary and phytosanitary matters, to the extent necessary to ensure the proper functioning of the Agreement. Administrative cooperation should be established in order to assist the authorities of the Republic of San Marino in this regard.
- (7) Annex II to the Agreement sets out the list of the customs offices which may carry out customs clearance formalities in the name and on behalf of the Republic of San Marino. Since Italy and the Republic of San Marino have agreed to increase the number of offices with a view to promoting economic development by assisting commercial exchanges between the Republic of San Marino and third countries, this list should be updated.
- (8) The decisions of the Cooperation Committee concerning customs cooperation and adopted under the Interim Agreement remain valid. It is therefore appropriate for them to remain in force.
- (9) The Cooperation Committee is to decide, in accordance with Article 8(3)(b) of the Agreement, on the arrangements for making available to the Republic of San Marino the import duties collected for its account. It is necessary to align the percentage deducted for administration costs on the percentage provided for in Article 2(3) of the Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources ⁽³⁾,

⁽¹⁾ OJ L 84, 28.3.2002, p. 43.

⁽²⁾ OJ L 359, 9.12.1992, p. 14.

⁽³⁾ OJ L 253, 7.10.2000, p. 42.

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Cooperation Committee set out in Annex I are hereby adopted.

Article 2

1. A Customs Cooperation Committee, which has the task, in particular, of ensuring the correct and uniform application of the Agreement's customs provisions and operates under the authority of the Cooperation Committee, is hereby set up.

2. The Customs Cooperation Committee shall be composed of customs experts from the Union and from the Republic of San Marino. The Customs Cooperation Committee shall meet alternately under the chairmanship of a European Commission representative and a representative of the Republic of San Marino. The rules of procedure of the Cooperation Committee shall apply, *mutatis mutandis*, to the Customs Cooperation Committee.

3. The Customs Cooperation Committee shall report regularly on its work to the Cooperation Committee. The flow of information shall take place through the secretariat of the Cooperation Committee. The Customs Cooperation Committee shall refer to the Cooperation Committee any instances raising a question of principle on the interpretation of the Agreement.

Article 3

1. The Republic of San Marino shall apply customs legislation of the Union as it applies in the Union, and in particular the Community Customs Code⁽¹⁾ and its implementing provisions. The Republic of San Marino shall apply legislation of the Union relating to international trade in endangered species of wild fauna and flora.

2. In order to apply particular customs regimes, and to apply the legislation relating to international trade in endangered species of wild fauna and flora, the customs territory of the Union and the territory of the Republic of San Marino shall be considered a single customs territory.

Article 4

The practical arrangements for applying legislation of the Union on food safety and veterinary and phytosanitary matters shall be

agreed by the European Commission departments and the authorities of the Republic of San Marino.

Article 5

In cases where a provision of the Union which the Republic of San Marino is required to apply by virtue of Article 7(1) of the Agreement, in the areas of customs, common commercial policy, market surveillance, health, safety and protection of consumers, international trade in endangered species of wild fauna and flora, agriculture, or food safety or veterinary or phytosanitary matters, provides that a decision must be taken by the European Commission to resolve certain issues, such decision shall be taken by the authorities of the Republic of San Marino following agreement by the European Commission. Where such a provision of the Union provides that a decision must be taken or a communication must be made by a Member State, such decision shall be taken or such communication shall be made by the authorities of the Republic of San Marino. Those authorities shall take into account the opinions of the Union's scientific committees and use as a basis for its decisions the case-law of the Court of Justice and the practices followed by the European Commission.

Article 6

1. The list of customs offices of the Union authorised to carry out customs clearance of goods destined for the Republic of San Marino annexed to the Agreement shall be replaced by the list set out in Annex II to this Decision.

2. Customs clearance operations relating to exports may be carried out at all Italian customs offices, with the exception of formalities:

- (a) which are carried out in customs procedures with economic impact;
- (b) which concern the export of arms, works of art, precursors and dual-use products;

which must be carried out at the offices and sub-offices listed in Annex II.

Article 7

The procedures for making available to the San Marino Exchequer import duties collected by the Union on behalf of the Republic of San Marino are laid down in Annex III.

⁽¹⁾ Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, which has been amended several times. Regulation (EEC) No 2913/92 has been replaced by Regulation (EC) No 450/2008 of the European Parliament and of the Council laying down the Community Customs Code (Modernised Customs Code), in the manner provided for in Article 188 of Regulation (EC) No 450/2008.

Article 8

1. Decision No 3/92 of the EEC-San Marino Cooperation Committee of 22 December 1992 on the arrangements for the provision of mutual assistance pursuant to Article 13 of the Agreement between the Community and San Marino ⁽¹⁾ shall remain in force and shall constitute implementation of Article 23(8) of the Agreement.

