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Price: EUR 3

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<sup>(1)</sup> 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 737/2010

of 10 August 2010

laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products

(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 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products<sup>(1)</sup>, and in particular Article 3(4) thereof,

Whereas:

(1) Regulation (EC) No 1007/2009 allows for the placing on the market of seal products which result from hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence. It also allows for the placing on the market of seal products where the hunt was conducted with the sole purpose of the sustainable management of marine resources and where the import of seal products are occasional in nature and consist exclusively of goods for the personal use of travellers and their families.

(2) It is therefore necessary to specify detailed requirements for the import and the placing on the Union market of those seal products in order to ensure a uniform application of Regulation (EC) No 1007/2009.

(3) The placing on the market of seal products which result from hunts traditionally conducted by Inuit and other indigenous communities and which contribute to their subsistence should be allowed where such hunts are part of the cultural heritage of the community and where the seal products are at least partly used, consumed or processed within the communities according to their traditions.

(4) The conditions for the placing on the market of seal products resulting from by-products of hunting that is conducted for the sole purpose of the sustainable management of marine resources, and for the importation of seal products for the personal use of travellers or their families, should also be laid down.

(5) Within this exceptional framework, an effective mechanism to ensure an adequate verification of compliance with those requirements should be introduced. That mechanism should not be more trade-restrictive than necessary.

(6) Other options would not be sufficient to achieve these aims. Therefore, a mechanism should exist by which recognised bodies issue documents attesting that seal products are compliant with the requirements laid down in Regulation (EC) No 1007/2009, unless the import is for the personal use of travellers or their families.

(7) It is appropriate to provide that entities which comply with certain requirements should be included in a list of recognised bodies issuing such attesting documents.

(8) Models should be set out for the attesting document and its copies in order to facilitate the management and verification of attesting documents.

(9) Procedures for the control of attesting documents should be set out. Those procedures should be as simple and as practical as possible, without compromising the credibility and consistency of the system.

(10) The use of electronic systems should be allowed in order to facilitate the exchange of data between competent authorities, the Commission and the recognised bodies.

<sup>(1)</sup> OJ L 286, 31.10.2009, p. 36.

- (11) The processing of personal data for the purposes of this Regulation, in particular as regards the processing of personal data contained in attesting documents, should comply with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(2)</sup>.
- (12) Since this Regulation lays down detailed rules for the implementation of Article 3 of Regulation (EC) No 1007/2009 which applies on 20 August 2010, it should enter into force as a matter of urgency.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Committee established pursuant to Article 18(1) of Council Regulation (EC) No 338/97 <sup>(3)</sup>,

HAS ADOPTED THIS REGULATION:

#### Article 1

This Regulation lays down detailed rules for the placing on the market of seal products pursuant to Article 3 of Regulation (EC) No 1007/2009.

#### Article 2

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

1. 'other indigenous communities' means communities in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions;
2. 'placing on the market on a non-profit basis' means placing on the market for a price less than or equal to the recovery of the costs borne by the hunter reduced by the amount of any subsidies received in relation to the hunt.

#### Article 3

1. Seal products resulting from hunts by Inuit or other indigenous communities may only be placed on the market where it can be established that they originate from seal hunts which satisfy all of the following conditions:

- (a) seal hunts conducted by Inuit or other indigenous communities which have a tradition of seal hunting in the community and in the geographical region;
- (b) seal hunts the products of which are at least partly used, consumed or processed within the communities according to their traditions;
- (c) seal hunts which contribute to the subsistence of the community.

2. At the time of the placing on the market, the seal product shall be accompanied by the attesting document referred to in Article 7(1).

#### Article 4

Seal products for the personal use of travellers or their families may only be imported where one of the following requirements is fulfilled:

1. the seal products are either worn by the travellers, or carried or contained in their personal luggage;
2. the seal products are contained in the personal property of a natural person transferring his normal place of residence from a third country to the Union;
3. the seal products are acquired on site in a third country by travellers and imported by those travellers at a later date, provided that, upon arrival in the Union territory, those travellers present to the customs authorities of the Member State concerned the following documents:

- (a) a written notification of import;
- (b) a document giving evidence that the products were acquired in the third country concerned.

For the purposes of point 3, the written notification and the document shall be endorsed by the customs authorities and returned to the travellers. On import, the notification and document shall be presented to the customs authorities together with the customs declaration for the products concerned.

