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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

## COUNCIL IMPLEMENTING REGULATION (EU) No 469/2011

of 13 May 2011

## amending Regulation (EC) No 1292/2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating in India

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> ('the basic anti-dumping Regulation'), and in particular Articles 9(4) and 14(1) thereof,

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community<sup>(2)</sup> ('the basic anti-subsidy Regulation'), and in particular Article 18(1) thereof,

Having regard to the proposal submitted by the European Commission ('the Commission') after having consulted the Advisory Committee,

Whereas:

## 1. PROCEDURE

- (1) On 10 December 1999 and following an investigation ('the original anti-subsidy investigation'), the Council imposed, by Regulation (EC) No 2597/1999, a definitive countervailing duty on imports of polyethylene terephthalate (PET) film originating in India<sup>(3)</sup>. Following an anti-dumping investigation ('the original anti-dumping investigation') and after imposition, by Commission Regulation (EC) No 367/2001, of a provisional anti-dumping duty on 24 February 2001<sup>(4)</sup>, a definitive anti-dumping duty on PET film originating in India was imposed by Regulation (EC) No 1676/2001<sup>(5)</sup>.

- (2) On 8 March 2006, two Council Regulations concerning imports of PET film originating in India were published: Regulation (EC) No 367/2006<sup>(6)</sup> which followed an expiry review investigation and maintained the definitive countervailing duty ('the expiry review anti-subsidy Regulation'); and Regulation (EC) No 366/2006<sup>(7)</sup> ('the amending anti-dumping Regulation') which followed a partial interim review investigation and amended the definitive anti-dumping duty on such imports.
- (3) On 6 November 2007, following an expiry review, a definitive anti-dumping duty on imports of PET film originating in India was imposed by Council Regulation (EC) No 1292/2007<sup>(8)</sup>.
- (4) On 20 May 2010, a notice<sup>(9)</sup> was published in the *Official Journal of the European Union*. In that notice, parties were informed that, in view of the judgment of the General Court of 17 November 2009 in Case T-143/06<sup>(10)</sup> ('the judgement'), imports into the European Union of PET film manufactured by MTZ Polyfilms Limited ('MTZ Polyfilms') are no longer subject to the anti-dumping measures imposed by the amending anti-dumping Regulation and Regulation (EC) No 1292/2007 and that definitive anti-dumping duties paid pursuant to these Regulations on imports of MTZ Polyfilms should be repaid or remitted. The notice also partially reopened the relevant anti-dumping review investigation concerning imports of PET film originating, inter alia, in India in order to implement the above judgment of the General Court as far as MTZ Polyfilms is concerned.
- (5) The countervailing duty imposed by the expiry review anti-subsidy Regulation expired on 9 March 2011<sup>(11)</sup> according to Article 18(1) of the basic anti-subsidy Regulation. In line with the principle that no product shall be subject to both anti-dumping and countervailing duties

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 188, 18.7.2009, p. 93.

<sup>(3)</sup> OJ L 316, 10.12.1999, p. 1.

<sup>(4)</sup> OJ L 55, 24.2.2001, p. 16.

<sup>(5)</sup> OJ L 227, 23.8.2001, p. 1.

<sup>(6)</sup> OJ L 68, 8.3.2006, p. 15.

<sup>(7)</sup> OJ L 68, 8.3.2006, p. 6.

<sup>(8)</sup> OJ L 288, 6.11.2007, p. 1.

<sup>(9)</sup> OJ C 131, 20.5.2010, p. 3.

<sup>(10)</sup> European Court Reports 2009, p. II-04133.

<sup>(11)</sup> Notice of expiry (OJ C 68, 3.3.2011, p. 6).

for the purpose of dealing with one and the same situation arising from dumping or from export subsidisation, the level of the anti-dumping duty rates imposed by Regulation (EC) No 1292/2007 was set taking into account the amount of the countervailing duty imposed by the expiry review anti-subsidy Regulation, in accordance with Article 14(1) of the basic anti-dumping Regulation. In view of the expiry of the countervailing duty, the anti-dumping duty rates now have to be adjusted.