2. Decision No 4/92 of the EEC-San Marino Cooperation Committee of 22 December 1992 concerning certain methods of administrative cooperation for implementation of the Interim Agreement and the procedure for forwarding goods to the Republic of San Marino ⁽²⁾, as amended by Decision No 1/2002 of the EC-San Marino Cooperation Committee ⁽³⁾, shall remain in force. It shall constitute implementations of

Article 8(3)(a) and (c) and Article 23(8) of the Agreement and shall apply *mutatis mutandis* to the use of electronic-data-processing techniques in the transit procedure of the Union.

Article 9

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

Done at Brussels, 29 March 2010.

For the Cooperation Committee

The Chairman

Gianluca GRIPPA

⁽¹⁾ OJ L 42, 19.2.1993, p. 29.

⁽²⁾ OJ L 42, 19.2.1993, p. 34.

⁽³⁾ OJ L 99, 16.4.2002, p. 23.

ANNEX I

RULES OF PROCEDURE OF THE EU-SAN MARINO COOPERATION COMMITTEE

Article 1

The chairmanship of the Cooperation Committee shall be held alternately for a period of six months as follows:

- (a) from 1 January to 30 June by a representative of the European Commission;
- (b) from 1 July to 31 December by a representative of the Republic of San Marino.

Article 2

The Chairman of the Cooperation Committee shall determine, following the agreement of the two delegations, the date and place of meetings. These shall be held alternately in Brussels and in the Republic of San Marino.

Article 3

Before each meeting the Chairman shall be informed of the expected composition of each delegation.

Article 4

1. The Chairman shall draw up a provisional agenda for each meeting. This shall be sent to the two delegations no later than 15 days before the start of the meeting.
2. The provisional agenda shall include items for which documentation has been sent to the two delegations no later than the date on which the provisional agenda is sent.
3. The Chairman may, with the agreement of both delegations, shorten the deadlines provided for in paragraphs 1 and 2 to take account of particular circumstances.
4. The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. The inclusion in the agenda of any item other than those in the provisional agenda shall be done with the agreement of the Union and the Republic of San Marino.

Article 5

1. Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.
2. Without prejudice to other applicable provisions, the deliberations of the Cooperation Committee shall be covered by the obligation of professional secrecy, except in so far as the Committee decides otherwise.

Article 6

The deliberations of the Cooperation Committee may take place by written procedure if the Union and the Republic of San Marino so agree.

Article 7

Acts adopted by the Cooperation Committee shall be signed by the Chairman.

Article 8

1. Recommendations and decisions of the Cooperation Committee pursuant to Article 23 of the Agreement shall be entitled 'Recommendation' or 'Decision' followed by a serial number and a reference to their subject matter.
2. Recommendations and decisions of the Cooperation Committee shall be forwarded to the addressees referred to in Article 10.

Article 9

1. A record of the conclusions adopted by the Cooperation Committee shall be established by mutual agreement.
2. Secretariat services shall be provided jointly by a representative of the European Commission and a representative of the Republic of San Marino.

Article 10

All communications from the Chairman that are provided for in these rules of procedure shall be forwarded to the European Commission and to the Republic of San Marino.

Article 11

1. The Contracting Parties shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.
2. Expenses related to the practical organisation of meetings (premises, requisites, etc.) shall be borne either by the Union or by the Republic of San Marino depending on where the meeting is held.

Article 12

The official languages of the Cooperation Committee shall be the official languages of the Institutions of the European Union.

Article 13

Correspondence intended for the Cooperation Committee shall be addressed to its Chairman at the Secretariat of the Cooperation Committee, using the address of the European Commission.

ANNEX II

List of customs offices of the Union authorised to carry out the customs clearance of goods destined for the Republic of San Marino