#### Article 5

1. Seal products resulting from marine resources management may only be placed on the market where it can be established that they originate from seal hunts which satisfy all of the following conditions:

- (a) seal hunts conducted under a national or regional natural resources management plan which uses scientific population models of marine resources and applies the ecosystem-based approach;

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(3)</sup> OJ L 61, 3.3.1997, p. 1.

(b) seal hunts which does not exceed the total allowable catch quota established in accordance with the plan referred to in point (a);

(c) seal hunts the by-products of which are placed on the market in a non-systematic way on a non-profit basis.

2. At the time of the placing on the market, the seal product shall be accompanied by the attesting document referred to in Article 7(1).

#### Article 6

1. An entity shall be included in a list of recognised bodies where it demonstrates that it fulfils the following requirements:

(a) it has legal personality;

(b) it has the capacity to ascertain that the requirements of Article 3 or 5 are met;

(c) it has the capacity to issue and manage attesting documents referred to in Article 7(1), as well as process and archive records;

(d) it has the ability to carry out its functions in a manner that avoids conflict of interest;

(e) it has the ability to monitor compliance with the requirements set out in Articles 3 and 5;

(f) it has the capacity to withdraw attesting documents referred to in Article 7(1) or suspend their validity in case of non-compliance with the requirements of this Regulation, and to take measures to inform competent authorities and customs authorities of Member States thereof;

(g) it is subject to an independent third party audit;

(h) it operates at national or regional level.

2. In order to be included in the list referred to in paragraph 1, an entity shall submit to the Commission a request accompanied by documentary evidence that it fulfils the requirements set out in paragraph 1.

3. The recognised body shall submit audit reports produced by the independent third party referred to in paragraph 1(g) to the Commission at the end of each reporting cycle.

#### Article 7

1. Upon request, where the requirements for placing on the market set out in Article 3(1) or 5(1) are met, a recognised body shall issue an attesting document conforming to the models set out in the Annex.

2. The recognised body shall deliver the attesting document to the applicant and shall keep a copy for three years for record-keeping purposes.

3. Subject to Article 8(2), when a seal product is placed on the market, the original attesting document shall be delivered with the seal product. The applicant may keep a copy of the attesting document.

4. A reference to the attesting document number shall be included in any further invoice.

5. A seal product accompanied by an attesting document issued in accordance with paragraph 1 shall be deemed to comply with Article 3(1) or 5(1).

6. Acceptance of a customs declaration for release for free circulation pursuant to Article 79 of Council Regulation (EEC) No 2913/92<sup>(1)</sup> of a seal product shall be subject to the presentation of an attesting document issued in accordance with paragraph 1 of this Article. Without prejudice to Article 77(2) of Regulation (EEC) No 2913/92, the customs authorities shall keep a copy of the attesting document in their records.

7. In case of doubts relating to the authenticity or correctness of an attesting document issued in accordance with paragraph 1 as well as when further advice is required, the customs authorities and other enforcement officers shall contact the competent authorities designated by the Member State concerned in accordance with Article 9. The competent authorities shall decide on the measures to be taken.

#### Article 8

1. The attesting document referred to in Article 7(1) shall be paper-based or in electronic form.

2. In case of an electronic attesting document, a printed copy of that attesting document shall accompany the seal product at the time of placing on the market.

3. The use of the attesting document shall be without prejudice to any other formalities relating to the placing on the market.

4. The competent authority designated in accordance with Article 9 may require that the attesting document be translated into the official language of the Member State where the product is to be placed on the market.

#### Article 9

1. Each Member State shall designate one or several competent authorities responsible for the following tasks:

(a) verification upon request of the customs authorities pursuant to Article 7(7) of attesting documents for imported seal products;

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

- (b) control of the issuing of attesting documents by recognised bodies established and active in that Member State;
- (c) preservation of a copy of attesting documents issued for seal products originating from seal hunts in that Member State.

2. Member States shall notify the Commission of the competent authorities designated in accordance with paragraph 1.

3. The Commission shall make the list of competent authorities designated in accordance with paragraph 1 available on its website. The list shall be regularly updated.

#### *Article 10*

1. Competent authorities may use electronic systems for the exchange and recording of data contained in attesting documents.

2. Member States shall take into account the complementarity, compatibility and interoperability of the electronic systems referred to in paragraph 1.

