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## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU, EURATOM) No 1190/2010

of 13 December 2010

**amending Regulation (EU, Euratom) No 1296/2009 adjusting with effect from 1 July 2009 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Protocol on the Privileges and Immunities of the European Union, and in particular Article 12 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, and in particular Articles 63, 64, 65 and 82 of the Staff Regulations and Annexes VII, XI and XIII thereto, and Articles 20(1), 64, 92 and 132 of the Conditions of Employment of Other Servants,

Having regard to the proposal from the European Commission,

Whereas:

(1) By judgment of 24 November 2010 in Case C-40/10, the Court of Justice annulled Article 2 and Articles 4 to 18 of Regulation (EU, Euratom) No 1296/2009 of 23 December 2009 <sup>(2)</sup>. Pursuant to Article 266 of the Treaty, the Council is required to take the necessary measures to comply with this judgment.

(2) In order to guarantee that the purchasing power of Union officials and other servants develops in parallel with that of national civil servants in the Member States, the remuneration and pensions of officials and other servants of the European Union should be adjusted under the 2009 annual review as proposed by the Commission.

(3) Regulation (EU, Euratom) No 1296/2009 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU, Euratom) No 1296/2009 is hereby amended as follows:

(1) Article 2 is replaced by the following:

*Article 2*

With effect from 1 July 2009, the table of basic monthly salaries in Article 66 of the Staff Regulations applicable for the purposes of calculating remuneration and pensions is replaced by the following:

1.7.2009	STEP				
GRADE	1	2	3	4	5
16	16 902,14	17 612,39	18 352,49		
15	14 938,67	15 566,42	16 220,54	16 671,82	16 902,14
14	13 203,29	13 758,11	14 336,24	14 735,10	14 938,67

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1.

<sup>(2)</sup> OJ L 348, 29.12.2009, p. 10.

1.7.2009 GRADE	STEP				
	1	2	3	4	5
13	11 669,50	12 159,87	12 670,85	13 023,37	13 203,29
12	10 313,89	10 747,30	11 198,91	11 510,48	11 669,50
11	9 115,76	9 498,82	9 897,97	10 173,34	10 313,89
10	8 056,81	8 395,37	8 748,15	8 991,54	9 115,76
9	7 120,87	7 420,10	7 731,90	7 947,02	8 056,81
8	6 293,66	6 558,13	6 833,71	7 023,84	7 120,87
7	5 562,55	5 796,29	6 039,86	6 207,90	6 293,66
6	4 916,36	5 122,95	5 338,23	5 486,75	5 562,55
5	4 345,24	4 527,84	4 718,10	4 849,37	4 916,36
4	3 840,47	4 001,85	4 170,01	4 286,03	4 345,24
3	3 394,33	3 536,97	3 685,60	3 788,13	3 840,47
2	3 000,02	3 126,09	3 257,45	3 348,08	3 394,33
1	2 651,52	2 762,94	2 879,04	2 959,14	3 000,02.

(2) Articles 4 to 17 are replaced by the following:

*Article 4*

With effect from 1 July 2009, the amount of the parental leave allowance referred to in the second and third paragraphs of Article 42a of the Staff Regulations shall be EUR 910,82, and shall be EUR 1 214,42 for single parents.

*Article 5*

With effect from 1 July 2009, the basic amount of the household allowance referred to in Article 1(1) of Annex VII to the Staff Regulations shall be EUR 170,35.

With effect from 1 July 2009, the amount of the dependent child allowance referred to in Article 2(1) of Annex VII to the Staff Regulations shall be EUR 372,24.

With effect from 1 July 2009, the amount of the education allowance referred to in Article 3(1) of Annex VII to the Staff Regulations shall be EUR 252,56.

With effect from 1 July 2009, the amount of the education allowance referred to in Article 3(2) of Annex VII to the Staff Regulations shall be EUR 90,93.

With effect from 1 July 2009, the minimum amount of the expatriation allowance referred to in Article 69 of the Staff Regulations and in the second subparagraph of Article 4(1) of Annex VII thereto shall be EUR 504,89.

With effect from 14 July 2009, the expatriation allowance referred to in Article 134 of the Conditions of Employment of Other Servants shall be EUR 362,95.

*Article 6*

With effect from 1 January 2010, the kilometric allowance referred to in Article 8(2) of Annex VII to the Staff Regulations shall be adjusted as follows:

EUR 0 for every km from 0 to 200 km

EUR 0,3786 for every km from 201 to 1 000 km

EUR 0,6310 for every km from 1 001 to 2 000 km

EUR 0,3786 for every km from 2 001 to 3 000 km

EUR 0,1261 for every km from 3 001 to 4 000 km

EUR 0,0608 for every km from 4 001 to 10 000 km

EUR 0 for every km over 10 000 km.

To the above kilometric allowance a flat-rate supplement shall be added, amounting to:

— EUR 189,29 if the distance by train between the place of employment and the place of origin is between 725 km and 1 450 km,

— EUR 378,55 if the distance by train between the place of employment and the place of origin is greater than 1 450 km.

#### Article 7

With effect from 1 July 2009, the daily subsistence allowance referred to in Article 10(1) of Annex VII to the Staff Regulations shall be:

— EUR 39,13 for an official who is entitled to the household allowance,

— EUR 31,55 for an official who is not entitled to the household allowance.

#### Article 8

With effect from 1 July 2009, the lower limit for the installation allowance referred to in Article 24(3) of the Conditions of Employment of Other Servants shall be:

— EUR 1 113,88 for a servant who is entitled to the household allowance,

— EUR 662,31 for a servant who is not entitled to the household allowance.

#### Article 9

With effect from 1 July 2009, for the unemployment allowance referred to in the second subparagraph of Article 28a(3) of the Conditions of Employment of Other Servants, the lower limit shall be EUR 1 335,85, the upper limit shall be EUR 2 671,72 and the standard allowance shall be EUR 1 214,42.

#### Article 10

With effect from 1 July 2009, the table of basic monthly salaries in Article 93 of the Conditions of Employment of Other Servants shall be replaced by the following:

FUNCTION GROUP	1.7.2009	STEP						
	GRADE	1	2	3	4	5	6	7
IV	18	5 826,60	5 947,77	6 071,45	6 197,71	6 326,60	6 458,17	6 592,47
	17	5 149,70	5 256,79	5 366,11	5 477,70	5 591,61	5 707,90	5 826,60
	16	4 551,44	4 646,09	4 742,71	4 841,34	4 942,01	5 044,79	5 149,70
	15	4 022,68	4 106,33	4 191,73	4 278,90	4 367,88	4 458,72	4 551,44
	14	3 555,35	3 629,29	3 704,76	3 781,80	3 860,45	3 940,73	4 022,68
	13	3 142,31	3 207,66	3 274,36	3 342,46	3 411,96	3 482,92	3 555,35
III	12	4 022,61	4 106,26	4 191,65	4 278,81	4 367,79	4 458,61	4 551,33
	11	3 555,31	3 629,24	3 704,71	3 781,75	3 860,39	3 940,66	4 022,61
	10	3 142,29	3 207,64	3 274,34	3 342,43	3 411,93	3 482,88	3 555,31
	9	2 777,26	2 835,01	2 893,97	2 954,14	3 015,57	3 078,28	3 142,29
	8	2 454,63	2 505,67	2 557,78	2 610,97	2 665,26	2 720,68	2 777,26
II	7	2 777,20	2 834,96	2 893,93	2 954,12	3 015,56	3 078,28	3 142,31
	6	2 454,51	2 505,56	2 557,68	2 610,87	2 665,18	2 720,61	2 777,20
	5	2 169,32	2 214,44	2 260,50	2 307,51	2 355,51	2 404,50	2 454,51
	4	1 917,26	1 957,14	1 997,84	2 039,40	2 081,82	2 125,12	2 169,32
I	3	2 361,91	2 410,93	2 460,97	2 512,05	2 564,18	2 617,40	2 671,72
	2	2 088,03	2 131,37	2 175,60	2 220,76	2 266,85	2 313,89	2 361,91
	1	1 845,91	1 884,22	1 923,33	1 963,24	2 003,99	2 045,58	2 088,03

*Article 11*

With effect from 1 July 2009, the lower limit for the installation allowance referred to in Article 94 of the Conditions of Employment of Other Servants shall be:

- EUR 837,82 for a servant who is entitled to the household allowance,
- EUR 496,72 for a servant who is not entitled to the household allowance.

*Article 12*

With effect from 1 July 2009, for the unemployment allowance referred to in the second subparagraph of Article 96(3) of the Conditions of Employment of Other Servants, the lower limit shall be EUR 1 001,90, the upper limit shall be EUR 2 003,78 and the standard allowance shall be EUR 910,82.

With effect from 14 July 2009, for the unemployment allowance referred to in Article 136 of the Conditions

of Employment of Other Servants, the lower limit shall be EUR 881,45 and the upper limit shall be EUR 2 074,00.

*Article 13*

With effect from 1 July 2009, the allowances for shift work laid down in the first subparagraph of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76 (\*) shall be EUR 381,79, EUR 576,26, EUR 630,06 and EUR 858,98 respectively.

*Article 14*

With effect from 1 July 2009, the amounts referred to in Article 4 of Council Regulation (EEC, Euratom, ECSC) No 260/68 (\*\*) shall be subject to a coefficient of 5,511255.

*Article 15*

With effect from 1 July 2009, the table in Article 8(2) of Annex XIII to the Staff Regulations shall be replaced by the following:

1.7.2009	STEP							
	1	2	3	4	5	6	7	8
16	16 902,14	17 612,39	18 352,49	18 352,49	18 352,49	18 352,49		
15	14 938,67	15 566,42	16 220,54	16 671,82	16 902,14	17 612,39		
14	13 203,29	13 758,11	14 336,24	14 735,10	14 938,67	15 566,42	16 220,54	16 902,14
13	11 669,50	12 159,87	12 670,85	13 023,37	13 203,29			
12	10 313,89	10 747,30	11 198,91	11 510,48	11 669,50	12 159,87	12 670,85	13 203,29
11	9 115,76	9 498,82	9 897,97	10 173,34	10 313,89	10 747,30	11 198,91	11 669,50
10	8 056,81	8 395,37	8 748,15	8 991,54	9 115,76	9 498,82	9 897,97	10 313,89
9	7 120,87	7 420,10	7 731,90	7 947,02	8 056,81			
8	6 293,66	6 558,13	6 833,71	7 023,84	7 120,87	7 420,10	7 731,90	8 056,81
7	5 562,55	5 796,29	6 039,86	6 207,90	6 293,66	6 558,13	6 833,71	7 120,87
6	4 916,36	5 122,95	5 338,23	5 486,75	5 562,55	5 796,29	6 039,86	6 293,66
5	4 345,24	4 527,84	4 718,10	4 849,37	4 916,36	5 122,95	5 338,23	5 562,55
4	3 840,47	4 001,85	4 170,01	4 286,03	4 345,24	4 527,84	4 718,10	4 916,36
3	3 394,33	3 536,97	3 685,60	3 788,13	3 840,47	4 001,85	4 170,01	4 345,24
2	3 000,02	3 126,09	3 257,45	3 348,08	3 394,33	3 536,97	3 685,60	3 840,47
1	2 651,52	2 762,94	2 879,04	2 959,14	3 000,02			

*Article 16*

With effect from 1 July 2009, for the purposes of application of Article 18(1) of Annex XIII to the Staff Regulations, the amount of the fixed allowance referred to in the former Article 4a of Annex VII to the Staff Regulations in force before 1 May 2004 shall be:

— EUR 131,71 per month for officials in Grade C 4 or C 5,

— EUR 201,94 per month for officials in Grade C 1, C 2 or C 3.