- ANCONA: Ufficio delle Dogane di Ancona; Sezione Operativa Territoriale di Falconara Aeroporto,
 - BOLOGNA: Ufficio delle Dogane di Bologna, Sezione Operativa Territoriale Aeroporto 'G. Marconi',
 - FORLÌ: Ufficio delle Dogane di Forlì-Cesena; Sezione Operativa Territoriale Aeroporto 'Ridolfi',
 - GENOVA: Ufficio delle Dogane di Genova; Sezione Operativa Territoriale Passo Nuovo; Sezione Operativa Territoriale Voltri; Sezione Operativa Territoriale Aeroporto,
 - GIOIA TAURO: Ufficio delle Dogane di Gioia Tauro,
 - LA SPEZIA: Ufficio delle Dogane di La Spezia,
 - LIVORNO: Ufficio delle Dogane di Livorno,
 - MILANO: Ufficio delle Dogane di Varese, Sezione Operativa Territoriale di Malpensa,
 - ORIO AL SERIO: Ufficio delle Dogane di Bergamo, Sezione Operativa Territoriale di Orio al Serio,
 - RAVENNA: Ufficio delle Dogane di Ravenna; Sezione Operativa Territoriale di San Vitale,
 - RIMINI: Ufficio delle Dogane di Rimini; Sezione Operativa Territoriale di Aeroporto 'F. Fellini',
 - ROMA: Ufficio delle Dogane di Roma II; Sezione Operativa Territoriale di Fiumicino,
 - TARANTO: Ufficio delle Dogane di Taranto,
 - TRIESTE: Ufficio delle Dogane di Trieste; Sezione Operativa Territoriale di Porto industriale; Sezione Operativa Territoriale di Punto Franco Vecchio; Sezione Operativa Territoriale di Punto Franco Nuovo,
 - VENEZIA: Ufficio delle Dogane di Venezia; Sezione Operativa Territoriale di Interporto; Sezione Operativa Territoriale di Portogruaro.
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ANNEX III

Procedures for making available to the San Marino Exchequer import duties collected by the Union on behalf of the Republic of San Marino

Article 1

With regard to the establishment, monitoring and making available of import duties collected on goods destined for the Republic of San Marino, Article 3, Article 6(1), (3)(a) and (b) and the first subparagraph of paragraph 4 and Articles 10(1) and 17(2) of Regulation (EC, Euratom) No 1150/2000 ⁽¹⁾ shall apply *mutatis mutandis*. In particular, the following provisions shall apply:

- (a) Member States of the Union with customs offices listed in Annex II to this Decision shall maintain separate accounts for import duties collected on goods destined for the Republic of San Marino, identical to those provided for as regards the Union's own resources in Article 6(1), (3)(a) and (b) of Regulation (EC, Euratom) No 1150/2000.
- (b) The import duties relating to T2 SM or T2L SM documents shall be established by the customs offices referred to in Annex II to this Decision at the moment they are entered in the accounts and shall be entered in the accounts referred to in point (a).

Where the customs office of departure of the T2 SM transit procedure or of issue of the T2L SM document has not received the information required to prove that the goods have arrived in the Republic of San Marino to the customs office of departure or of issue, within three months, a correction shall be made to the initial entry in the accounts.

In this case, the import duties shall be established as Union's own resources and entered in the accounts pursuant to Article 6(3)(a) of Regulation (EC, Euratom) No 1150/2000 or, as appropriate, in the separate accounts pursuant to Article 6(3)(b) of that Regulation.

The procedure referred to above shall apply *mutatis mutandis* for compensating products or for goods in their unaltered state sold within the territory of the Republic of San Marino under inward processing arrangements or for goods under temporary importation arrangements for which a customs debt has arisen.

- (c) The Member States in question shall, pursuant to the first subparagraph of Article 6(4) of Regulation (EC, Euratom) No 1150/2000, submit to the European Commission records of their accounts jointly with those relating to own resources. The records, established in the same way as for own resources, shall also indicate the total amount of import duties collected at each customs office.
- (d) The supporting documents shall be kept in accordance with the first and second subparagraphs of Article 3 of Regulation (EC, Euratom) No 1150/2000. These documents and the documents relating to own resources shall be filed separately.
- (e) Corrections to established entitlements or to the accounts made after 31 December of the third year following the year of the initial establishment shall not be entered in the accounts, except on points notified later than this date either by the European Commission or by a Member State or by the Republic of San Marino.
- (f) Article 18 of Regulation (EC, Euratom) No 1150/2000 shall apply. The inspection measures in question shall also apply to the documents referred to in point (b) of the first subparagraph of Article 18(2) proving that the goods have arrived in the Republic of San Marino. Officials authorised by the Republic of San Marino may participate in these inspection measures.
- (g) The Member States in question shall credit to the European Commission's account provided for in Article 9 of Regulation (EC, Euratom) No 1150/2000, within the time limits indicated in Article 10(1) of that Regulation and after deduction of collection costs, the entitlements entered in the accounts provided for in Article 6(3)(a) and (b) of that Regulation.

The percentage which the Union may deduct, as collection costs, from the import duties collected by the Union on behalf of the Republic of San Marino is set at 25 %.

- (h) Member States in question shall be released from the obligation to place at the disposal of the European Commission the amounts corresponding to the duties recorded for the Republic of San Marino only once the conditions laid down in Article 17(2) of Regulation (EC, Euratom) No 1150/2000 have been fulfilled.