## 2. ANTI-DUMPING DUTY RATES AFTER EXPIRY OF THE COUNTERVAILING DUTY ON THE SAME IMPORTS

### Introductory remark

- (6) As indicated in recital 5, the expiry of the countervailing duty on PET film originating in India, on 9 March 2011, requires an adjustment of the anti-dumping duty rates. Indeed, the anti-dumping duty established by Regulation (EC) No 1292/2007 consists of the dumping margin minus the subsidisation margin relating to export

subsidies. As the countervailing duty has now expired, the level of the anti-dumping duty rates has to be re-determined.

### Determination of anti-dumping duty level

- (7) Pursuant to Article 9(4) of the basic anti-dumping Regulation, the amount of the anti-dumping duty shall not exceed the margin of dumping established but should be less than that margin if such lesser duty would be adequate to remove the injury to the Union industry. Consequently, the duty level should be established at the lowest level of the dumping margin and injury elimination level.
- (8) In this respect, it is recalled that, in the original anti-dumping investigation, the injury elimination level was in all cases above the dumping margins, as laid out in recital 195 of Regulation (EC) No 367/2001 and confirmed by recital 74 of Regulation (EC) No 1676/2001. Therefore, the anti-dumping duty should be set at the level of the dumping margins established in respect of the various Indian manufacturers, which are as follows:

Company	Dumping margin and AD duty rate	Reference
Ester Industries Limited	29,3 %	Regulation (EC) No 366/2006
Garware Polyester Limited	0 %	Implementing Regulation (EU) No 38/2011 <sup>(1)</sup>
Jindal Poly Films Limited	0 %	Regulation (EC) No 1676/2001 (*)
Polyplex Corporation Limited	3,7 %	Regulation (EC) No 366/2006
SRF Limited	15,5 %	Regulation (EC) No 1424/2006 <sup>(2)</sup>
Uflex Limited	3,2 %	Regulation (EC) No 366/2006 (**)
Vacmet India Limited	0 %	Implementing Regulation (EU) No 205/2011 <sup>(3)</sup>
All other companies (except MTZ Polyfilms)	29,3 %	Regulation (EC) No 366/2006

<sup>(1)</sup> OJ L 15, 20.1.2011, p. 1.

<sup>(2)</sup> OJ L 270, 29.9.2006, p. 1.

<sup>(3)</sup> OJ L 58, 3.3.2011, p. 14.

(\*) Jindal Poly Films Limited was at that time known as Jindal Polyester Limited.

(\*\*) Uflex Limited was at that time known as Flex Industries Limited.

- (9) All known Indian exporting producers of PET film, the Indian authorities and the Union industry of PET film have received disclosure of the above course of action.
- (10) Following this disclosure, several Indian companies argued that, as no expiry review was requested for the countervailing measures, the Union industry was apparently in good shape and, therefore, the anti-dumping measures should be terminated as well. In addition, one exporting producer argued that the average dumping margin of the sample should be recalculated since, following an interim review, Garware

Polyester Limited, which was one of the companies in the sample, had recently been made subject to a revised individual dumping margin. It should be noted that both claims go beyond the limited scope of the current Regulation which only aims at adjusting the level of the existing anti-dumping duty rates following the expiry of the concurrent countervailing measures on the same imports. Any request to amend the level of the anti-dumping duty rates following an alleged change in circumstances should be presented pursuant to Article 11(3) of the basic Regulation. Therefore, these claims have to be rejected.

(11) One Indian exporting producer argued that, as the countervailing duties had expired, the Commission should now grant a price adjustment to the Indian exporters using the DEPB scheme, which it had refused during the original investigation and interim review investigation. Without prejudice to whether such claim could be examined in the context of the current amending Regulation, it should be noted that, as summarised in recital 50 of Regulation (EC) No 367/2001 and recital 47 of the amending anti-dumping Regulation, the price adjustment claim for DEPB had not been accepted as the producers concerned had not demonstrated that price comparability between domestic and EU sales prices had been affected by the DEPB benefits. That situation has not changed with the expiry of the countervailing duty and this claim, therefore, has to be rejected.