*Article 17*

With effect from 14 July 2009, the scale for basic monthly salaries in Article 133 of the Conditions of Employment of Other Servants shall be replaced by the following:

Grade	1	2	3	4	5	6	7
Full-time basic salary	1 679,08	1 956,12	2 120,85	2 299,45	2 493,09	2 703,03	2 930,66
Grade	8	9	10	11	12	13	14
Full-time basic salary	3 177,45	3 445,03	3 735,14	4 049,67	4 390,70	4 760,44	5 161,33
Grade	15	16	17	18	19		
Full-time basic salary	5 595,96	6 067,21	6 578,13	7 132,08	7 732,68		

(\*) Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shift work, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1).

(\*\*) Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8).'

*Article 2*

This Regulation shall enter into force on the 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, 13 December 2010.

*For the Council*  
*The President*  
 K. PEETERS

**COMMISSION REGULATION (EU) No 1191/2010****of 16 December 2010****amending Regulation (EC) No 1794/2006 laying down a common charging scheme for air navigation services****(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 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation)<sup>(1)</sup> and in particular Article 15(4) thereof,

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), and in particular Article 5(3) thereof<sup>(2)</sup>,

Whereas:

- (1) Commission Regulation (EC) No 1794/2006<sup>(3)</sup> lays down the necessary measures for the development of a charging scheme for air navigation services that is consistent with the Eurocontrol Route Charges System. The development of a common charging scheme for air navigation services provided during all phases of flight is of the utmost importance for the implementation of the single European sky. The scheme should achieve greater transparency with respect to the determination, imposition and enforcement of charges to airspace users and cost efficiency in providing air navigation service. It should also encourage efficiency of flights while maintaining an optimum safety level and stimulate integrated service provision.
- (2) In order to ensure that the overall objective of improving the cost efficiency of air navigation services is effective, the charging scheme should promote the enhancement of cost and operational efficiencies in consistency with and in support of the European Air Traffic Management Master Plan.
- (3) Regulation (EC) No 1794/2006 needs to be updated in order to translate the financial consequences of the performance scheme into the charging scheme, particularly with regard to the cost and traffic risk sharing mechanisms as well as the incentive schemes

described in Commission Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services<sup>(4)</sup>. Regulation (EC) No 1794/2006 should therefore be amended accordingly.

- (4) Appropriate provisions should be provided to ensure a smooth transition to the updated charging scheme.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendments to Regulation (EC) No 1794/2006**

Regulation (EC) No 1794/2006 is amended as follows:

1) Article 1 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. This Regulation lays down the necessary measures for the development of a common charging scheme for air navigation services that is consistent with the Eurocontrol Route Charges System.’

(b) Paragraphs 5 and 6 are replaced by the following:

‘5. Subject to Article 1(3) third sentence of Commission Regulation (EU) No 691/2010<sup>(\*)</sup>, Member States may decide not to apply this Regulation to air navigation services provided at airports with less than 50 000 commercial air transport movements per year, regardless of the maximum take-off mass and the number of passenger seats.

Member States shall inform the Commission of that decision. The Commission shall periodically publish an updated list of those airports where Member States have decided not to apply this Regulation to air navigation services.

<sup>(1)</sup> OJ L 96, 31.3.2004, p. 10.

<sup>(2)</sup> OJ L 96, 31.3.2004, p. 1.

<sup>(3)</sup> OJ L 341, 7.12.2006, p. 3.

<sup>(4)</sup> OJ L 201, 3.8.2010, p. 1.



6. With respect to air navigation services provided at airports with less than 150 000 commercial air transport movements per year, regardless of the maximum take-off mass and the number of passenger seats Member States may, prior to each reference period referred to in Article 11(3)(d) of Regulation (EC) No 549/2004, decide not to do any of the following:

- (a) calculate determined costs in accordance with Article 6 of this Regulation;
- (b) calculate terminal charges as set out in Article 11 of this Regulation;
- (c) set terminal unit rates as referred to in Article 13 of this Regulation.

The first subparagraph shall apply without prejudice to the application of the principles referred to in Articles 14 and 15 of Regulation (EC) No 550/2004 and is subject to Article 1(3) third sentence of Regulation (EU) No 691/2010.

The Member States which decide not to apply the provisions listed in the first subparagraph shall carry out a detailed assessment of the extent to which the conditions laid down in Annex I to this Regulation are met. That assessment shall include consultation with the representative of airspace users.

Those Member States shall submit a detailed report to the Commission on the assessment referred to in the third subparagraph. That report shall be supported by evidence, include the outcome of the consultation with users and shall provide full reasons for the Member State's conclusions.

After consultation with the Member State concerned, the Commission may determine that the conditions laid down in Annex I to this Regulation have not been met and may, at the latest two months after reception of the report, request that the Member State re-conduct the assessment under revised conditions.

Where the Commission makes such a determination, it shall identify which part(s) of the assessment is/are to be revised and shall state the reasons therefor.

Where the Commission has requested a revised assessment, the Member State concerned shall submit a report on the conclusions of that revised assessment within two months after reception of the Commission's request.

The final report shall be made public and shall be valid for the duration of the reference period concerned.

2) In Article 2 the following points are added:

- '(h) "determined costs" means costs pre-determined by the Member State as referred to in Article 15(2)(a) of Regulation (EC) No 550/2004;
- (i) "reference period" means the reference period for the performance scheme provided for in Article 11(3)(d) of Regulation (EC) No 549/2004;
- (j) "commercial air transport movements" means the sum total of take-offs and landings for commercial air transport, calculated as an average over the three years which precede the adoption of the performance plans referred to in Article 12 of Regulation (EU) No 691/2010;
- (k) "other revenues" means revenues obtained from public authorities or revenues obtained from commercial activities and/or, in the case of terminal unit rates, revenues obtained from contracts or agreements between air navigation service providers and airport operators, that benefit air navigation service providers with regard to the level of unit rates.'

3) In Article 3, paragraphs 1, 2 and 3 are replaced by the following:

'1. The charging scheme shall be subject to the principles set out in Article 15 of Regulation (EC) No 550/2004.

2. The determined costs of en route air navigation services shall be financed by en route charges imposed on users of air navigation services in accordance with the provisions of Chapter III and/or other revenues.

3. The determined costs of terminal air navigation services shall be financed by terminal charges imposed on users of air navigation services, in accordance with the provisions of Chapter III, and/or other revenues. These may include cross-subsidies granted in accordance with Union law.'

4) In Article 4, paragraphs 3 and 4 are replaced by the following:

'3. An en route charging zone shall extend from the ground up to, and including, upper airspace. Member States may establish a specific zone in complex terminal areas within a charging zone.

4. Where charging zones extend across the airspace of more than one Member State, which may be a consequence of the creation of a common charging zone in a functional airspace block, the Member States concerned shall ensure consistency and uniformity in the application of this Regulation to the airspace concerned to the maximum possible extent.

(\* ) OJ L 201, 3.8.2010, p. 1.'

Where uniform application of this Regulation to the airspace concerned is not possible, Member States shall inform users of such differences in application of this Regulation in a transparent manner and shall notify the Commission and Eurocontrol of such differences.’

5) In Article 5, paragraphs 2 and 3 are replaced by the following:

‘2. Member States may establish the following costs as determined costs, in accordance with Article 15(2)(a) of Regulation (EC) No 550/2004, where they are incurred as a result of the provision of air navigation services:

- (a) costs incurred by the relevant national authorities;
- (b) costs incurred by the qualified entities referred to in Article 3 of Regulation (EC) No 550/2004;
- (c) costs stemming from international agreements.

3. In accordance with Article 15a (3) of Regulation (EC) No 550/2004, without prejudice to other sources of funding and in accordance with Union law, part of the revenue resulting from the charges may be used to fund common projects for network-related functions that are of particular importance for the improvement of the overall performance of air traffic management and air navigation services in Europe. In such cases, Member States shall ensure that comprehensive and transparent accounting practices are in place so as to ensure that airspace users are not charged twice. Those determined costs which fund the common project shall be clearly identified in accordance with Annex II.’

6) Article 6 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. The determined costs and actual costs shall include the costs relating to eligible services, facilities and activities referred to in Article 5 of this Regulation and established in accordance with the accounting requirements laid down in Article 12 of Regulation (EC) No 550/2004.

The non-recurring effects resulting from the introduction of International Accounting Standards may be spread over a period not exceeding 15 years.

Without prejudice to Articles 16 and 18 of Regulation (EU) No 691/2010, the determined costs shall be fixed prior to the beginning of each reference period as part of the performance plans referred to in Article 11 of Regulation (EC) No 549/2004 and Article 10(3)(b) of Regulation (EU) No 691/2010 for each calendar year during the reference period and in both real and nominal terms. Unit rates shall be calculated on the basis of the costs expressed in nominal terms. For each year in the reference period, the difference

between the determined costs expressed in nominal terms prior to the reference period and the determined costs adjusted on the basis of the actual inflation recorded by the Commission (Eurostat) for the year shall be carried over no later than in the year  $n+2$ .

Determined costs and actual costs shall be established in national currency. Where a common charging zone with a single unit rate has been established for a functional airspace block, the Member States concerned shall ensure conversion of national costs into Euro or the national currency of one of the Member States concerned so as to ensure a transparent calculation of the single unit rate in application of Article 13(1) first subparagraph of this Regulation. Those Member States shall notify the Commission and Eurocontrol thereof.’