#### *Article 11*

This Regulation is without prejudice to the level of protection of individuals with regard to the processing of personal data under Union law and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC and Regulation (EC) No 45/2001. The protection of individuals with regard to the processing of personal data shall be ensured in particular with regard to any disclosure or communication of personal data in an attesting document.

#### *Article 12*

This Regulation shall enter into force on the third 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, 10 August 2010.

*For the Commission*  
*The President*  
José Manuel BARROSO

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## ANNEX

## EUROPEAN UNION

## ATTESTING DOCUMENT

<b>ORIGINAL</b>	<b>1</b>	<b>1 Issuing body</b> Name  Address	<b>2 For the purposes of the issuing country</b>	
		<b>3 Attesting Document Number</b>		
		<b>4 Country of placing on the market</b>		
		<b>5 ISO Code</b>		
		<b>6 Commercial description of the seal product</b>		
<b>1</b>	<b>7 Justification</b>  <input type="checkbox"/> Seal Product resulting from hunt by Inuit or other indigenous communities <input type="checkbox"/> By-products resulting from hunts for the sustainable management of marine resources			
	<b>8 Scientific Name</b>		<b>9 HS-Heading</b>	
	<b>10 Country of taking</b>		<b>11 ISO Code</b>	
	<b>12 Net Weight (kg)</b>		<b>13 Number of units</b>	
	<b>14 Distinguishing marks</b>		<b>15 Unique Identifier</b>	
	<b>16 Signature and stamp of issuing body</b>  Place and date		<b>17 Endorsement by customs</b> Number of customs declaration  Signature and stamp  Place and date	

## EUROPEAN UNION

## ATTESTING DOCUMENT

<b>COPY FOR THE ISSUING BODY</b>	<b>2</b>	<b>1 Issuing body</b> Name  Address	<b>2 For the purposes of the issuing country</b>		
		<b>3 Attesting Document Number</b>			
		<b>4 Country of placing on the market</b>			
		<b>5 ISO Code</b>			
		<b>6 Commercial description of the seal product</b>			
<b>2</b>	<b>7 Justification</b> <input type="checkbox"/> Seal Product resulting from hunt by Inuit or other indigenous communities <input type="checkbox"/> By-products resulting from hunts for the sustainable management of marine resources				
	<b>8 Scientific Name</b>	<b>9 HS-Heading</b>			
	<b>10 Country of taking</b>		<b>11 ISO Code</b>		
	<b>12 Net Weight (kg)</b>		<b>13 Number of units</b>		
	<b>14 Distinguishing marks</b>		<b>15 Unique Identifier</b>		
	<b>16 Signature and stamp of issuing body</b>   Place and date				



## EUROPEAN UNION

## ATTESTING DOCUMENT

<b>COPY FOR CUSTOMS</b>	<b>3</b>	<b>1 Issuing body</b> Name  Address	<b>2 For the purposes of the issuing country</b>	
		<b>3 Attesting Document Number</b>		
		<b>4 Country of placing on the market</b>		
		<b>5 ISO Code</b>		
		<b>6 Commercial description of the seal product</b>		
<b>3</b>	<b>7 Justification</b>  <input type="checkbox"/> Seal Product resulting from hunt by Inuit or other indigenous communities <input type="checkbox"/> By-products resulting from hunts for the sustainable management of marine resources			
	<b>8 Scientific Name</b>		<b>9 HS-Heading</b>	
	<b>10 Country of taking</b>		<b>11 ISO Code</b>	
	<b>12 Net Weight (kg)</b>		<b>13 Number of units</b>	
	<b>14 Distinguishing marks</b>		<b>15 Unique Identifier</b>	
	<b>16 Signature and stamp of issuing body</b>  Place and date		<b>17 Endorsement by customs</b> Number of customs declaration  Signature and stamp  Place and date	