(12) No further substantive comments were received. Consequently, the duty rates should be revised to the levels of the dumping margin, as indicated in the table under recital 8 above,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2(2) of Regulation (EC) No 1292/2007 is replaced by the following:

'2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the products manufactured by the companies listed below shall be as follows:

Company	Definitive Duty (%)	TARIC Additional Code
Ester Industries Limited 75-76, Amrit Nagar, Behind South Extension Part-1, New Delhi — 110 003, India	29,3	A026
Garware Polyester Limited Garware House, 50-A, Swami Nityanand Marg, Vile Parle (East), Mumbai 400 057, India	0	A028
Jindal Poly Films Limited 56 Hanuman Road, New Delhi 110 001, India	0	A030
Polyplex Corporation Limited B-37, Sector-1, Noida 201 301, Dist. Gautam Budh Nagar, Uttar Pradesh, India	3,7	A032
SRF Limited Block C, Sector 45, Greenwood City, Gurgaon 122 003, Haryana, India	15,5	A753
Uflex Limited A-1, Sector 60, Noida 201 301, (U.P.), India	3,2	A027
Vacmet India Limited Anant Plaza, IInd Floor, 4/117-2A, Civil Lines, Church Road, Agra 282 002, Uttar Pradesh, India	0	A992
All other companies (except MTZ Polyfilms Limited – TARIC additional code A031 <sup>(1)</sup> )	29,3	A999

<sup>(1)</sup> As regards MTZ Polyfilms Limited (New India Centre, 5th Floor, 17 Co-operation Road, Mumbai 400039, India), reference is made to the notice published in OJ C 131, 20.5.2010, p. 3.'

*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 May 2011.

*For the Council*  
*The President*  
MARTONYI J.

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**COMMISSION IMPLEMENTING REGULATION (EU) No 470/2011****of 16 May 2011****amending Regulation (EC) No 828/2009 laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements**

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 9(5) thereof,Having regard to Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007 <sup>(2)</sup>, and in particular Article 11(7) thereof,

Whereas:

- (1) Pursuant to Article 1(4) of Commission Regulation (EC) No 828/2009 <sup>(3)</sup>, a country listed in Annex I to Regulation (EC) No 1528/2007 or listed as least-developed country in Annex I to Regulation (EC) No 732/2008 is eligible to be added to Annex I to Regulation (EC) No 828/2009.

- (2) Uganda is a least-developed country listed as least-developed country in Annex I to Regulation (EC) No 732/2008 and has requested the Commission to be listed in Annex I to Regulation (EC) No 828/2009. Uganda produces sugar and is therefore a potential exporter to the European Union.

- (3) Regulation (EC) No 828/2009 should therefore be amended accordingly.

- (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*

Part I of Annex I to Regulation (EC) No 828/2009 is replaced by the text in the Annex to this Regulation.

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

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

Done at Brussels, 16 May 2011.

*For the Commission**The President*

José Manuel BARROSO

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

<sup>(2)</sup> OJ L 211, 6.8.2008, p. 1.

<sup>(3)</sup> OJ L 240, 11.9.2009, p. 14.

## ANNEX

**Part I: Least-developed countries**

Group label	Third country	Reference number
NON-ACP-LDC	Bangladesh Cambodia Laos Nepal	09.4221
ACP-LDC	Benin Burkina Faso Democratic Republic of Congo Ethiopia Madagascar Malawi Mozambique Senegal Sierra Leone Sudan Tanzania Togo Uganda Zambia	09.4231'



**COMMISSION IMPLEMENTING REGULATION (EU) No 471/2011**

**of 16 May 2011**

**on the division between 'deliveries' and 'direct sales' of national milk quotas fixed for 2010/2011 in Annex IX to Council Regulation (EC) No 1234/2007**

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 69(1) in conjunction with Article 4 thereof,

Whereas:

(1) Article 67(2) of Regulation (EC) No 1234/2007 provides that producers may have one or two individual quotas, one for deliveries and the other for direct sales and quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.

(2) Commission Regulation (EC) No 445/2010 of 21 May 2010 on the division between 'deliveries' and 'direct sales' of national milk quotas fixed for 2009/2010 in Annex IX to Council Regulation (EC) No 1234/2007 <sup>(2)</sup> sets out the division between 'deliveries' and 'direct sales' for the period from 1 April 2009 to 31 March 2010 for all Member States.