(b) Paragraph 2 is amended as follows:

(i) The second subparagraph is replaced by the following:

‘Staff costs shall include gross remuneration, payments for overtime, employers’ contributions to social security schemes as well as pension costs and other benefits. Pensions costs may be calculated using prudent assumptions according to the governance of the scheme or to national law, as appropriate. Those assumptions shall be detailed in the national performance plan.’

(ii) The fourth and the fifth subparagraphs are replaced by the following:

‘Depreciation costs shall relate to the total fixed assets in operation for air navigation services purposes. Fixed assets shall be depreciated in accordance with their expected operating life, using the straight-line method applied to the costs of the assets being depreciated. Historic or current cost accounting may be applied for the calculation of the depreciation. The methodology shall not be altered during the duration of the depreciation and shall be consistent with the cost of capital applied. Where current cost accounting is applied, the equivalent historic cost accounting figures shall also be provided to allow for comparison and assessment.

Cost of capital shall be equal to the product of:

- (a) the sum of the average net book value of fixed assets and possible adjustments to total assets determined by the national supervisory authority and used by the air navigation service provider in operation or under construction, and of the average value of the net current assets, excluding interest bearing accounts, that are required for the provision of air navigation services; and

(b) the weighted average of the interest rate on debts and of the return on equity. For air navigation service providers without any equity capital, the weighted average shall be calculated on the basis of a return applied to the difference between the total of the assets referred to in point (a) and the debts.

Exceptional items shall consist of non-recurring costs relating to the provision of air navigation services during the same year.

Any adjustment beyond the provisions of the International Accounting Standards shall be specified in the national performance plan for review by the Commission and in the additional information to be provided in accordance with Annex II.

(c) In paragraph 3, the first subparagraph is replaced by the following:

‘For the purposes of the fifth subparagraph of paragraph 2, the factors to which weight shall be given shall be based on the proportion of financing through either debt or equity. The interest rate on debts shall be equal to the average interest rate on debts of the air navigation service provider. The return on equity shall be based on the actual financial risk incurred by the air navigation service provider.’

7) In Article 7 (2), the following subparagraph is added:

‘For the purposes of point (b) of the first subparagraph, Member States shall, before the start of each reference period, define the criteria used to allocate costs between terminal and en route services for each airport, and inform the Commission thereof.’

8) Article 8 is replaced by the following:

‘Article 8

#### **Transparency of costs and of the charging mechanism**

1. Member States shall, at the latest six months before the start of each reference period, offer to consult with the airspace users’ representatives on determined costs, planned investments, service unit forecasts, charging policy and resulting unit rates and shall be assisted by the air navigation service providers. Member States shall, in a transparent manner, make their national or functional airspace blocks costs established in accordance with Article 5 and their unit rates available to airspace users’ representatives, the Commission and, where applicable, Eurocontrol.

During the reference period, Member States shall, on an annual basis, offer to consult with airspace users’ representatives on any deviation from the forecast, especially with regard to:

(a) actual traffic and costs compared to forecast traffic and determined costs;

(b) the implementation of the risk sharing mechanism set out in Article 11a;

(c) the incentive schemes set out in Article 12.

The consultation may be organised on a regional basis. Airspace user representatives shall retain the right to request more consultation. User consultation shall also be organised systematically following the activation of an alert mechanism generating a revision of the unit rate.

2. The information referred to in paragraph 1 shall be based on the reporting tables and detailed rules set out in Annexes II and VI, or, where a Member State at national or functional airspace block level has decided not to calculate determined costs or terminal charges or not to set terminal unit rates in accordance with Article 1(6), the information referred to in paragraph 1 shall be based on the reporting tables and detailed rules set out in Annex III. The relevant documentation shall be made available to the representatives of airspace users, the Commission, Eurocontrol and national supervisory authorities three weeks before the consultation meeting. For the annual consultation referred to in the second subparagraph of paragraph 1, the relevant documentation shall be made available to the representatives of airspace users, the Commission, Eurocontrol and national supervisory authorities each year, no later than 1 November.’

9) Article 9 is amended as follows:

(a) in paragraph 1, point (c) is replaced by the following:

‘(c) flights performed exclusively for the transport, on official mission, of the reigning Monarch and his immediate family, Heads of State, heads of Government, and Government Ministers; in all cases, the exemption must be substantiated by the appropriate status indicator or remark on the flight plan.’

(b) Paragraph 4 is amended as follows:

(i) the first subparagraph is deleted;

(ii) in the second subparagraph, the introductory phrase is replaced by the following:

‘The costs incurred for exempted flights shall be composed of.’

10) Articles 10 and 11 are replaced by the following:

‘Article 10

#### **Calculation of en route charges**

1. Without prejudice to the possibility pursuant to Article 3(2) of financing en route air navigation services through other revenues, the en route charge for a specific flight in a specific en route charging zone shall be equal to the product of the unit rate established for that en route charging zone and the en route service units for that flight.

2. The unit rate and the en route service units shall be calculated in accordance with Annex IV.

#### Article 11

##### Calculation of terminal charges

1. Without prejudice to the possibility pursuant to Article 3(3) of financing terminal air navigation services through other revenues, the terminal charge for a specific flight in a specific terminal charging zone shall be equal to the product of the unit rate established for this terminal charging zone and the terminal service units for that flight. For charging purposes, approach and departure shall count as a single flight. The unit to be counted shall be either the arriving or the departing flight.

2. The unit rate and the terminal service units shall be calculated in accordance with Annex V.

11) The following Article 11a is inserted:

#### 'Article 11a

##### Risk sharing

1. This Article lays down the traffic and cost risk sharing mechanisms. It shall apply in accordance with the principles referred to in Article 11 of Regulation (EU) No 691/2010.

2. The following costs shall not be submitted to traffic risk sharing and shall be recovered irrespective of traffic evolution:

- (a) the determined costs established in application of Article 5(2) with the exception of agreements relating to cross border air traffic service provision;
- (b) the determined costs of meteorological service providers;
- (c) the carry-overs authorised from a previous year or reference period and bonuses or penalties resulting from incentive schemes;
- (d) the over- or under-recoveries resulting from traffic variations, which shall be recovered no later than in year n+2.

In addition, Member States may exempt from traffic risk sharing the determined costs of providers of air navigation services which have received permission to provide air navigation services without certification, in accordance with Article 7(5) of Regulation (EC) No 550/2004.

3. Where, over a given year, the actual number of service units does not exceed or fall below the forecast established at the beginning of the reference period by more than 2 %, the additional revenue or loss in revenue of the air navigation service provider with regard to determined costs shall not be carried over.

4. Where, over a given year n, the actual number of service units exceeds the forecast established at the beginning of the reference period by more than 2 %, a minimum of 70 % of the additional revenue obtained by the air navigation service provider(s) concerned in excess of 2 % of the difference between the actual service units and the forecast with regard to determined costs shall be returned to airspace users no later than in year n+2.

Where, over a given year n, the actual number of service units falls below the forecast established at the beginning of the reference period by more than 2 %, a maximum of 70 % of the loss in revenue incurred by the air navigation service provider(s) concerned in excess of 2 % of the difference between the actual service units and the forecast with regard to determined costs shall be borne by the airspace users in principle no later than in year n+2. However, Member States may decide to spread the carry-over of such loss in revenue over several years with a view to preserving the stability of the unit rate.

5. The allocation of traffic risk referred to in paragraph 4 shall be set by the national or functional airspace block performance plan for the entire reference period, following the consultation referred to in Article 8.

6. Where, over a given year n, the actual service units are lower than 90 % of the forecast established at the beginning of the reference period, the full amount of the loss in revenue incurred by the air navigation service provider(s) concerned in excess of the 10 % of the difference between the actual service units and the forecast in respect of determined costs shall be borne by the airspace users in principle no later than in year n+2. However, Member States may decide to spread the carry-over of such loss in revenue over several years with the view to preserving the stability of unit rate.

Where, over a given year n, the actual service units exceed 110% of the forecast established at the beginning of the reference period, the full amount of the additional revenue obtained by the air navigation service provider(s) concerned in excess of the 10% of the difference between the actual service units and the forecast in respect of determined costs shall be returned to airspace users in year n+2.

7. Air navigation service providers without any equity capital or with equity capital not exceeding 5 % of total liabilities as of 31 December 2011 may be exempt of traffic risk sharing during the first reference period, in order to allow achieving a lower proportion of debt financing. Those air navigation service providers exempt from traffic risk sharing shall be specified in the performance plan for review by the Commission and in the additional information to be provided in accordance with Annex II. Member States shall describe and justify the measures planned to achieve the lower proportion of debt financing and their timing.

8. The following principles shall apply to cost risk sharing:

- (a) where, over the whole reference period, actual costs fall below the determined costs established at the beginning of the reference period, the resulting difference shall be retained by the air navigation service provider, Member State or qualified entity concerned;
- (b) where, over the whole reference period, actual costs exceed the determined costs established at the beginning of the reference period, the resulting difference shall be borne by the air navigation service provider, Member State or qualified entity concerned without prejudice to the activation of an alert mechanism in accordance with Article 18 of Regulation (EU) No 691/2010;
- (c) points (a) and (b) may not apply to the difference between actual and determined costs which may be deemed to be out of the control of the air navigation service providers, Member States and qualified entities as a result of:

- (i) unforeseen changes in national pension regulations and pension accounting regulations;
- (ii) unforeseen changes in to national taxation law;
- (iii) unforeseen and new cost items not covered in the national performance plan but required by law;
- (iv) unforeseen changes in costs or revenues stemming from international agreements;
- (v) significant changes in interest rates on loans.

Without prejudice to Article 6(1), third subparagraph, a list of uncontrollable cost factors shall be determined by the national supervisory authority from the list set out in points (i) to (v) of the first subparagraph and shall form part of the performance plan.

Where, over the whole reference period, actual costs are lower than the determined costs established at the beginning of the reference period, the resulting difference shall be returned to airspace users through a carry-over to the following reference period.

Where, over the whole reference period, actual costs exceed the determined costs established at the beginning of the reference period, the resulting difference shall be passed on to airspace users

through a carry-over to the following period. The national supervisory authority concerned shall explicitly agree to the carry-over after having ascertained that:

- (i) the variation of actual costs against determined costs is actually the result of developments that are beyond the influence of the air navigation service provider, Member State or qualified entity concerned;
- (ii) the variation in costs to be passed on to users is specifically identified and categorised.

The amount carried over shall be specified by factors and described in the additional information to be provided in accordance with Annex VI.

12) In Article 12, paragraphs 1, 2 and 3 are replaced by the following:

'1. Member States, at national or Functional Airspace Block level, may, on a non-discriminatory and transparent basis, establish or approve incentive schemes to support improvements in the provision of air navigation services or the reduction of the environmental impact of aviation, resulting in a different calculation of charges pursuant to paragraphs 2 and 3. Those incentives may apply to air navigation service providers or airspace users.