⁽¹⁾ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities own resources (OJ L 130, 31.5.2000, p. 1).

Article 2

The European Commission shall transfer the amounts credited to an account opened by the Republic of San Marino with thirty days of notification by the Member States that an amount has been credited. The Republic of San Marino shall inform the European Commission of the details of the account to be credited and shall bear any charges on this account.

Article 3

In the implementation of Article 1(a) and (b), the Appendix shall apply.

Appendix

Administrative procedure applicable in the implementation of points (a) and (b) of Article 1

1. Completion of formalities at authorised customs offices to release goods for free circulation

When goods bound for the Republic of San Marino are released for free circulation, they move under cover of a T2 SM transit procedure or a T2L SM document as appropriate. The import duties shall be entered in the accounts within the time-limits laid down by the relevant legislation of the Union.

For control purposes, duties entered in the accounts shall also be recorded in a register, specifically kept for this purpose by the customs office concerned, containing details of all imports bound for the Republic of San Marino, including reference to the goods imported, the date of acceptance of the import declaration, the items of charge, the amount of duty involved and the movement reference number or document issued (T2 SM or T2L SM).

The authorities of the Republic of San Marino, using the 'arrival advice' message, shall notify the office of departure of the arrival of the goods on the day they are presented at the office of destination and shall forward the 'control results' message to the office of departure at the latest on the third day following the day the goods are presented at the office of destination.

Where a T2 SM document is used in the transit fallback procedure, or a T2L SM document, the customs office shall indicate on these documents the deadline of three months from the date of issue of the said documents for the return of copy No 5 of document T2 SM or the copy of document T2L SM, duly stamped by the authorities of the Republic of San Marino, to the customs office of issue.

2. Completion of accounting formalities at authorised customs offices

The import duties shall be entered in the 'San Marino' accounts (procedure analogous to that detailed in Article 6(3)(a) of Regulation (EC, Euratom) No 1150/2000) in accordance with the provisions of that Article.

However, the authorities of the Member States with customs offices listed in Annex II may decide not to make an entry in the 'San Marino' accounts if the established duties for which security has been provided have been challenged and might upon settlement of the disputes which have arisen be subject to change. In this case, pending the outcome of the ensuing national administrative and/or legal procedures by the competent authorities, the amount of import duties shall be recorded in separate 'San Marino' accounts (procedure analogous to that detailed in Article 6(3)(b) of Regulation (EC, Euratom) No 1150/2000).

For the purposes of this paragraph, the following shall be considered to be 'competent authorities':

- for any question relating to implementation of the laws, regulations or administrative provisions applicable to customs matters, the administrative or judicial authorities of the Member State which carried out the customs clearance or, where appropriate, those of the Union,
- for any question relating to procedural provisions (notifications, deadlines, etc.), the administrative or judicial authorities of the Member State which carried out the customs clearance,
- for any question relating to implementation of an implementing measure concerning the forced recovery of debts in the territory of the Republic of San Marino, the judicial authorities of the Republic of San Marino.

3. Discharge of the transit procedure and return of supporting documents

The transit operation may be discharged when the customs office of departure of the goods has received the appropriate 'arrival advice' and 'control results' messages within the time-limits foreseen in the customs legislation of the Union.

When the fallback procedure for transit is used or a T2L SM document was issued, copy No 5 of document T2 SM or the copy of document T2L SM, duly stamped by the authorities of the Republic of San Marino, are returned within the three-month time-limit referred to in the fourth subparagraph of paragraph 1 to the customs office of issue.

Where the messages referred to in the first subparagraph are not presented or where copy No 5 of document T2 SM or the copy of document T2L SM is not returned to the office of departure within the designated time limit, an entry shall be made in the register referred to above and a correction made to the initial entry in the accounts. In this case, the import duties shall be established as Union's own resources and entered in the accounts detailed in Article 6(3)(a) of Regulation (EC, Euratom) No 1150/2000 or, where appropriate, in the separate accounts referred to in Article 6(3)(b) of that Regulation.

This entry shall be without prejudice to any corrections which might prove necessary in the light of investigation conducted in the context of the transit arrangements of the Union or as a result of action undertaken in the context of mutual assistance as laid down in Decision No 3/92 of the EEC-San Marino Cooperation Committee.

4. Application of the specific procedure in the context of inward processing and temporary importation arrangements

The procedure referred to above shall apply *mutatis mutandis* for compensating products or for goods in their unaltered state sold within the territory of the Republic of San Marino under inward processing arrangements or for goods under temporary importation arrangements for which a customs debt has arisen.

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