## EUROPEAN UNION

## ATTESTING DOCUMENT

<b>COPY FOR COMPETENT AUTHORITY</b>	<b>4</b>	<b>1 Issuing body</b> Name  Address	<b>2 For the purposes of the issuing country</b>	
		<b>3 Attesting Document Number</b>		
		<b>4 Country of placing on the market</b>		
		<b>5 ISO Code</b>		
		<b>6 Commercial description of the seal product</b>		
<b>4</b>	<b>7 Justification</b> <input type="checkbox"/> Seal Product resulting from hunt by Inuit or other indigenous communities <input type="checkbox"/> By-products resulting from hunts for the sustainable management of marine resources			
	<b>8 Scientific Name</b>		<b>9 HS-Heading</b>	
	<b>10 Country of taking</b>		<b>11 ISO Code</b>	
	<b>12 Net Weight (kg)</b>		<b>13 Number of units</b>	
	<b>14 Distinguishing marks</b>		<b>15 Unique Identifier</b>	
	<b>16 Signature and stamp of issuing body</b>          Place and date			

## EUROPEAN UNION

## ATTESTING DOCUMENT

<b>RESERVE</b>	<b>5</b>	<b>1 Issuing body</b> Name  Address	<b>2 For the purposes of the issuing country</b>	
		<b>3 Attesting Document Number</b>		
		<b>4 Country of placing on the market</b>		
		<b>5 ISO Code</b>		
		<b>6 Commercial description of the seal product</b>		
<b>5</b>	<b>7 Justification</b>  <input type="checkbox"/> Seal Product resulting from hunt by Inuit or other indigenous communities <input type="checkbox"/> By-products resulting from hunts for the sustainable management of marine resources			
	<b>8 Scientific Name</b>		<b>9 HS-Heading</b>	
	<b>10 Country of taking</b>		<b>11 ISO Code</b>	
	<b>12 Net Weight (kg)</b>		<b>13 Number of units</b>	
	<b>14 Distinguishing marks</b>		<b>15 Unique Identifier</b>	
	<b>16 Signature and stamp of issuing body</b>  Place and date		<b>17 Endorsement by customs</b> Number of customs declaration  Signature and stamp  Place and date	

*Notes for guidance***General:**

Complete in capitals

Box 1.	Issuing body	Indicate the name and address of the recognised body that issues the attesting document.
Box 2.	For the purposes of the issuing country	Space for the purposes of the issuing country.
Box 3.	Attesting Document Number	Indicate the issuing number of the attesting document.
Box 4.	Country of placing on the market	Indicate the country where the seal product is intended to be placed on the European Union market for the first time.
Box 5.	ISO Code	Indicate the two-letter code for the country declared in Box 4.
Box 6.	Commercial description of the seal product	Indicate the commercial description of the seal product(s). The description shall be consistent with the entry in Box 8.
Box 7.	Justification	Tick the applicable box.
Box 8.	Scientific Name	Indicate the scientific name(s) of the species of the seal(s) used in the product. Where more than one species is included in a composite product, indicate each species on a separate line.
Box 9.	HS-Heading	Give the four-digit or the six-digit commodity code established pursuant to the Harmonised Commodity Description and Coding System.
Box 10.	Country of taking	Indicate the country where the seals used in the product were taken from the wild.
Box 11.	ISO Code	Indicate the two-letter code for the country declared in Box 10.
Box 12.	Net Weight	Give the overall weight in kg. This is defined as the net mass of the seal products without immediate containers or any packaging, other than bearers, spacers, stickers, etc.
Box 13.	Number of units	Indicate the number of units, if applicable.
Box 14.	Distinguishing marks	Where applicable, indicate any distinguishing marks, such as the lot number or bill of lading number.
Box 15.	Unique Identifier	Indicate any traceability identifiers present on the product.
Box 16.	Signature and stamp of issuing body	The box is to be signed by the authorised official, stating the place and date, and stamped with the official stamp of the issuing recognised body.
Box 17.	Endorsement by customs	The customs authority is to indicate the number of the customs declaration and add its signature and stamp.

**COMMISSION REGULATION (EU) No 738/2010****of 16 August 2010****laying down detailed rules on payments to German producer organisations in the hops sector**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup> and in particular Article 102a(3), in conjunction with Article 4 thereof,

Whereas:

(1) Article 102a(2) of Regulation (EC) No 1234/2007 as amended by Council Regulation (EC) No 72/2009 <sup>(2)</sup> provides for an annual payment to recognised German producer organisations in the hops sector. The amounts received by producer organisations should be used to finance measures adopted in order to achieve the aims referred to in Article 122(c) of Regulation (EC) No 1234/2007.

(2) So as to ensure the orderly management of the payments, Germany should adopt rules on the submission of applications by producer organisations, including deadlines, and ensure that all applications contain the information that is needed in order to allow the German competent authority to verify whether producer organisations are entitled to payments.