2. In accordance with Article 11 of Regulation (EU) No 691/2010, Member States, at national or functional airspace block level, may adopt financial incentives for the achievement of performance targets by their air navigation service providers. The unit rate may be adjusted to provide for a bonus or penalty according to the actual performance level of the air navigation service provider against the relevant target. Such bonuses or penalties shall only be activated where performance variations have a substantive impact on users. The applicable level of bonuses and penalties shall be commensurate with the targets to be reached and the performance achieved. The performance variation levels and the applicable level of bonuses and penalties shall be determined following the offer to consult referred to in Article 8 and set by the national or functional airspace block performance plan.

3. Where a Member State decides to apply an incentive scheme with respect to users of air navigation services, it shall, following the offer to consult referred to in Article 8, modulate charges incurred by them to reflect efforts made by those users to, in particular:

- (a) optimise the use of air navigation services;

- (b) reduce the environmental impact of flying;
- (c) reduce the overall costs of air navigation services and increase their efficiency, in particular by decreasing or modulating charges according to airborne equipment that increases capacity or offsetting the inconvenience of choosing less congested routings;
- (d) accelerate the deployment of SESAR ATM capabilities.:

13) Article 13 is amended as follows:

- (a) Paragraphs 1 and 2 are replaced by the following:

'1. Member States shall ensure that unit rates are set for each charging zone on an annual basis.

Unit rates shall be set in national currency. Where Member States which form part of a functional airspace block decide to establish a common charging zone with a single unit rate, that unit rate shall be set in Euro or in the national currency of one of the Member States concerned. The Member States concerned shall notify the Commission and Euro-control of the applicable currency.

2. Pursuant to Article 11(4)(e) of Regulation (EC) No 549/2004 and Article 18 of Regulation (EU) No 691/2010, unit rates may be amended in the course of the year where an alert mechanism is activated.:

- (b) The following paragraph 4 is added:

'4. For the first year of the reference period, unit rates shall be calculated on the basis of the performance plan communicated by the Member State or functional airspace block concerned on 1 November of the year preceding the beginning of the reference period. Where performance plans are adopted after 1 November of the year preceding the beginning of the reference period, unit rates shall be recalculated where necessary on the basis of the final adopted plan or the applicable corrective measures.:

14) In Article 14, paragraph 1 is replaced by the following:

'1. Member States may collect charges through a single charge per flight. Where charges are billed and collected on a regional basis, the billing currency may be the Euro and an administrative unit rate remunerating billing and collection costs may be added to the unit rate concerned.:

15) Article 15 is deleted.

16) In Article 17 the introductory part of the first subparagraph is replaced by the following:

'Air navigation service providers shall facilitate inspections and surveys by the national supervisory authority or by a qualified entity acting on the latter's behalf, including site visits. The authorised persons shall be empowered.:

17) The following Article 17a is inserted:

*'Article 17a*

#### **Review**

The review by the Commission of the performance scheme, referred to in Article 24 of Regulation (EU) No 691/2010 shall include the risk sharing mechanism set up in Article 11a of this Regulation, the incentive schemes set up pursuant to Article 12 of this Regulation, and their impact and effectiveness in achieving the set performance targets.:

18) Annexes I to VI are amended in accordance with the Annex to this Regulation.

*Article 2*

#### **Transitional provisions**

Those Member States with national regulations which existed prior to 8 July 2010 that establish a reduction on the unit rate beyond the Union-wide targets established in accordance with Regulation (EU) No 691/2010 may exempt their air navigation service providers from Article 11a (3) of Regulation (EC) No 1794/2006. That exemption shall apply for the period where the national regulations reduce the unit rate, but shall not extend beyond the end of the first reference period in 2014. Member States shall inform the Commission and Eurocontrol of such exemptions.

Member States may decide not to apply the provisions of Regulation (EC) No 1794/2006 as amended by this Regulation to terminal charges until 31 December 2014. They shall notify the Commission thereof. Where Member States exempt terminal charges from the provisions of that Regulation, the full costs of the provision of terminal air navigation services may be recovered until 31 December 2014.

*Article 3*

#### **Entry into force**

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

It shall start applying to the air navigation services costs, charges and unit rates of the year 2012.

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

Done at Brussels, 16 December 2010.

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

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## ANNEX

Annexes I to VI are amended as follows:

1) In Annex I, the following point 5 is added:

- '5. Where there are more than 150 000 commercial movements per year, the assessment referred to in points 1 to 4 shall be carried out at each individual airport.'

2) Annex II is replaced by the following:

*'ANNEX II*

**Transparency of costs**

1. REPORTING TABLE

Member States as well as air navigation service providers shall fill in the following reporting table for each charging zone under their responsibility and for each reference period. Member States shall also provide a consolidated reporting table for each charging zone under their responsibility.

A consolidated table shall be filled in for all airports subject to the provisions of this Regulation.

When a charging zone extends across the airspace of more than one Member State, they shall fill in the table jointly in accordance with the arrangements referred to in Article 4(4).

Actual costs shall be established on the basis of the certified accounts. The costs shall be established in accordance with the business plan required by the certificate and reported in the currency in which they are established in accordance with Article 6(1), fourth subparagraph.

In order to facilitate the establishment by the Commission of Union-wide performance targets and without prejudice to the performance plans to be adopted at national or functional airspace block level, Member States as well as air navigation service providers shall fill such reporting table with initial forecast figures eighteen months before the start of a reference period.



Table 1 - Total costs

Charging zone name						Period of reference: N - (N+4)									
Entity name															
						Determined costs					Actual costs				
Cost details						N	N+1	N+2	N+3	N+4	N	N+1	N+2	N+3	N+4
Detail by nature (in nominal terms)															
Staff															
Other operating costs															
Depreciation															
Cost of capital															
Exceptional items															
Total costs															
Total % n/n-1															
Staff % n/n-1															
Other op. % n/n-1															
Detail by services (in nominal terms)															
Air Traffic Management															
Communication															
Navigation															
Surveillance															
Search and rescue															
Aeronautical Information															
Meteorological services															
Supervision costs															
Other State costs															
Total costs															
Total % n/n-1															
ATM % n/n-1															
CNS % n/n-1															
Complementary information on the cost of capital and on the cost of common projects (in nominal terms)															
Average asset base															
Net book value fixed assets															
Adjustments to total assets															
Net current assets															
Total asset base															
Cost of capital %															
Cost of capital pre tax rate %															
Return on equity %															
Average interest on debts %															
Cost of common projects															
Common Project 1															
Complementary information on inflation and on total costs in real terms															
Inflation % <sup>(1)</sup>															
Total costs in real terms <sup>(2)</sup>															
Total % n/n-1															
Deduction of costs allocated to exempted VFR flights (in nominal terms)															
Total costs															
Costs for exempted VFR flights															
Total costs after deduction <sup>(3)</sup>															

Costs and asset base items in '000 000 national currency - Service units in '000 000

<sup>(1)</sup> Forecast inflation used for establishing the determined costs in nominal terms - actual inflation recorded by EUROSTAT

<sup>(2)</sup> Determined costs (performance plan) in real terms - actual costs in real terms

<sup>(3)</sup> Determined costs (after deduction of VFR costs) reported at Annex II (in nominal terms)

## 2. ADDITIONAL INFORMATION

In addition, Member States as well as air navigation service providers shall provide at least the following information:

- Description of the methodology used for allocating costs of facilities or services between different air navigation services based on the list of facilities and services listed in ICAO Regional Air Navigation Plan, European Region (Doc 7754) and a description of the methodology used for allocating those costs between different charging zones;
- Description and explanation of the method adopted for the calculation of depreciation costs: historic costs or current costs. When current cost accounting is adopted, provision of comparable historic cost data;
- Justification for the cost of capital, including the components of the asset base, the possible adjustments to total assets and the return on equity;
- Description of the total determined costs for each airport submitted to the provision of this Regulation for each terminal charging zone; for airports with less than 20 000 commercial air transport movements per year being calculated as the average over the previous three years, costs may be presented in an aggregated way;
- Definition of the criteria used to allocate costs between terminal and en route services for each regulated airport;
- Breakdown of the meteorological costs between direct costs and “MET core costs” defined as the costs of supporting meteorological facilities and services that also serve meteorological requirements in general. These include general analysis and forecasting, surface and upper-air observation networks, meteorological communication systems, data processing centres and supporting core research, training and administration;
- Description of the methodology used for allocating total MET costs and MET core costs to civil aviation and between charging zones;
- As requested in point 1, eighteen months before the start of a reference period, description of the reported forecast costs and traffic;
- Every year of the reference period, description of the reported actual costs and their difference against the determined costs.

3) In Annex III, point 1.2 is replaced by the following:

### ‘1.2. Additional information

In addition, air navigation service providers shall provide at least the following information:

- Description of the criteria used for allocating costs of facilities or services between different air navigation services based on the list of facilities and services listed in ICAO Regional Air Navigation Plan, European Region (Doc 7754);
- Description and explanation of differences between planned and actual non-confidential figures for year (n-1);
- Description and explanation of non-confidential five year planned costs and investments in relation to expected traffic;
- Description and explanation of the method adopted for the calculation of depreciation costs: historic costs or current costs;
- Justification for the cost of capital, including the components of the asset base, the possible adjustments to total assets and the return on equity.’

