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Price: EUR 3

(¹) Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 59/2011

of 25 January 2011

opening and providing for the administration of Union tariff quotas for wines originating in the Republic of Serbia

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 144(1), in conjunction with Article 4, thereof,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part (hereinafter referred to as 'the Stabilisation and Association Agreement'), signed on 29 April 2008, is in the process of ratification.
- (2) The Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Serbia, of the other part ⁽²⁾ (hereinafter referred to as 'the Interim Agreement'), approved by Council Decision 2010/36/EC ⁽³⁾ on 29 April 2008, provides for the early implementation of the trade and trade-related provisions of the Stabilisation and Association Agreement.
- (3) The Interim Agreement and the Stabilisation and Association Agreement provide that wines originating in Serbia may be imported into the European Union, within the limits of Union tariff quotas, and subject to

the condition that no export subsidies shall be paid for exports of these quantities by Serbia, at a zero-rate customs duty.

- (4) The Commission should adopt the implementing measures for the opening and the administration of those Union tariff quotas.
- (5) 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 ⁽⁴⁾, has established the management rules for tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations.
- (6) Particular care should be taken to ensure that all Union importers have equal and continuous access to the tariff quotas and that the zero-rate duty laid down for the quotas is applied uninterruptedly to all imports of the products concerned into all Member States until the quotas are exhausted. In order to ensure the efficiency of a common administration of those quotas, there should be no obstacle to authorising the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports. Communication between the Member States and the Commission should, as far as possible, take place by electronic transmission.
- (7) This Regulation should apply from 1 February 2010, date of the entry into force of the Interim Agreement and should continue to apply after the date of entry into force of the Stabilisation and Association Agreement.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 28, 30.1.2010, p. 2.

⁽³⁾ OJ L 28, 30.1.2010, p. 1.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. An import tariff quota at zero-rate customs duty is hereby opened for wines imported into the European Union and originating in the Republic of Serbia as set out in the Annex.
2. The zero-rate duty is applied subject to the following conditions:
 - (a) the imported wines shall be accompanied by a proof of origin as provided for in Protocol 2 to the Interim Agreement and to the Stabilisation and Association Agreement;
 - (b) the imported wines shall not benefit from export subsidies.

Article 2

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

Article 3

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 4

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

It shall apply from 1 February 2010.

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

Done at Brussels, 25 January 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Tariff quotas for wines originating in the Republic of Serbia imported into the European Union

Order No	CN code ⁽¹⁾	TARIC extension	Description	Annual quota volume (in hl) ⁽²⁾	Tariff quota duty
09.1526	2204 10 93		Quality sparkling wine, other than Champagne or Asti spumante; other wine of fresh grapes, in containers holding 2 litres or less.	From 1 February 2010 until 31 December 2010: 53 000 hl. From 1 January 2011 until 31 December 2011 and following years: 53 000 hl.	Exemption
	2204 10 94				
	2204 10 96				
	2204 10 98				
	2204 21 06				
	2204 21 07				
	2204 21 08				
	2204 21 09				
	ex 2204 21 93	19, 29, 31, 41 and 51			
	ex 2204 21 94	19, 29, 31, 41 and 51			
	2204 21 95				
	ex 2204 21 96	11, 21, 31, 41 and 51			
	2204 21 97				
ex 2204 21 98	11, 21, 31, 41 and 51				
09.1527	2204 29 10		Other wine of fresh grapes, in containers holding more than 2 litres.	From 1 February 2010 until 31 December 2010: 10 000 hl. From 1 January 2011 until 31 December 2011 and following years: 10 000 hl.	Exemption
	2204 29 93				
	ex 2204 29 94	11, 21, 31, 41 and 51			
	2204 29 95				
	ex 2204 29 96	11, 21, 31, 41 and 51			
	2204 29 97				
	ex 2204 29 98	11, 21, 31, 41 and 51			

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

⁽²⁾ Consultations at the request of one of the Parties may be held to adapt the quotas by transferring quantities from the quota applying to position ex 2204 29 (order number 09.1527) to the quota applying to positions ex 2204 10 and ex 2204 21 (order number 09.1526).

COMMISSION REGULATION (EU) No 60/2011
of 25 January 2011
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 January 2011.

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

Done at Brussels, 25 January 2011.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	JO	78,3
	MA	58,9
	TN	100,1
	TR	102,1
	ZZ	84,9
0707 00 05	EG	182,1
	JO	84,0
	TR	139,2
	ZZ	135,1
0709 90 70	MA	49,1
	TR	127,7
	ZZ	88,4
0709 90 80	EG	66,7
	ZZ	66,7
0805 10 20	AR	41,5
	BR	41,5
	EG	55,2
	MA	58,3
	TN	49,7
	TR	67,1
	ZA	41,5
	ZZ	50,7
0805 20 10	IL	217,9
	MA	58,3
	TR	79,6
	ZZ	118,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	69,9
	IL	93,1
	JM	93,8
	MA	108,3
	PK	51,5
	TR	63,4
	ZZ	80,0
	ZZ	80,0
0805 50 10	AR	45,3
	TR	55,5
	UY	45,3
	ZZ	48,7
0808 10 80	AR	78,5
	CA	88,5
	CL	81,7
	CN	90,2
	MK	46,1
	NZ	78,5
	US	126,2
	ZZ	84,2
0808 20 50	CN	73,5
	US	130,0
	ZA	83,2
	ZZ	95,6

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

DECISIONS

COMMISSION DECISION

of 25 January 2011

in application of Article 7 of Council Directive 89/686/EEC as regards a prohibition measure adopted by the UK authorities in respect of protective clothing for fencers

(notified under document C(2011) 268)

(Text with EEA relevance)

(2011/49/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) Article 7(1) of Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (PPE) provides that where a Member State ascertains that personal protective equipment bearing the CE marking and used in accordance with its intended purpose could compromise the safety of persons, domestic animals or property, it shall take all necessary measures to remove such personal protective equipment from the market and to prohibit the placing on the market or free movement thereof.