(3) In order to ensure that payments are made in a fair manner, the amounts to be paid to producer organisations should be calculated on a pro rata basis, linked to the eligible hops areas of their members.

(4) In order to ensure the efficient use of financial resources, payments made by the competent German payment agency should be committed within a reasonable period of time.

(5) In order to protect the financial interests of the European Union, no payments should be made before checks in respect of the eligibility criteria have been made. These control measures should involve administrative checking supplemented by on-the-spot controls. Amounts unduly paid should be recovered and sanctions should be determined in order to deter applicants from fraudulent behaviour and serious negligence.

(6) Article 63(1) of Council Regulation (EC) No 73/2009 <sup>(3)</sup> which has established common rules for direct support

schemes for farmers under the common agricultural policy as well as certain support schemes for farmers has integrated the partially coupled payments in the hops sector into the single payments scheme from 1 January 2010. In order to ensure the continuity of payments, the first payment of the Union aid pursuant to Article 102a of Regulation (EC) No 1234/2007 and this Regulation should be made by 30 April 2011 at the latest.

(7) In order to facilitate the execution of the first payment, it is appropriate to allow the German competent authority to proceed, in the year preceding that payment, with the identification of the potential beneficiaries and the potentially eligible hop areas.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Scope and use of terms**

1. This Regulation lays down detailed rules for the implementation of Article 102a of Regulation (EC) No 1234/2007 as regards the payment to producer organisations in the hops sector in Germany referred to in that Article.

2. Terms used in this Regulation shall have the same meaning as when used in Regulation (EC) No 1234/2007, unless this Regulation provides otherwise.

*Article 2***Applications for aid**

1. The producer organisation seeking to benefit from the payment referred to in Article 102a of Regulation (EC) No 1234/2007 shall submit an application to the German competent authority each year, by a date to be fixed by Germany and which shall not be later than 30 September.

2. When fixing the date referred to in paragraph 1, Germany shall take into account the period of time that is required to ensure the proper administrative and financial management of the payment, including the requirement to carry out effective checks.

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

<sup>(2)</sup> OJ L 30, 31.1.2009, p. 1.

<sup>(3)</sup> OJ L 30, 31.1.2009, p. 16.

3. Applications shall be accompanied by supporting documents showing:

- (a) the identity and proof of recognition of the producer organisation;
- (b) the total of the eligible areas referred to in Article 3;
- (c) the details permitting identification of the members of the producer organisation and the eligible areas they cultivate;
- (d) the measures implemented, completed or ongoing and the corresponding expenditure incurred or committed during the calendar year of the aid application with a view to achieving the aims referred to in Article 122(c) of Regulation (EC) No 1234/2007.

#### Article 3

##### Aid entitlement

1. The amounts paid to the producer organisations in the hops sector shall be committed in order to finance measures to achieve the aims referred to in Article 122 of Regulation (EC) No 1234/2007.
2. The amount to be paid to each producer organisation shall be calculated pro rata based on the eligible hop areas of its members as specified in paragraphs 3 to 6.
3. Eligible hop areas are hop areas in Germany which are entirely planted and which have already undergone normal tending operations in accordance with local standards, at the moment of submission of the application referred to in Article 2.
4. The areas referred to in paragraph 2 shall be planted at a uniform density of at least 1 500 plants per hectare in the case of double stringing/wiring, or at least 2 000 plants per hectare in the case of single stringing/wiring.
5. The areas referred to in paragraph 2 shall only include areas bounded by a line joining the outer stays of the poles. Where there are hop plants on that line, an additional strip of a width corresponding to the average width of an alleyway within that parcel may be added to each side of that area. The additional strip shall not form part of a public right of way. The two headlands at the ends of the hop rows that are needed for manoeuvring agricultural machinery may be included in the area, provided that the length of neither headland exceeds eight metres and they are counted only once, and they do not form part of a public right of way.
6. The areas referred to in paragraph 2 shall not include areas planted with young hop plants grown chiefly as nursery products.

#### Article 4

##### Payment of the aid

1. Germany shall pay the aid to the beneficiaries between 16 October of the year in which the application was made and 31 January of the following year at the latest for each application that was submitted in accordance with this Regulation and German legislation, but only after all compulsory checks referred to in Article 5 have been carried out.