4) Annex IV is replaced by the following:

## 'ANNEX IV

**Calculation of the en route service units and unit rates**

1. Calculation of en route service units
  - 1.1. The en route service unit shall be calculated as the multiplication of the distance factor and the weight factor for the aircraft concerned.
  - 1.2. The distance factor shall be obtained by dividing by one hundred the number of kilometres flown in the great circle distance between the entry and the exit point of the charging zones, according to the latest known flight plan filed by the aircraft concerned for air traffic flow purposes.
  - 1.3. If the exit and entry point of one flight are identical in a charging zone, the distance factor shall be equal to the distance in the great circle distance between these points and the most distant point of the flight plan multiplied by two.
  - 1.4. The distance to be taken into account shall be reduced by 20 kilometres for each take-off from and for each landing on the territory of a Member State.
  - 1.5. The weight factor, expressed as a figure taken to two decimal places, shall be the square root of the quotient obtained by dividing by fifty the number of metric tons in the maximum certificated take-off weight of the aircraft as shown in the certificate of airworthiness or any equivalent official document provided by the aircraft operator. Where this weight is unknown, the weight of the heaviest aircraft of the same type known to exist shall be used. Where an aircraft has multiple certificated maximum take-off weights, the maximum one shall be used. Where an aircraft operator operates two or more aircraft which are different versions of the same type, the average of the maximum take-off weights of all his aircraft of that type shall be used for each aircraft of that type. The calculation of the weight factor per aircraft type and per operator shall be effected at least once a year.
2. Calculation of en route unit rates
  - 2.1. The en route unit rate shall be calculated before the beginning of each year of the reference period.
  - 2.2. It shall be calculated by dividing the forecast number of total en route service units for the relevant year into the algebraic sum of the following elements:
    - i) the determined costs of the relevant year,
    - ii) the application of the difference between forecasted and actual inflation as referred to in Article 6(1),
    - iii) the carry-overs resulting from the implementation of the traffic risk-sharing referred to in Article 11a(2) to (7),
    - iv) the carry-overs from the previous reference period resulting from the implementation of the cost risk-sharing referred to in Article 11a(8),
    - v) bonuses and penalties resulting from the financial incentives referred to in Article 12(2),
    - vi) for the first two reference periods, the over or under recoveries incurred by Member States up to the year 2011 included,
    - vii) a deduction of the costs of VFR flights as identified in Article 7(4).'
- 5) Annex V is replaced by the following:

## 'ANNEX V

**Calculation of the terminal service units and unit rates**

1. Calculation of terminal service units
  - 1.1. The terminal service unit shall be equal to the weight factor for the aircraft concerned.
  - 1.2. The weight factor, expressed as a figure taken to two decimal places, shall be the quotient, obtained by dividing by fifty the number of metric tons in the highest maximum certified take-off weight of the aircraft, referred to in Annex IV point 1.5, to the power of 0.7. However, in a transitional period of five years following the calculation of the first terminal unit rate under this Regulation, this exponent shall be comprised between 0.5 and 0.9.
2. Calculation of terminal unit rates
  - 2.1. The terminal unit rate shall be calculated before the beginning of each year of the reference period.
  - 2.2. It shall be calculated by dividing the forecast number of total terminal service units for the relevant year into the algebraic sum of the following elements:
    - i) the determined costs of the relevant year,
    - ii) the application of the difference between forecasted and actual inflation as referred to in Article 6(1),
    - iii) the carry-overs resulting from the implementation of the traffic risk-sharing referred to in Article 11a(2) to (7),
    - iv) the carry-overs from the previous reference period resulting from the implementation of the cost risk-sharing referred to in Article 11a(8),
    - v) bonuses and penalties resulting from the financial incentives referred to in Article 12(2),
    - vi) for the first two reference periods, the over or under recoveries incurred by Member States up to the year preceding the application of this Regulation to terminal charges,
    - vii) a deduction of the costs of VFR flights as identified in Article 7(4).'
- 6) Annex VI is replaced by the following:

## 'ANNEX VI

**Charging mechanism****1. REPORTING TABLE**

Member States as well as air navigation service providers shall fill the following reporting table for each charging zone under their responsibility and for each reference period. Member States shall also provide a consolidated table for each charging zone under their responsibility.

When a charging zone extends across the airspace of more than one Member State, they shall fill the table jointly in accordance with the arrangements referred to in Article 4(4).

Table 2 - Unit rate calculation

Charging zone name Entity name	Period of reference: N - (N+4)				
Unit rate calculation	N	N+1	N+2	N+3	N+4
<p><b>1. Determined costs in nominal terms and inflation uprate</b></p> <p>Determined costs in nominal terms - VFR excl. (reported from Annex II) Actual inflation rate recorded by EUROSTAT - Annex II Forecast inflation rate - Annex II Inflation adjustment - Article 6-1: year n amount to be carried over</p> <p><b>2. Forecast and actual total service units</b></p> <p>Forecast total service units (performance plan) Actual total service units Actual/forecast total service units (in %)</p> <p><b>3. Costs subject to traffic risk sharing (ANSP)</b></p> <p>Determined costs in nominal terms - VFR excl. (reported from Annex II) Inflation adjustment - Article 6-1: amount carried over to year n Traffic - Article 11a (2) : amounts carried over to year n Traffic risk sharing - Article 11a (2) to (7): add. revenues carried over to year n Traffic risk sharing - Article 11a (2) to (7): revenue losses carried over to year n Uncontrollable costs - Article 11a (8) (c): amounts carried over to year n Bonus or penalty for performance - Article 12-2 Over(-) or under(+) recoveries <sup>(1)</sup>: amounts carried over to year n Total for the calculation of year n unit rate</p> <p>Traffic risk sharing - Article 11a (2) to (7): add. revenue year n to be carried-over Traffic risk sharing - Article 11a (2) to (7): revenue loss year n to be carried-over</p> <p>Parameters for traffic risk sharing</p> <p>% additional revenue returned to users in year n+2 - Article 11a (4) first subparagraph % loss of revenue borne by airspace users - Article 11a (4) second subparagraph</p> <p><b>4. Costs not subject to traffic risk sharing - Article 11a (2)</b></p> <p>Determined costs in nominal terms - VFR excl. (reported from Annex II) Inflation adjustment - Article 6-1: amount carried over to year n Traffic - Article 11a (2): amounts carried over to year n Uncontrollable costs - Article 11a- 8(c): amounts carried over to year n Over(-) or under(+) recoveries <sup>(1)</sup>: amounts carried over to year n Total for the calculation of year n unit rate</p> <p><b>5. Other revenues - applied unit rate (in national currency)</b></p> <p>Revenues from other sources - Article 3 Grand total for the calculation of year n unit rate</p> <p>Year n unit rate (in national currency) ANSP component of the unit rate MET component of the unit rate NSA-State component of the unit rate</p> <p>Year n unit rate that would have applied without other revenues</p>					

Costs, revenues and other amounts in '000 000 national currency - Service units in '000 000

(1) Annexe IV-V 2. (vi) - over/under recoveries incurred up to the year of entry into force of the Regulation

## 2. ADDITIONAL INFORMATION

In addition, the Member States concerned shall collect and provide at least the following information:

- Description and rationale for the establishment of the different charging zones, in particular with regard to terminal charging zones and potential cross-subsidies between airports;
  - Description and explanation on the calculation of the forecast chargeable service units;
  - Description of the policy on exemptions and description of the financing means to cover the related costs;
  - Description of the carry-overs of over or under recoveries incurred by Member States up to the year 2011 for en route charges and up to the year preceding the application of this Regulation for terminal charges;
  - Description of the under recoveries carried over in accordance with Article 11a (4) second subparagraph;
  - Description by factors of the amounts carried over from the previous reference period in accordance with Article 11a (8) (c);
  - Description of the other revenues when they exist;
  - Description of the formula used for calculating terminal charges;
  - Description and explanation of incentives applied on users of air navigation services.
-

## COMMISSION REGULATION (EU) No 1192/2010

of 16 December 2010

## approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Ricotta Romana (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Ricotta Romana' registered in accordance with Commission Regulation (EC) No 2400/96<sup>(2)</sup>, as amended by Regulation (EC) No 737/2005<sup>(3)</sup>.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union*<sup>(4)</sup>, as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been notified to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

*Article 2*

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

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

Done at Brussels, 16 December 2010.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ L 327, 18.12.1996, p. 11.

<sup>(3)</sup> OJ L 122, 14.5.2005, p. 15.

<sup>(4)</sup> OJ C 101, 20.4.2010, p. 20.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.3. Cheeses**

ITALY

Ricotta Romana (PDO)  
  

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## COMMISSION REGULATION (EU) No 1193/2010

of 16 December 2010

## entering a name in the register of protected designations of origin and protected geographical indications [Maine-Anjou (PDO)]

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, France's application to register the name 'Maine-Anjou' was published in the *Official Journal of the European Union*<sup>(2)</sup>.
- (2) Italy objected to this registration in accordance with Article 7(1) of Regulation (EC) No 510/2006. The objection was deemed admissible under Article 7(3) of that Regulation.
- (3) The objection related to non-compliance with the conditions laid down in Article 2 of Regulation (EC) No 510/2006, in particular with regard to the link between the geographical area and the quality of the product. The objection also stated that registration of the name in question would be contrary to Article 3(2) of Regulation (EC) No 510/2006, in particular in view of the conflict between the name to be registered and the name of an animal breed, namely Maine-Anjou.
- (4) Lastly, the objection also related to Article 3(3) of Regulation (EC) No 510/2006, in particular with regard to the partially homonymous registered name 'Bœuf du Maine'.
- (5) By letter of 9 July 2009, the Commission asked France and Italy to seek mutual agreement in accordance with their internal procedures.
- (6) Following consultations, France informed the Commission by letter of 5 February 2010 that an agreement had been reached between the parties. Furthermore, no amendments were made to the details published pursuant to Article 6(2) of Regulation (EC) No 510/2006.
- (7) Pursuant to the second subparagraph of Article 7(5) of Regulation (EC) No 510/2006, the name 'Maine-Anjou', submitted by France, should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*

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

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

Done at Brussels, 16 December 2010.

For the Commission  
The President  
José Manuel BARROSO

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ C 307, 2.12.2008, p. 11.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**1.1. Fresh meat (and offal)**

FRANCE

Maine-Anjou (PDO)  
  

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**COMMISSION REGULATION (EU) No 1194/2010****of 14 December 2010****establishing a prohibition of fishing for spurdog/dogfish in EU and international waters of I, V, VI, VII, VIII, XII and XIV by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010. According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.
- (2) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	7/T&Q
Member State	France
Stock	DGS/15X14
Species	Spurdog/dogfish ( <i>Squalus acanthias</i> )
Zone	EU and international waters of I, V, VI, VII, VIII, XII and XIV
Date	17.3.2010

**COMMISSION REGULATION (EU) No 1195/2010****of 14 December 2010****establishing a prohibition of fishing for cod in Norwegian waters of I and II by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	13/T&Q
Member State	Portugal
Stock	COD/1N2AB.
Species	Cod ( <i>Gadus morhua</i> )
Zone	Norwegian waters of I and II
Date	19.4.2010

**COMMISSION REGULATION (EU) No 1196/2010****of 14 December 2010****establishing a prohibition of fishing for deep-sea sharks in Community waters and waters not under the sovereignty or jurisdiction of third countries of X by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks <sup>(2)</sup> lays down quotas for 2009 and 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> OJ L 352, 31.12.2008, p. 1.