(3) In accordance with Article 25(2) of Commission Regulation (EC) No 595/2004 of 30 March 2004 laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector <sup>(3)</sup>, Member States have notified the quantities which have been definitively converted at the request of the producers between individual quotas for deliveries and for direct sales.

(4) The total national quotas for all Member States fixed in point 1 of Annex IX to Regulation (EC) No 1234/2007

as amended by Council Regulation (EC) No 72/2009 <sup>(4)</sup> were increased with 1 %, effective from 1 April 2010, except for Italy whose quota was already increased with 5 %, effective from 1 April 2009. Member States, except Italy and Malta which has no direct sales part of its national quota, have notified the Commission of the division between 'deliveries' and 'direct sales' of the additional quota.

(5) It is therefore appropriate to establish the division between 'deliveries' and 'direct sales' of the national quotas applicable for the period from 1 April 2010 to 31 March 2011 fixed in Annex IX to Regulation (EC) No 1234/2007.

(6) Given the fact that the division between direct sales and deliveries is used as a reference basis for controls pursuant to Articles 19 to 21 of Regulation (EC) No 595/2004 and for the establishment of the annual questionnaire set out in Annex I to that Regulation, it is appropriate to determine a date of expiry of this Regulation after the last possible date for these controls.

(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*

The division, applicable for the period from 1 April 2010 to 31 March 2011, between 'deliveries' and 'direct sales' of the national quotas fixed in Annex IX to Regulation (EC) No 1234/2007 is set out in the Annex to this Regulation.

*Article 2*

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

It shall expire on 30 September 2012.

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

<sup>(2)</sup> OJ L 126, 22.5.2010, p. 14.

<sup>(3)</sup> OJ L 94, 31.3.2004, p. 22.

<sup>(4)</sup> OJ L 30, 31.1.2009, p. 1.

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

Done at Brussels, 16 May 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

Member States	Deliveries (tonnes)	Direct sales (tonnes)
Belgium	3 454 910,898	41 266,346
Bulgaria	942 195,260	76 456,198
Czech Republic	2 833 254,842	15 567,839
Denmark	4 705 285,916	47,256
Germany	29 335 337,102	91 916,439
Estonia	664 758,821	7 788,376
Ireland	5 612 152,970	2 150,264
Greece	852 538,418	1 207,000
Spain	6 298 788,511	65 910,198
France	25 241 237,156	354 420,110
Italy	10 973 963,234	314 579,632
Cyprus	150 243,694	837,196
Latvia	738 964,267	19 195,434
Lithuania	1 696 613,534	77 274,855
Luxembourg	283 644,448	500,000
Hungary	1 937 342,553	133 318,857
Malta	50 670,366	
Netherlands	11 624 729,324	71 360,125
Austria	2 816 825,721	87 887,065
Poland	9 602 696,317	157 361,235
Portugal <sup>(1)</sup>	2 019 643,728	7 826,444
Romania	1 495 324,220	1 685 490,394
Slovenia	579 468,569	20 524,423
Slovakia	1 046 628,953	36 313,043
Finland <sup>(2)</sup>	2 537 362,535	5 440,665
Sweden	3 484 129,778	4 200,000
United Kingdom	15 289 460,053	139 724,783

<sup>(1)</sup> Except Madeira.

<sup>(2)</sup> The Finnish national quota as referred to in Annex IX to Regulation (EC) No 1234/2007 and the total amount of the Finnish national quota as indicated in the Annex to this Regulation differ due to a quota increase of 784 683 tonnes to compensate Finnish SLOM producers in the past pursuant to Article 67(4) of Regulation (EC) No 1234/2007.

**COMMISSION IMPLEMENTING REGULATION (EU) No 472/2011****of 16 May 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) <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 May 2011.

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

Done at Brussels, 16 May 2011.