(2) Pursuant to Article 7(2) of the Directive, the Commission is required, after consulting the parties concerned, to declare whether it finds such a measure justified or not. If the measure is found justified, the Commission shall inform the Member States so that they can take all appropriate measures with respect to the equipment concerned, in accordance with their obligations pursuant to Article 2(1).

(3) On 25 August 2008, the UK authorities notified the European Commission a measure prohibiting the placing on the market of the protective clothing for fencers, types Jiang 350N Stretch Jacket and Breeches, manufactured by Wuxi Husheng Sports Goods Plant DongHu Industrial District, Donghutang, WuXi 214196, China and imported by Liam Patterson Associates LLP t/a Jiang-UK, 9 Spencer Road, Buxton, Derbyshire, United Kingdom.

(4) According to the documents submitted to the European Commission, this protective clothing for fencing was subject to a 'Certificate of Conformity' dated October 2005, certificate No C0508M29HS11 issued by *Ente Certificazione Macchine* (Notified Body number 1282).

(5) The UK authorities indicated that their decision was based on the fact that the products concerned failed to comply with the basic health and safety requirements (BHSR) referred to in Article 3 of Directive 89/686/EEC due to the incorrect application of the standards referred to in Article 5 of the Directive. In particular, the UK authorities indicated that the protective clothing for fencers did not have the level of penetration resistance required by standard EN 13567:2002 – *Protective clothing – Hand, arm, chest, abdomen, leg, genital and face protectors for fencers – Requirements and test methods*. The UK decision was supported by a test report.

(6) On 17 July 2009, the Commission wrote to the importer inviting him to communicate his observations regarding the measure taken by the UK authorities. To date, no reply has been received.

(7) On 17 July 2009, the Commission also wrote to *Ente Certificazione Macchine* inviting this Body to communicate its observations regarding the measure taken by the UK authorities and, in particular, to clarify whether it had issued the certificate No C0508M29HS11 for the products in question. To date, no reply has been received.

(8) The Commission recalls that protective clothing for fencers must comply with the BHSR set out in Section 3.1.1 of Annex II to Directive 89/686/EEC relating to protection against penetrating objects. This requirement is supported by the specifications of clauses 4.6 to 4.8 of the relevant harmonised standard EN 13567 and by the specifications for penetration testing set out in clause 5.10 of the standard.

⁽¹⁾ OJ L 399, 30.12.1989, p. 18.

The Commission also recalls that protective clothing for fencers is subject to the conformity assessment procedure set out in Article 10 of Directive 89/686/EEC (EC type-examination by a Notified Body). The Commission notes that *Ente Certificazione Macchine* is a Notified Body (identification number 1282) for Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery⁽¹⁾ and not for the PPE Directive. Consequently, that Body does not have the right to carry out the EC type-examination procedure for PPE. Reference by *Ente Certificazione Macchine* to the identification number attributed by the Commission on a 'conformity certificate' for PPE is therefore misleading.

- (9) On 8 April 2010, the Commission contacted the Italian Authorities in order to clarify why *Ente Certificazione Macchine* had issued the certificate in question and requested the Italian Authorities to take the necessary measures to put an end to misuse of the identification number attributed to *Ente Certificazione Macchine* by the Commission.
- (10) In their reply on 23 June 2010, the Italian Authorities confirmed that *Ente Certificazione Macchine* had misused its identification number and informed the Commission that the Body had been required to cease issuing such certificates and to inform the authority of any similar certificates issued.

- (11) In light of the documentation available and the comments of the parties concerned, the Commission considers that the UK Authorities have demonstrated that the protective clothing for fencers, types Jiang 350N Stretch Jacket and Breeches, fails to comply with the applicable BHSR of Directive 89/686/EEC and that this non-conformity gives rise to a serious risk for users,

HAS ADOPTED THIS DECISION:

Article 1

The prohibition measure taken by the UK authorities against the protective clothing for fencers, types Jiang 350N Stretch Jacket and Breeches, manufactured by Wuxi Husheng Sports Goods Plant, is justified.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 January 2011.

For the Commission
Antonio TAJANI
Vice-President

⁽¹⁾ OJ L 157, 9.6.2006, p. 24.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

(Official Journal of the European Union L 286 of 29 October 2008)

On page 8, Article 6(2):

for: 'Article 14',

read: 'Article 13';

on page 28, Annex II, point 11:

for: 'Regulation (EC) No.../2008',

read: 'Regulation (EC) No 1005/2008';

on page 31, Annex III, point 1(c):

for: 'Article 13',

read: 'Article 12';

on page 32, Annex IV, title:

for: 'Regulation (EC) No.../2008',

read: 'Regulation (EC) No 1005/2008'.

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