## ANNEX

No	14/DSS
Member State	Portugal
Stock	DWS/10-
Species	Deep-sea sharks
Zone	Community waters and waters not under the sovereignty or jurisdiction of third countries of X
Date	7.5.2010



**COMMISSION REGULATION (EU) No 1197/2010****of 14 December 2010****establishing a prohibition of fishing for cod in international waters of I and IIb by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	15/T&Q
Member State	Portugal
Stock	COD/1/2B.
Species	Cod ( <i>Gadus morhua</i> )
Zone	International waters of I and IIb
Date	7.5.2010

**COMMISSION REGULATION (EU) No 1198/2010****of 14 December 2010****establishing a prohibition of fishing for common sole in IIIa; EU waters of IIIb, IIIc and IIId by vessels flying the flag of Sweden**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	17/T&Q
Member State	Sweden
Stock	SOL/3A/BCD
Species	Common sole ( <i>Solea solea</i> )
Zone	IIIa; EU waters of IIIb, IIIc and IIId
Date	7.6.2010

**COMMISSION REGULATION (EU) No 1199/2010****of 14 December 2010****establishing a prohibition of fishing for haddock in Norwegian waters of I and II by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	9/T&Q
Member State	Portugal
Stock	HAD/1N2AB.
Species	Haddock ( <i>Melanogrammus aeglefinus</i> )
Zone	Norwegian waters of I and II
Date	19.4.2010

**COMMISSION REGULATION (EU) No 1200/2010****of 14 December 2010****establishing a prohibition of fishing for saithe in Norwegian waters of I and II by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 14 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	12/T&Q
Member State	Portugal
Stock	POK/1N2AB.
Species	Saithe ( <i>Pollachius virens</i> )
Zone	Norwegian waters of I and II
Date	19.4.2010



## COMMISSION REGULATION (EU) No 1201/2010

of 15 December 2010

**establishing a prohibition of fishing for deep-sea sharks in Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI, VII, VIII and IX by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks <sup>(2)</sup> lays down quotas for 2009 and 2010.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 15 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 352, 31.12.2008, p. 1.

## ANNEX

No	6/DSS
Member State	France
Stock	DWS/56789-
Species	Deep-sea sharks
Zone	Community waters and waters not under the sovereignty or jurisdiction of third countries of V, VI, VII, VIII and IX
Date	17.3.2010

**COMMISSION REGULATION (EU) No 1202/2010****of 15 December 2010****establishing a prohibition of fishing for cod in VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1 by vessels flying the flag of the Netherlands**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 15 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	4/T&Q
Member State	The Netherlands
Stock	COD/7XAD34
Species	Cod ( <i>Gadus morhua</i> )
Zone	VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1
Date	22.2.2010

**COMMISSION REGULATION (EU) No 1203/2010****of 15 December 2010****establishing a prohibition of fishing for mackerel in VIIIc, IX and X; EU waters of CECAF 34.1.1 by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required <sup>(2)</sup>, lays down quotas for 2010.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 15 December 2010.

*For the Commission,  
On behalf of the President,*

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 21, 26.1.2010, p. 1.

## ANNEX

No	56/T&Q
Member State	Spain
Stock	MAC/8C3411
Species	Mackerel ( <i>Scomber scombrus</i> )
Zone	VIIIc, IX and X; EU waters of CECAF 34.1.1
Date	2.11.2010

**COMMISSION REGULATION (EU) No 1204/2010****of 16 December 2010****amending for the 142nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, <sup>(1)</sup> and in particular Article 7(1)(a) and 7a(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 07 December 2010 the Sanctions Committee of the United Nations Security Council decided to add one

natural person to its list of persons, groups and entities to whom the freezing of funds and economic resources should apply and on 30 November 2010 amended two entries on the list.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 16 December 2010.

*For the Commission,  
On behalf of the President,*

David O'SULLIVAN

*Director-General for External Relations*

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

## ANNEX

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

(1) The following entry shall be added under the heading 'Natural persons':

(a) 'Fahd Mohammed Ahmed Al-Quso (alias (a) Fahd al-Quso, (b) Fahd Mohammed Ahmen Al-Quso, (c) Abu Huthaifah, (d) Abu Huthaifah al-Yemeni, (e) Abu Huthaifah al-Adani, (f) Abu al-Bara, (g) Abu Huthayfah al-Adani, (h) Fahd Mohammed Ahmed al-Awlaqi, (i) Huthaifah al-Yemeni (j) Abu Huthaifah al-Abu al-Bara, (k) Fahd Mohammed Ahmad al-Kuss). Address: Yemen. Date of birth: 12.11.1974. Place of birth: Aden, Yemen. Nationality: Yemeni. Other information: (a) Yemeni national identification number 2043, (b) Operative of Al-Qaida in the Arabian Peninsula and cell leader in Shabwa Province, Yemen. Date of designation referred to in Article 2a(4)(b): 7.12.2010.'

(2) The entry 'Mondher Ben Mohsen Ben Ali **Al-Baazaoui** (alias Hamza). Address: Via di Saliceto 51/9, Bologna, Italy. Date of birth: 18.3.1967. Place of birth: Kairouan, Tunisia. Nationality: Tunisian. Passport No: K602878 (Tunisian passport issued on 5.11.1993, expired on 9.6.2001). Other information: Was extradited to France on 4.9.2003. Date of designation referred to in Article 2a (4) (b): 25.6.2003 ' under the heading 'Natural persons' shall be replaced by the following:

'Mondher Ben Mohsen Ben Ali **Al-Baazaoui** (alias (a) Manza Mondher, (b) Hanza Mondher, (c) Al Yamani Noman, (d) Hamza, (e) Abdellah). Address: 17 Boulevard Soustre, 04000 Digne-les-Bains, France. Date of birth: (a) 18.3.1967, (b) 18.8.1968, 28.5.1961. Place of birth: Kairouan, Tunisia. Nationality: Tunisian. Passport No: K602878 (Tunisian passport issued on 5.11.1993, expired on 9.6.2001). Other information: Was extradited from Italy to France on 4.9.2003. Date of designation referred to in Article 2a (4) (b): 25.6.2003.'

(3) The entry 'Zelimkhan Ahmedovich **Yandarbiev** (alias Abdul-Muslimovich). Address: Derzhavina street 281-59, Grozny, Chechen Republic, Russian Federation. Date of birth: 12.9.1952. Place of birth: village of Vydrikh, Shemonaikhinsk (Verkhubinsk) district, (Soviet Socialist Republic of) Kazakhstan. Nationality: Russian. Passport No: (a) 43 No 1600453, (b) 535884942 (Russian foreign passport), (c) 35388849 (Russian foreign passport). Other information:(a) address is former address, (b) killed on 19.2.2004.' under the heading 'Natural persons' shall be replaced by the following:

'Zelimkhan Ahmedovich **Yandarbiev** (alias (a) Hussin Mohamed Dli Tamimi (b) Abdul-Muslimovich (c) Яндарбиев Зелимхан Ахмедович (Абдулмуслинович). Address: Derzhavina Street Number 281, apartment 59, Grozny City, Chechen Republic, Russian Federation. Date of birth: 12.9.1952. Place of birth: Vydrikha Village, Shemonaikhinskiy (former Verkhubinskiy) District, Eastern Kazakhstan Region, Soviet Socialist Republic of Kazakhstan, USSR. Nationality: Russian. Passport No: (a) 43 No 1600453, (b) 535884942 (Russian foreign passport), (c) 35388849 (Russian foreign passport). Other information: Confirmed to have died in Doha, Qatar on 13.2.2004. Date of designation referred to in Article 2a (4) (b): 25.6.2003.'



**COMMISSION REGULATION (EU) No 1205/2010****of 16 December 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 December 2010.

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

Done at Brussels, 16 December 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	66,7
	EG	88,4
	MA	54,8
	TR	120,9
	ZZ	82,7
0707 00 05	EG	140,2
	JO	158,2
	TR	72,9
	ZZ	123,8
0709 90 70	MA	82,3
	TR	121,9
	ZZ	102,1
0805 10 20	AR	43,0
	BR	41,5
	CL	87,1
	MA	62,6
	PE	58,9
	SZ	46,6
	TR	55,3
	UY	48,0
	ZA	44,4
	ZZ	54,2
0805 20 10	MA	60,4
	TR	57,6
	ZZ	59,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	60,6
	IL	73,3
	TR	69,2
	ZZ	67,7
0805 50 10	AR	49,2
	TR	55,6
	UY	49,2
	ZZ	51,3
0808 10 80	AR	74,9
	AU	205,3
	CA	87,8
	CL	84,2
	CN	83,7
	MK	29,3
	NZ	74,9
	US	117,2
	ZA	124,0
	ZZ	97,9
0808 20 50	CN	95,0
	US	112,9
	ZA	141,4
	ZZ	116,4

<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 1206/2010**  
**of 16 December 2010**  
**fixing the export refunds on beef and veal**

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<sup>(1)</sup>, and in particular Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XV of Annex I to that Regulation and prices for those products on the Union market may be covered by an export refund.
- (2) Given the present situation on the market in beef and veal, export refunds should therefore be set in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167, 168 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that the refund may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products that are allowed to move freely in the Union and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(2)</sup>. Those products must also satisfy the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>(3)</sup> and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(4)</sup>.
- (5) The third subparagraph of Article 7(2) of Commission Regulation (EC) No 1359/2007 of 21 November 2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals<sup>(5)</sup> provides for a reduction of the special refund if the quantity of cuts of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (6) The currently applicable refunds have been fixed by Commission Regulation (EU) No 840/2010<sup>(6)</sup>. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, and, in particular, shall be prepared in an approved establishment and comply with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

*Article 2*

In the case referred to in the third subparagraph of Article 7(2) of Regulation (EC) No 1359/2007, the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by EUR 3,5/100 kg.

*Article 3*

Regulation (EU) No 840/2010 is hereby repealed.

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

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

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

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 206.

<sup>(5)</sup> OJ L 304, 22.11.2007, p. 21.

<sup>(6)</sup> OJ L 250, 24.9.2010, p. 14.

*Article 4*

This Regulation shall enter into force on 17 December 2010.

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

Done at Brussels, 16 December 2010.