*For the Commission,  
On behalf of the President,  
José Manuel SILVA RODRÍGUEZ  
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	MA	60,9
	TN	97,6
	TR	101,0
	ZZ	86,5
0707 00 05	TR	108,2
	ZZ	108,2
0709 90 70	MA	86,8
	TR	123,2
	ZZ	105,0
0709 90 80	EC	27,0
	ZZ	27,0
0805 10 20	EG	59,2
	IL	55,6
	MA	46,7
	TN	54,9
	TR	71,6
	ZZ	57,6
0805 50 10	TR	62,0
	ZZ	62,0
0808 10 80	AR	85,4
	BR	84,6
	CA	114,6
	CL	85,2
	CN	101,2
	NZ	124,4
	US	180,3
	UY	68,4
	ZA	83,3
ZZ	103,0	

<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 IMPLEMENTING REGULATION (EU) No 473/2011****of 16 May 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EU) No 463/2011 <sup>(4)</sup>.

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 May 2011.

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

Done at Brussels, 16 May 2011.

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

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 259, 1.10.2010, p. 3.

<sup>(4)</sup> OJ L 124, 13.5.2011, p. 45.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 17 May 2011**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	41,07	0,00
1701 11 90 <sup>(1)</sup>	41,07	2,58
1701 12 10 <sup>(1)</sup>	41,07	0,00
1701 12 90 <sup>(1)</sup>	41,07	2,29
1701 91 00 <sup>(2)</sup>	42,59	4,69
1701 99 10 <sup>(2)</sup>	42,59	1,56
1701 99 90 <sup>(2)</sup>	42,59	1,56
1702 90 95 <sup>(3)</sup>	0,43	0,26

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

<sup>(3)</sup> Per 1 % sucrose content.

## DECISIONS

## COMMISSION DECISION

of 16 May 2011

**on repealing Decision 2003/796/EC on establishing the European Regulators Group for Electricity and Gas**

(2011/280/EU)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Commission Decision 2003/796/EC <sup>(1)</sup> established a European Regulators Group for Electricity and Gas to facilitate consultation, coordination and cooperation between the regulatory bodies in the Member States, and between these bodies and the Commission, with a view to consolidating the internal market and ensuring the consistent application in all Member States of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity <sup>(2)</sup>, Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas <sup>(3)</sup> and Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity <sup>(4)</sup>.
- (2) In order to enhance the cooperation between national regulatory bodies and to contribute further towards the effective functioning of the internal markets in electricity and natural gas, an Agency for the Cooperation of Energy Regulators was established by Regulation No (EC) 713/2009 of the European Parliament and of the Council. <sup>(5)</sup>
- (3) The Agency for the Cooperation of Energy Regulators provides a framework within which national regulatory

authorities can cooperate and carry out tasks similar to those currently pursued by the European Regulatory Group for Electricity and Gas. As the Agency for the Cooperation of Energy Regulators will continue the work undertaken by the European Regulatory Group for Electricity and Gas within the framework of a more effective governance, it is therefore appropriate to repeal Decision 2003/796/EC.

- (4) In order to ensure that the European Regulatory Group for Electricity and Gas can finalise several pending projects, the European Regulatory Group for Electricity and Gas should be dissolved only as of 1 July 2011 so to ensure a smooth transition to the Agency for the Cooperation of Energy Regulators,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2003/796/EC is repealed.

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

It shall apply from 1 July 2011.

Done at Brussels, 16 May 2011.

*For the Commission**The President*

José Manuel BARROSO

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<sup>(1)</sup> OJ L 296, 14.11.2003, p. 34.

<sup>(2)</sup> OJ L 176, 15.7.2003, p. 37.

<sup>(3)</sup> OJ L 176, 15.7.2003, p. 57.

<sup>(4)</sup> OJ L 176, 15.7.2003, p. 1.

<sup>(5)</sup> OJ L 211, 14.8.2009, p. 1.