2. Any amount paid by the German competent authority which has not been committed by a producer organisation within a period of three years from the date of payment shall be paid back to the paying agency and deducted from the expenditure financed under the European Agricultural Guarantee Fund.

#### Article 5

##### Checks and sanctions

1. Prior to granting the payment, the competent national authority shall carry out administrative checks on all aid applications as well as on-the-spot checks on a significant sample of applications.

2. Administrative checks on aid applications shall be exhaustive and shall include:

- (a) cross-checks of the eligible areas claimed with, inter alia, data from the integrated administration and control system provided for in Chapter 4 of Title II of Regulation (EC) No 73/2009;
- (b) a verification of the contribution of the measures implemented to the aims referred to in Article 122(c) of Regulation (EC) No 1234/2007.

3. On-the-spot checks shall be conducted at each producer organisation and cover at least 5 % of the aid to be distributed. Such checks shall verify in particular:

- (a) the producer organisations' compliance with the recognition criteria;
- (b) the eligibility of the hop areas claimed;
- (c) a representative sample of the measures implemented, completed or ongoing and the corresponding expenditure incurred or committed during the calendar year of the aid application with a view to achieving the aims referred to in Article 122(c) of Regulation (EC) No 1234/2007.

4. Provided that the purpose of the on-the-spot check is not jeopardised, advance notice, strictly limited to the minimum time period necessary, may be given.

5. In all appropriate cases, Germany shall make use of the integrated administration and control system.

6. In the event of undue payment, Article 80 of Commission Regulation (EC) No 1122/2009<sup>(1)</sup> shall apply *mutatis mutandis*.

<sup>(1)</sup> OJ L 316, 2.12.2009, p. 65.

7. Where an undue payment has been made as a result of a false declaration, false documents or serious negligence, the applicant shall, in addition to the recovery of unduly paid amounts, repay an amount equal to the difference between the amount initially paid and the amount to which the applicant was actually entitled. These amounts shall be payable to the EU budget.

8. The competent control authority shall draw up a control report on each on-the-spot check. The report shall describe precisely the different items and aspects controlled, and provide sufficient detail to allow review of the control work performed and results achieved.

9. The German competent authority executing the payments shall send an annual report to the Commission on the producer organisations' use of the amounts received, including a description of the measures that have been financed by means of the payments. The report shall include details of the number of the on-the-spot checks carried out and the related findings, and shall be sent at the latest by 30 June of each year.

#### Article 6

##### **Transitional provisions**

1. Applications for the first payment referred to in Article 102a of Regulation (EC) No 1234/2007 shall be made

by a deadline to be determined by Germany but not later than 15 January 2011. The corresponding payments shall be executed by 30 April 2011. Applications for the second payment referred to in Article 102a of that Regulation shall be made by a deadline to be determined by Germany but not later than 30 September 2011. The corresponding payments shall be executed by 31 January 2012 at the latest.

2. Before the first payment referred to in paragraph 1, the competent national authority shall identify the eligible producer organisations referred to in Article 2(1), provisionally verify the fulfilment of the conditions referred to in Article 3(1) and provisionally establish the amounts and the eligible areas referred to in Article 3(2) of this Regulation during the calendar year preceding that payment.

#### Article 7

##### **Entry into force**

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 January 2011.

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

Done at Brussels, 16 August 2010.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION REGULATION (EU) No 739/2010****of 16 August 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 17 August 2010.

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

Done at Brussels, 16 August 2010.

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

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

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



## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	50,2
	TR	85,0
	ZZ	67,6
0707 00 05	MK	41,0
	TR	109,4
	ZZ	75,2
0709 90 70	TR	95,4
	ZZ	95,4
0805 50 10	AR	149,1
	CL	140,6
	TR	151,5
	UY	84,3
	ZA	129,4
	ZZ	131,0
0806 10 10	EG	153,1
	IL	202,2
	MA	129,1
	PE	77,2
	TR	128,2
	ZZ	138,0
0808 10 80	AR	75,7
	BR	72,5
	CL	90,7
	CN	65,6
	NZ	108,0
	US	87,8
	UY	100,6
	ZA	94,1
	ZZ	86,9
	0808 20 50	AR
CL		150,5
CN		55,7
TR		158,2
ZA		107,0
ZZ		109,4
0809 30	TR	149,5
	ZZ	149,5
0809 40 05	BA	74,4
	IL	154,8
	ZZ	114,6

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

**COMMISSION REGULATION (EU) No 740/2010**  
**of 16 August 2010**  
**amending Regulation (EU) No 735/2010 fixing the import duties in the cereals sector applicable**  
**from 16 August 2010**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector applicable from 16 August 2010 were fixed by Commission Regulation (EU) No 735/2010 <sup>(3)</sup>.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EU) No 735/2010.