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

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## ANNEX

## Export refunds on beef and veal applicable from 17 December 2010

Product code	Destination	Unit of measurement	Refunds
0102 10 10 9140	B00	EUR/100 kg live weight	12,9
0102 10 30 9140	B00	EUR/100 kg live weight	12,9
0201 10 00 9110 <sup>(1)</sup>	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 10 00 9130 <sup>(1)</sup>	B02	EUR/100 kg net weight	24,4
	B03	EUR/100 kg net weight	14,4
0201 20 20 9110 <sup>(1)</sup>	B02	EUR/100 kg net weight	24,4
	B03	EUR/100 kg net weight	14,4
0201 20 30 9110 <sup>(1)</sup>	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 20 50 9110 <sup>(1)</sup>	B02	EUR/100 kg net weight	30,5
	B03	EUR/100 kg net weight	17,9
0201 20 50 9130 <sup>(1)</sup>	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 30 00 9050	US <sup>(3)</sup>	EUR/100 kg net weight	3,3
	CA <sup>(4)</sup>	EUR/100 kg net weight	3,3
0201 30 00 9060 <sup>(6)</sup>	B02	EUR/100 kg net weight	11,3
	B03	EUR/100 kg net weight	3,8
0201 30 00 9100 <sup>(2)</sup> <sup>(6)</sup>	B04	EUR/100 kg net weight	42,4
	B03	EUR/100 kg net weight	24,9
	EG	EUR/100 kg net weight	51,7
0201 30 00 9120 <sup>(2)</sup> <sup>(6)</sup>	B04	EUR/100 kg net weight	25,4
	B03	EUR/100 kg net weight	15,0
	EG	EUR/100 kg net weight	31,0
0202 10 00 9100	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 30 9000	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 50 9900	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 90 9100	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 30 90 9100	US <sup>(3)</sup>	EUR/100 kg net weight	3,3
	CA <sup>(4)</sup>	EUR/100 kg net weight	3,3

Product code	Destination	Unit of measurement	Refunds
0202 30 90 9200 <sup>(6)</sup>	B02	EUR/100 kg net weight	11,3
	B03	EUR/100 kg net weight	3,8
1602 50 31 9125 <sup>(5)</sup>	B00	EUR/100 kg net weight	11,6
1602 50 31 9325 <sup>(5)</sup>	B00	EUR/100 kg net weight	10,3
1602 50 95 9125 <sup>(5)</sup>	B00	EUR/100 kg net weight	11,6
1602 50 95 9325 <sup>(5)</sup>	B00	EUR/100 kg net weight	10,3

N.B.: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The destination codes are set out in Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Union).

B02: B04 and destination EG.

B03: Albania, Croatia, Bosnia-Herzegovina, Serbia, Kosovo (\*), Montenegro, former Yugoslav Republic of Macedonia, stores and provisions (destinations referred to in Articles 33 and 42, and if appropriate in Article 41, of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

B04: Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong, Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte-d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroun, Central African Republic, Equatorial Guinea, Sao Tome Principe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

(\* As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

<sup>(1)</sup> Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EC) No 433/2007 (OJ L 104, 21.4.2007, p. 3).

<sup>(2)</sup> The refund is granted subject to compliance with the conditions laid down in amended Commission Regulation (EC) No 1359/2007 (OJ L 304, 22.11.2007, p. 21), and, if applicable, in Commission Regulation (EC) No 1741/2006 (OJ L 329, 25.11.2006, p. 7).

<sup>(3)</sup> Carried out in accordance with Commission Regulation (EC) No 1643/2006 (OJ L 308, 8.11.2006, p. 7).

<sup>(4)</sup> Carried out in accordance with Commission Regulation (EC) No 1041/2008 (OJ L 281, 24.10.2008, p. 3).

<sup>(5)</sup> The refund is granted subject to compliance with the conditions laid down in Commission Regulation (EC) No 1731/2006 (OJ L 325, 24.11.2006, p. 12).

<sup>(6)</sup> The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Commission Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

**COMMISSION REGULATION (EU) No 1207/2010**  
**of 16 December 2010**  
**fixing the export refunds on poultrymeat**

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<sup>(1)</sup>, and in particular Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products referred to in Part XX of Annex I to that Regulation and prices in the Union for those products may be covered by an export refund.
- (2) In view of the current situation on the market in poultrymeat, export refunds should be fixed in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products which are authorised to move freely in the Union and bear the identification mark provided for in Article 5(1)(b) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(2)</sup>. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>(3)</sup>.

- (5) The currently applicable refunds have been fixed by Commission Regulation (EU) No 841/2010<sup>(4)</sup>. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements under Regulations (EC) No 852/2004 and (EC) No 853/2004 and, in particular, shall be prepared in an approved establishment and comply with the identification marking conditions laid down in Section I of Annex II to Regulation (EC) No 853/2004.

*Article 2*

Regulation (EU) No 841/2010 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 17 December 2010.

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

Done at Brussels, 16 December 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 139, 30.4.2004, p. 55.

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

<sup>(4)</sup> OJ L 250, 24.9.2010, p. 18.

## ANNEX

**Export refunds on poultrymeat applicable from 17 December 2010**

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,24
0105 11 19 9000	A02	EUR/100 pcs	0,24
0105 11 91 9000	A02	EUR/100 pcs	0,24
0105 11 99 9000	A02	EUR/100 pcs	0,24
0105 12 00 9000	A02	EUR/100 pcs	0,47
0105 19 20 9000	A02	EUR/100 pcs	0,47
0207 12 10 9900	V03	EUR/100 kg	32,50
0207 12 90 9190	V03	EUR/100 kg	32,50
0207 12 90 9990	V03	EUR/100 kg	32,50

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The other destinations are defined as follows:

V03: A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.



**COMMISSION REGULATION (EU) No 1208/2010****of 16 December 2010****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE EUROPEAN COMMISSION,

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

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 143 thereof,Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin <sup>(2)</sup>, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 <sup>(3)</sup> lays down detailed rules for implementing the system of additional import duties and fixes representative prices for poultrymeat and egg products and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin. The representative prices should therefore be published.

- (3) In view of the situation on the market, this amendment should be applied as soon as possible.
- (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*

Annex I to Regulation (EC) No 1484/95 is replaced by 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*.

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

Done at Brussels, 16 December 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 181, 14.7.2009, p. 8.<sup>(3)</sup> OJ L 145, 29.6.1995, p. 47.

## ANNEX

**to the Commission Regulation of 16 December 2010 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

## ‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin <sup>(1)</sup>
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	116,0	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	121,2	0	BR
		117,3	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	203,3	29	BR
		245,2	16	AR
		319,8	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	174,0	11	BR
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	103,9	12	BR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	164,4	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	271,5	8	BR
		376,8	0	CL
0408 11 80	Egg yolks	315,7	0	AR
0408 91 80	Eggs, not in shell, dried	318,8	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	260,7	8	BR
3502 11 90	Egg albumin, dried	541,4	0	AR

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code “ZZ” represents “other origins”.

**COMMISSION REGULATION (EU) No 1209/2010****of 16 December 2010****fixing the minimum selling price for skimmed milk powder for the twelfth individual invitation to tender within the tendering procedure opened by Regulation (EU) No 447/2010**

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>, and in particular Article 43(j), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 447/2010 <sup>(2)</sup> has opened the sales of skimmed milk powder by a tendering procedure, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention <sup>(3)</sup>.
- (2) In the light of the tenders received in response to individual invitations to tender, the Commission should fix a minimum selling price or should decide not to fix a

minimum selling price, in accordance with Article 46(1) of Regulation (EU) No 1272/2009.

- (3) In the light of the tenders received for the twelfth individual invitation to tender, a minimum selling price should be fixed.
- (4) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the twelfth individual invitation to tender for selling of skimmed milk powder within the tendering procedure opened by Regulation (EU) No 447/2010, in respect of which the time limit for the submission of tenders expired on 14 December 2010, the minimum selling price for skimmed milk powder shall be EUR 207,10/100 kg.

*Article 2*

This Regulation shall enter into force on 17 December 2010.

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

Done at Brussels, 16 December 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 126, 22.5.2010, p. 19.

<sup>(3)</sup> OJ L 349, 29.12.2009, p. 1.

## DECISIONS

## COUNCIL DECISION

of 14 December 2010

**concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**

(2010/779/EU)

THE COUNCIL OF THE EUROPEAN UNION,

of a relevant legislative instrument, based on Title V of Part three of the Treaty on the Functioning of the European Union.

Having regard to Article 4 of Protocol (No 19) on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union (hereinafter 'the Schengen Protocol'),

Having regard to the request by the Government of the United Kingdom of Great Britain and Northern Ireland, by its letter to the President of the Council of 5 October 2010, to participate in certain provisions of the Schengen *acquis*, as specified in that letter,

Whereas:

(1) By Decision 2000/365/EC <sup>(1)</sup> the Council authorised the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*, in accordance with the conditions set out in that Decision.

(2) On 24 June 2009 the European Commission presented a proposal for a Regulation of the European Parliament and of the Council establishing a European Agency for the operational management of large-scale IT systems in the area of freedom security and justice (hereinafter 'the proposed Regulation').

(3) According to the proposed Regulation, the European Agency for the operational management of large-scale IT systems in the area of freedom security and justice (hereinafter 'the Agency') is to be made responsible for the operational management of the second generation Schengen Information System (SIS II), the Visa Information System (VIS) and Eurodac and it may be made responsible for the preparation, development and operational management of other large-scale IT systems in the area of freedom, security and justice, on the basis

(4) SIS II is part of the Schengen *acquis*. Regulation (EC) No 1987/2006 of the European Parliament and of the Council <sup>(2)</sup> and Council Decision 2007/533/JHA <sup>(3)</sup> govern the establishment, operation and use of SIS II. However, the United Kingdom has only taken part in the adoption of Decision 2007/533/JHA which develops the provisions of the Schengen *acquis* referred to in Article 1(a)(ii) of Decision 2000/365/EC.

(5) VIS is also part of the Schengen *acquis*. The United Kingdom did not take part in the adoption of, and is not bound by Decision 2004/512/EC <sup>(4)</sup>, Regulation (EC) No 767/2008 <sup>(5)</sup> and Decision 2008/633/JHA <sup>(6)</sup> which govern the establishment, operation or use of VIS.

(6) Eurodac is not part of the Schengen *acquis*. The United Kingdom has taken part in the adoption of, and is bound by Regulation (EC) No 2725/2000 <sup>(7)</sup> which governs the establishment, operation and use of Eurodac.

(7) Given its participation in Eurodac and its partial participation in SIS II, the United Kingdom has the right to participate in the activities of the Agency, to the extent that the Agency will be responsible for the operational management of SIS II as governed by Decision 2007/533/JHA, and Eurodac.

<sup>(2)</sup> OJ L 381, 28.12.2006, p. 4.

<sup>(3)</sup> OJ L 205, 7.8.2007, p. 63.

<sup>(4)</sup> Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5).

<sup>(5)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

<sup>(6)</sup> Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

<sup>(7)</sup> Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, p. 1).

<sup>(1)</sup> OJ L 131, 1.6.2000, p. 43.