## COMMISSION DECISION

of 16 May 2011

**amending Decision 2009/146/EC as regards the replacement of members of the Scientific Committees by members from the Pool of scientific advisors set up by Decision 2008/721/EC**

(2011/281/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Commission Decision 2008/721/EC of 5 September 2008 setting up an advisory structure of Scientific Committees and experts in the field of consumer safety, public health and the environment and repealing Decision 2004/210/EC <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) By Decision 2008/721/EC the Commission has set up three Scientific Committees, on Consumer Safety (SCCS), on Health and Environmental Risks (SCHER) and on Emerging and Newly Identified Health Risks (SCENIHR) and a Pool of Scientific Advisors on Risk Assessment (hereinafter the Pool), in the field of consumer safety, public health and the environment.
- (2) By Decision 2009/146/EC <sup>(2)</sup> the Commission has appointed the members for SCCS, SCHER and SCENIHR and the scientific advisors in the Pool.
- (3) The Scientific Committees have in accordance to Article 12 of Decision 2008/721/EC adopted common rules of procedures establishing, inter alia, the participation criteria for the members of the Scientific Committees and the conditions under which membership of the Committee shall expire as stated in Annex II 4(a) of the Decision.
- (4) Article 5(2) of Decision 2008/721/EC states that when a member of a Scientific Committee does not comply with the participation criteria laid down in the rules of procedures or wishes to resign, the Commission may terminate the member's membership and appoint a replacement from the Pool.
- (5) Two members of SCHER, one member of SCCS and one member of SCENIHR have resigned, while two members of SCCS have not met the participation criteria and their membership should be terminated. It is necessary to appoint new members in order to ensure the availability in the respective Committees of the needed type of expertise.

(6) In accordance with Article 3(2) of Decision 2008/721/EC, the experts from the Pool to replace those members of the Scientific Committees who have resigned or whose membership has been terminated, have been selected on the basis of their expertise and consistent with this a geographical distribution that reflects the diversity of scientific problems and approaches, notably in Europe.

(7) The members who have resigned or whose membership is terminated, should be appointed as advisors on risk assessment to the Pool,

HAS ADOPTED THIS DECISION:

*Article 1*

The membership of the experts listed in point 1 of the Annex to this Decision is terminated.

These experts are appointed as scientific advisors on risk assessment to the Pool.

The experts listed in point 2 of the Annex to this Decision are appointed as members of the Scientific Committees set up by Decision 2008/721/EC as indicated in that Annex.

*Article 2*

Annexes I and II to Decision 2009/146/EC are amended in accordance with the Annex to this Decision.

*Article 3*

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

Done at Brussels, 16 May 2011.

*For the Commission**The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 241, 10.9.2008, p. 21.

<sup>(2)</sup> OJ L 49, 20.2.2009, p. 33.

## ANNEX

Annexes I and II to Decision 2009/146/EC are amended as follows:

1. the names of the following experts are removed from Annex I and inserted in Annex II:

*Scientific Committee on Consumer Safety*

Last name	First name	Institute or organisation of affiliation
GALLI	Corrado	University of Milan, Milan, Italy
SAVOLAINEN	Kai	Finnish Institute of Occupational Health, Helsinki, Finland
EISENBRAND	Gerhard	University of Kaiserslautern, Kaiserslautern, Germany

*Scientific Committee on Health and Environmental Risks*

Last name	First name	Institute or organisation of affiliation
CALOW	Peter	Roskilde University, Roskilde, Denmark
DAVISON	John	French National Institute for Agricultural Research (INRA), Paris, France

*Scientific Committee on Emerging and Newly Identified Health Risks*

Last name	First name	Institute or organisation of affiliation
STAHL	Dorothea	Paracelsus Private Medical University, Salzburg, Austria

2. the names of the following experts are inserted in Annex I as follows and removed from Annex II:

*Scientific Committee on Consumer Safety*

Last name	First name	Institute or organisation of affiliation
NIELSEN	Elsa	Technical University of Denmark, Søborg, Denmark
VAN BENTHEM	Jan	National Institute for Public Health and the Environment (RIVM), Bilthoven, the Netherlands

*Scientific Committee on Health and Environmental Risks*

Last name	First name	Institute or organisation of affiliation
ALTENBURGER	Rolf	Helmholtz Centre for Environmental Research, Leipzig, Germany
KRÄTKE	Renate	Federal Institute for Risk Assessment (BfR), Berlin, Germany

*Scientific Committee on Emerging and Newly Identified Health Risks*

Last name	First name	Institute or organisation of affiliation
HENSTEN	Arne	University of Tromsø, Tromsø, Norway



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