- (3) Regulation (EU) No 735/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EU) No 735/2010 are hereby replaced by the text in the Annex to this Regulation.

*Article 2*

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

It shall apply from 17 August 2010.

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

Done at Brussels, 16 August 2010.

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

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

<sup>(2)</sup> OJ L 187, 21.7.2010, p. 5.

<sup>(3)</sup> OJ L 214, 14.8.2010, p. 10.

## ANNEX I

**Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 17 August 2010**

CN code	Description	Import duties <sup>(1)</sup> (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	11,51
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed <sup>(2)</sup>	0,00
1007 00 90	Grain sorghum other than hybrids for sowing	11,51

<sup>(1)</sup> For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

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

<sup>(2)</sup> The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

## ANNEX II

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

13.8.2010

## 1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	215,07	126,65	—	—	—	—
Fob price USA	—	—	151,30	141,30	121,30	93,76
Gulf of Mexico premium	—	16,69	—	—	—	—
Great Lakes premium	11,84	—	—	—	—	—

<sup>(1)</sup> Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).

<sup>(2)</sup> Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

<sup>(3)</sup> Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

## 2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico–Rotterdam: 22,46 EUR/t

Freight costs: Great Lakes–Rotterdam: 51,76 EUR/t

# DECISIONS

## COMMISSION DECISION

of 13 August 2010

**amending Decisions 2008/934/EC and 2008/941/EC as regards the date until which authorisations may continue to be in force and the period of grace, in cases where the notifier has submitted an application in accordance with the accelerated procedure under Regulation (EC) No 33/2008**

(notified under document C(2010) 5536)

(Text with EEA relevance)

(2010/455/EU)

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 <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances <sup>(2)</sup> and Commission Decision 2008/941/EC of 8 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances <sup>(3)</sup> establish the lists of active substances for which the notifier withdrew its support of the inclusion of the active substance concerned in Annex I to Directive 91/414/EEC in accordance with Article 11e of Commission Regulation (EC) No 1490/2002 <sup>(4)</sup> and Article 24e of Commission Regulation (EC) No 2229/2004 <sup>(5)</sup>.

(2) For most of the substances concerned applications have been submitted in accordance with the accelerated procedure provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the

application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I <sup>(6)</sup>.

(3) In order to allow the examination of those substances to be completed, it is necessary to extend the period for Member States to withdraw authorisations and the period of grace they may grant in respect of those substances.

(4) Decisions 2008/934/EC and 2008/941/EC should therefore be amended accordingly.

(5) 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*

### **Amendment to Decision 2008/934/EC**

Decision 2008/934/EC is amended as follows:

1. in Article 2, the following paragraph is added:

‘However, the latest date for Member States to withdraw such authorisations shall be 31 December 2011 where an application has been submitted in accordance with the accelerated procedure provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.’;

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 333, 11.12.2008, p. 11.

<sup>(3)</sup> OJ L 335, 13.12.2008, p. 91.

<sup>(4)</sup> OJ L 224, 21.8.2002, p. 23.

<sup>(5)</sup> OJ L 379, 24.12.2004, p. 13.

<sup>(6)</sup> OJ L 15, 18.1.2008, p. 5.

2. in Article 3, the following paragraph is added:

‘However, any such period of grace shall expire on 31 December 2012 at the latest where an application has been submitted in accordance with the accelerated procedure provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.’.

*Article 2*

**Amendment to Decision 2008/941/EC**

Decision 2008/941/EC is amended as follows:

1. in Article 2, the following paragraph is added:

‘However, the latest date for Member States to withdraw such authorisations shall be 31 December 2011 where an application has been submitted in accordance with the accelerated procedure provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.’;

2. in Article 3, the following paragraph is added:

‘However, any such period of grace shall expire on 31 December 2012 at the latest where an application has been submitted in accordance with the accelerated procedure provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.’.

*Article 3*

**Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 13 August 2010.

*For the Commission*

John DALLI

*Member of the Commission*

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