- (8) The proposed Agency should have a single legal personality and be characterised by the unity of its organisational and financial structure. To this end, the Agency should be established by means of a single legislative instrument which must be voted on within the Council in its entirety. Moreover, once adopted, the proposed Regulation should become applicable in its entirety in the Member States bound by it. This excludes the possibility of partial applicability for the United Kingdom.
- (9) In order to ensure compliance with the Treaties and the applicable Protocols, and at the same time to safeguard the unity and consistency of the proposed Regulation, the United Kingdom has requested to take part in the proposed Regulation under Article 4 of the Schengen Protocol to the extent that the Agency will be responsible for the operational management of SIS II as governed by Regulation (EC) No 1987/2006 and of VIS.
- (10) The Council recognizes the right of the United Kingdom to make, in accordance with Article 4 of the Schengen Protocol, a request for participation in the proposed Regulation, to the extent that the United Kingdom will not participate in the proposed Regulation on other grounds.
- (11) Participation of the United Kingdom in the proposed Regulation would be without prejudice to the fact that at present the United Kingdom does not and cannot participate in the provisions of the Schengen *acquis* relating to the free movement of third country nationals, visa policy and the crossing by persons of the external borders of the Member States. This would justify the inclusion of specific provisions in the proposed Regulation reflecting this special position of the United Kingdom, in particular as regards limited voting rights in the Management Board of the Agency.
- (12) The Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the

Kingdom of Norway concerning the latter's association with the implementation, application, and development of the Schengen *acquis* <sup>(1)</sup>, has been informed about the preparation of this Decision in accordance with Article 5 of that Agreement.

- (13) The Mixed Committee, established pursuant to Article 3 of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(2)</sup>, has been informed about the preparation of this Decision in accordance with Article 5 of that Agreement,

HAS ADOPTED THIS DECISION:

#### Article 1

Further to Council Decision 2000/365/EC, the United Kingdom of Great Britain and Northern Ireland shall take part in the Regulation of the European Parliament and of the Council establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice to the extent that it relates to the operational management of the Visa Information System (VIS) and the parts of the second generation Schengen Information System (SIS II), in which the United Kingdom does not participate.

#### Article 2

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

Done at Brussels, 14 December 2010.

For the Council  
The President  
S. VANACKERE

<sup>(1)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(2)</sup> OJ L 53, 27.2.2008, p. 52.

## COMMISSION DECISION

of 16 December 2010

amending Decision 2003/322/EC as regards certain species of necrophagous birds in Italy and Greece to which certain animal by-products may be fed

(notified under document C(2010) 8988)

(Only the Bulgarian, French, Greek, Italian, Portuguese and Spanish texts are authentic)

(Text with EEA relevance)

(2010/780/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(1)</sup>, and in particular Article 23(2)(d) thereof,

Whereas:

- (1) Commission Decision 2003/322/EC of 12 May 2003 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the feeding of certain necrophagous birds with certain Category 1 materials<sup>(2)</sup> lays down conditions for the authorisation of the feeding of certain endangered or protected species of necrophagous birds by certain Member States.
- (2) That Decision lists the Member States authorised to make use of that possibility, the species of necrophagous birds which may be fed with the Category 1 material, and the implementing rules under which the feeding may take place.
- (3) Greece and Italy have submitted requests for the extension of the list of species on their respective territories to which the Category 1 material may be fed. Both countries have submitted satisfactory information concerning the occurrence of those species on their respective territories.
- (4) Feeding of animal carcasses to the listed species should continue to be carried out in accordance with the implementing rules laid down in Decision 2003/322/EC. Those rules have been adopted in recognition of the special feeding patterns of certain endangered or protected species in their natural habitat, in the interest of biodiversity. However, feeding of carcasses under those rules does not constitute an alternative means of disposal under Regulation (EC) No 1774/2002.

(5) Decision 2003/322/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

*Article 1*

Part A of the Annex to Decision 2003/322/EC is amended as follows:

1. point (a) is replaced by the following:

'(a) in the case of Greece: griffon vulture (*Gyps fulvus*), bearded vulture (*Gypaetus barbatus*), black vulture (*Aegypius monachus*), Egyptian vulture (*Neophron percnopterus*), golden eagle (*Aquila chrysaetos*), imperial eagle (*Aquila heliaca*), white-tailed eagle (*Haliaeetus albicilla*) and black kite (*Milvus migrans*);;

2. point (d) is replaced by the following:

'(d) in the case of Italy: bearded vulture (*Gypaetus barbatus*), black vulture (*Aegypius monachus*), Egyptian vulture (*Neophron percnopterus*), griffon vulture (*Gyps fulvus*), golden eagle (*Aquila chrysaetos*), black kite (*Milvus migrans*) and red kite (*Milvus milvus*);'.

*Article 2*

This Decision is addressed to the Republic of Bulgaria, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus and the Portuguese Republic.

Done at Brussels, 16 December 2010.

For the Commission

John DALLI

Member of the Commission

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> OJ L 117, 13.5.2003, p. 32.

## COMMISSION DECISION

of 16 December 2010

**amending Council Directive 92/34/EEC to extend the derogation relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries**

(notified under document C(2010) 9015)

(2010/781/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants, intended for fruit production<sup>(1)</sup>, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

- (1) The Commission is required pursuant to Article 16(1) of Directive 92/34/EEC to decide whether fruit plant propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing are equivalent in all these respects to fruit plant propagating material and fruit plants produced in the Union and complying with the requirements and conditions of that Directive.
- (2) However, the information presently available on the conditions applying in third countries is still not sufficient to enable the Commission to adopt any such decision in respect of any third country at this stage.
- (3) In order to prevent trade patterns from being disrupted, Member States importing fruit plant propagating material and fruit plants from third countries should continue to be allowed to apply conditions equivalent to those applicable to similar Union products in accordance with Article 16(2) of Directive 92/34/EEC.

(4) The period of application of the derogation provided for in Directive 92/34/EEC for such imports should consequently be extended until 29 September 2012.

(5) Directive 92/34/EEC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DECISION:

*Article 1*

In the first subparagraph of Article 16(2) of Directive 92/34/EEC, the date '31 December 2010' is replaced by '29 September 2012'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2010.

*For the Commission*

John DALLI

*Member of the Commission*

<sup>(1)</sup> OJ L 157, 10.6.1992, p. 10.

## COMMISSION DECISION

of 16 December 2010

**on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Kenya with regard to tuna loins***(notified under document C(2010) 9034)*

(2010/782/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements <sup>(1)</sup>, and in particular Article 36(4) of Annex II thereof,

Whereas:

(1) On 17 August 2010 Kenya requested, in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007, a derogation from the rules of origin set out in that Annex for a period of one year. On 26 August 2010 Kenya submitted additional information relating to its request. The request covers a total quantity of 2 000 tonnes of tuna loins of HS heading 1604. The request is made because catches and supply of originating raw tuna have decreased.

(2) According to the information provided by Kenya catches of raw originating tuna are unusually low even compared to the normal seasonal variations and have led to a decrease in production of tuna loins. This abnormal situation makes it impossible for Kenya to comply with the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 during a certain period.

(3) To ensure continuity of importations from the ACP countries to the Union as well as a smooth transition from the ACP-EC Partnership Agreement to the Agreement establishing a framework for an Interim Economic Partnership Agreement (EAC-EU Interim Partnership Agreement), a new derogation should be granted with retroactive effect from 1 January 2010.

(4) A temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 would not cause serious injury to an established Community industry taking into account the imports concerned, provided that certain conditions relating to quantities, surveillance and duration are respected.

(5) It is therefore justified to grant a temporary derogation under Article 36(1)(a) of Annex II to Regulation (EC) No 1528/2007.

(6) Kenya will benefit from an automatic derogation from the rules of origin for tuna loins of HS heading 1604 pursuant to Article 41(8) of the Origin Protocol attached to the EAC-EU Interim Partnership Agreement, when that Agreement enters into force or is provisionally applied.

(7) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations from them are to be superseded by the rules of the EAC-EU Interim Partnership Agreement, the entry into force or provisional application of which is expected to take place in 2011. The derogation should therefore apply until 31 December 2010.

(8) In accordance with Article 41(8) of the Origin Protocol attached to the EAC-EU Interim Partnership Agreement, the automatic derogation from the rules of origin is limited to an annual quota of 2 000 tonnes of tuna loins for the countries having initialled the EAC-EU Interim Partnership Agreement (Kenya, Uganda, Tanzania, Ruanda, Burundi). Kenya is the only country in the region that currently exports tuna loins to the Union. It is therefore appropriate to grant to Kenya a derogation under Article 36 of Annex II to Regulation (EC) No 1528/2007 in respect of 2 000 tonnes of tuna loins, quantity which does not exceed the full annual quota granted to the EAC region under the EAC-EU Interim Partnership Agreement.

(9) Accordingly a derogation should be granted to Kenya in respect of 2 000 tonnes of tuna loins for a period of one year.

<sup>(1)</sup> OJ L 348, 31.12.2007, p. 1.



- (10) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(1)</sup> lays down rules relating to the management of tariff quotas. In order to ensure efficient management carried out in close co-operation between the authorities of Kenya, the customs authorities of the Member States and the Commission, those rules should apply *mutatis mutandis* to the quantities imported under the derogation granted by this Decision.
- (11) In order to allow efficient monitoring of the operation of the derogation, the authorities of Kenya should communicate regularly to the Commission details of the EUR.1 movement certificates issued.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(a) of that Annex, tuna loins of HS heading 1604 manufactured from non-originating materials shall be regarded as originating in Kenya in accordance with the terms set out in Articles 2 to 6 of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Union from Kenya during the period from 1 January 2010 to 31 December 2010.

*Article 3*

The quantities set out in the Annex to this Decision shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 4*

The customs authorities of Kenya shall take the necessary measures to carry out quantitative checks on exports of the products referred to in Article 1.

All the EUR.1 movement certificates they issue in relation to those products shall bear a reference to this Decision.

The competent authorities of Kenya shall forward to the Commission a quarterly statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

*Article 5*

Box 7 of EUR.1 movement certificates issued under this Decision shall contain the following:

'Derogation — Decision 2010/.../EU'. (EN in all linguistic versions)

*Article 6*

This Decision shall apply from 1 January 2010 until 31 December 2010.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2010.

*For the Commission*

Algirdas ŠEMETA

*Member of the Commission*

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

## ANNEX

Order No	CN code	Description of goods	Period	Quantities
09.1667	1604 14 16	Tuna loins	1.1.2010 to 31.12.2010	2 000 tonnes

Commission Regulation (EU) No 1208/2010 of 16 December 2010 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95 ..... 55

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- ★ **Commission Decision of 16 December 2010 amending Council Directive 92/34/EEC to extend the derogation relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries** (*notified under document C(2010) 9015*) 61

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- ★ **Commission Decision of 16 December 2010 on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Kenya with regard to tuna loins** (*notified under document C(2010) 9034*)..... 62



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

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